AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

2–22–05 Tuesday
Vol. 70 No. 34 Feb. 22, 2005

Pages 8501–8708

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 226

RIN 0584–AD–67

Child and Adult Care Food Program: Increasing the Duration of Tiering Determinations for Day Care Homes

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Child and Adult Care Food Program (CACFP) regulations to implement a provision of the Child Nutrition and WIC Reauthorization Act of 2004 that increases the duration of the tiering status determinations from three years to five years for family or group day care homes participating in CACFP. This change, which was effective on June 30, 2004, applies only to tiering status determinations based on the eligibility of elementary school children for free or reduced price school meals. Day care homes that are located in the attendance areas of elementary schools in which at least half of the enrolled children are certified eligible to receive free or reduced price school meals receive higher reimbursement rates (tier I) for CACFP meals served to children in care.

DATES: This rule contains information collection requirements that may not become effective until approved by the Office of Management and Budget (OMB). The Food and Nutrition Service will publish a document in the **Federal Register** announcing the effective date once these requirements have been approved.

FOR FURTHER INFORMATION CONTACT: Keith Churchill, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Alexandria, VA 22302, phone (703) 305–2590.

SUPPLEMENTARY INFORMATION:

I. Background

What Are Tiering Determinations?

One of the major changes made to the CACFP by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104–193), section 708(e)(13) amendment to section 17 of the National School Lunch Act, was to require a two-tiered system of reimbursements for family and group day care home providers. Since July 1, 1997 when implementing Program regulations became effective, CACFP day care home providers have been categorized as either tier I or tier II for reimbursement purposes. Tier I day care homes receive higher reimbursement rates because they are located in low-income areas or their family income is determined to be low-income. The threshold for a determination of low-income is at or below 185 percent of the Federal income poverty guidelines. Tier II providers who do not meet these criteria receive lower reimbursement rates. However, tier II providers may receive the higher tier I reimbursement rates for any child in care whose family income is determined to be low-income. This determination is based on an income eligibility application for free or reduced price meals that is voluntarily completed by the child's parent or guardian.

One of the primary ways in which day care homes qualify for tier I rates is based on data from nearby elementary schools in which at least half of all the enrolled students are certified eligible for free or reduced price school meals. Any day care home that is located within the attendance area of an elementary school that is at the 50 percent level for free or reduced price meals qualifies for tier I rates. Other data sources that may be used to determine tier I status include census block data and providers' income eligibility applications. Prior to the change made by the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108–265), the duration of tiering determinations varied by data source; *i.e.*, one year if based on the income eligibility statement of the provider, three years if based on school data, and ten years or longer if based on census block data.

What Did the New Law Change About Tiering Determinations?

Section 119 of Pub. L. 108–265 amended section 17(f)(3)(E)(iii) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1766(f)(3)(iii), to increase the duration of tiering determinations from three years to five years for family or group day care homes whose tiering status is derived from school data. The school data, which is provided annually by the State agency that administers the National School Lunch Program (NSLP) to the CACFP State agency, lists the elementary schools in which at least 50 percent of the enrolled children are certified eligible for free or reduced price school meals. This provision affects family or group day care homes that are participating in the CACFP and are located in the attendance area of an elementary school that is listed at the 50 percent level for free or reduced price school meal eligibility.

When Was This Change Effective?

The change made by Pub. L. 108–265 was effective on June 30, 2004.

What Guidance Has the Department Provided on This Change?

The Food and Nutrition Service (FNS) notified CACFP State agencies in writing on July 8, 2004 of the increased duration of tiering status determinations based on school data. In this written guidance, available at *http://www.fns.usda.gov/cnd/care/Reauth-Memos/2004–07.pdf,* FNS explained that the tiering classifications based on school data for new day care homes (with signed agreements as of June 30, 2004 or later) now last five years. Thus, the tiering status of those day care homes approved in 2004 will not have to be redetermined by their sponsoring organizations until 2009. FNS stated in the guidance that the tiering status for day care homes of currently participating providers (*i.e.*, those whose agreements were signed prior to June 30, 2004) may be extended by two years for a total of five years; the guidance also clarified that no other changes to the requirements of day care homes' tiering status determinations were made by Pub. L. 108–265.

How Will This Change Affect Day Care Home Providers?

Tier I day care providers whose tiering status is based on school data will retain tier I status for five years instead of three years. This change should provide them with improved ability to project future program reimbursements and may enhance their ability to plan for future day care activities and expenses.

How Will This Change Affect Sponsoring Organizations?

The primary change for sponsoring organizations of day care homes participating in the CACFP will be a reduction in their workload. Sponsors now have five years before it is necessary to redetermine the tiering status of day care homes based on school data instead of every three years. As the current regulations stipulate, sponsoring organizations receive school data that is updated each year; this information is used to determine the tiering status of new day care providers. The regulations at 7 CFR 226.6(f)(1)(iii) prohibit State agencies from requiring that sponsoring organizations must routinely redetermine tiering status of tier I day care homes each year based on updated school data.

How Will This Change Affect State Agencies?

The effect on State agencies should be minimal. The annual responsibilities of State agencies, as described in the NSLP and CACFP regulations are unchanged by the lengthening of tiering status determinations based on school data. Consistent with section 17(f)(3)(E)(iii)(I) of the NSLA, NSLP State agencies must continue to provide the school data to CACFP State agencies annually as required in 7 CFR 210.19(f) of the NSLP regulations, and CACFP State agencies must continue to pass the information along to sponsoring organizations of day care homes as specified in 7 CFR 226.6(f)(1)(iii).

What Changes Does This Rule Make to the CACFP Regulations?

Responsibilities for administering the tiering system for day care homes are described in the CACFP regulations—for State agencies at 7 CFR 226.6(f)(1)(iii) and for sponsoring organizations at 7 CFR 226.15(f). This final rule amends these two paragraphs to increase the duration of tiering status based on school data from three years to five years. These are the only changes that are made to the CACFP regulations by this rulemaking.

II. Procedural Matters

Executive Order 12866

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

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). Roberto Salazar, Administrator for the Food and Nutrition Service, has certified that this rule will not have a significant impact on a substantial number of small entities. This rule will implement a statutory change that increases the duration of tiering status determinations from three years to five years for family and group day care homes. This change should positively impact day care home providers that are located in low-income areas or that are determined to be low-income because they will have an additional two years of reimbursement at the higher tier I rates before their tiering status must be redetermined. This change will also positively impact sponsoring organizations by reducing the frequency of the redeterminations of tiering status of the family or group day care homes under their sponsorship. The U.S. Department of Agriculture does not anticipate any significant negative fiscal impact resulting from the implementation of this final rule.

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service (FNS) generally prepares a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This final rule contains no Federal mandates (under regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector of $100 million or more in any one year. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

The Child and Adult Care Food Program is listed in the Catalog of Federal Domestic Assistance under No. 10.558. For the reasons set forth in the final rule in 7 CFR part 3015, subpart V and related Notice (48 FR 29115), this program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Executive Order 13132

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have ''federalism implications,'' agencies are directed to provide a statement for inclusion in the preamble to the regulation describing the agency's considerations in terms of the three categories called for under section (6)(a)(B) of Executive Order 13132. FNS has considered the impact of this rule on State and local governments and has determined that this rule would not have federalism implications. This final rule does not impose substantial or direct compliance costs on State and local governments. Therefore, under Section 6(b) of the Executive Order, a Federalism summary impact statement is not required.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This final rule will have a preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which otherwise impede its full implementation. This final rule does not have retroactive effect unless so specified in the **DATES** section of this preamble. Prior to any judicial challenge to the provisions of this final rule or the application of the provisions, all applicable administrative procedures must be exhausted. In the Child and Adult Food Care Program, the administrative procedures are set forth at: (1) 7 CFR 226.6(k), which establishes appeal procedures; and (2) 7 CFR 226.22 and 7 CFR parts 3016 and 3019, which address administrative appeal procedures for disputes involving procurement by State agencies and institutions.

Civil Rights Impact Analysis

FNS has reviewed this final rule in accordance with the Department Regulation 4300–4, ''Civil Rights Impact

Analysis'' to identify and address any major civil rights impacts the rule might have on minorities, women, and persons with disabilities. After a careful review of the rule's intent and provisions, FNS has determined that there is no negative effect on these groups. All data available to FNS indicate that protected individuals have the same opportunity to participate in the CACFP as non-protected individuals. Regulations at 7 CFR 226.6(f)(4)(iv) require that CACFP institutions agree to operate the Program in compliance with applicable Federal civil rights laws, including title VI of the Civil Rights Act of 1964, title IX of the Education amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Department's regulations concerning nondiscrimination (7 CFR part 15, 15a, and 15b). At 7 CFR 226.6(m)(1), State agencies are required to monitor CACFP institution compliance with these laws and regulations.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35, see 5 CFR 1320) requires that OMB approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number. Information collections in this final rule have been previously submitted to OMB for approval under OMB #0584–0055. A 60-day notice was published in the **Federal Register** on December 6, 2004, which provided an opportunity for the public to submit comments on the reduction to the information collection burden resulting from the changes in the CACFP made by this final rule. This burden change has not yet been approved by OMB. FNS will publish a document in the **Federal Register** once these requirements have been approved.

Government Paperwork Elimination Act

FNS is committed to compliance with the Government Paperwork Elimination Act (GPEA), which requires Government agencies to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. This rule does not require the submission of additional information.

Public Participation

This action is being finalized without prior notice or public comment under authority of 5 U.S.C. 553(b)(3)(A) and (B). This rule implements through amendments to current program regulations a nondiscretionary provision mandated by the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108–265). Thus, the Department has determined in accordance with 5 U.S.C. 553(b) that Notice of Proposed Rulemaking and Opportunity for Public Comments is unnecessary and contrary to the public interest and, in accordance with 5 U.S.C. 553(d), finds that good cause exists for making this action effective without prior public comment.

List of Subjects in 7 CFR Part 226

Accounting, Aged, Day care, Food and Nutrition Service, Food Assistance programs, Grant programs, Grant programs—health, American Indians, Individuals with disabilities, Infants and children, Intergovernmental relations, Loan programs, Reporting and recordkeeping requirements, Surplus agricultural commodities.

■ Accordingly, 7 CFR part 226 is amended as follows:

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

■ 1. The authority citation for part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16, and 17, Richard B. Russell National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765, and 1766).

§ 226.6 [Amended]

■ 2. In §226.6, amend the fifth sentence in paragraph (f)(1)(iii) by removing the words ''three years'' and adding in their place the words ''five years''.

§ 226.15 [Amended]

■ 3. In §226.15, amend the tenth sentence in paragraph (f) by removing the words ''three years'' and adding in their place the words ''five years''.

Dated: February 15, 2005.

George A. Braley,

Acting Administrator.

[FR Doc. 05–3267 Filed 2–18–05; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Part 3560

RIN 0575–AC13

Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs

AGENCY: Rural Housing Service, USDA.

ACTION: Interim final rule; delay of effective date.

SUMMARY: The Rural Housing Service is delaying implementation of selected sections of the interim final rule published on November 26, 2004 (69 FR 69032–69176). The interim final rule contains requirements regarding citizenship eligibility about which the Agency received several comments. The comments suggested that Agency procedures unnecessarily imposed more requirements than those required under the Department of Housing and Urban Development (HUD) procedures for similar programs. As a result the Agency has decided to delay implementation of the sections listed below in order to harmonize its procedures with HUD under 42 U.S.C. 1436a.

DATES: The effective date for §§ 3560.152(a)(1), 3560.154(a)(7), 3560.156(c)(12), and 3560.254(c)(3) are delayed indefinitely from February 24, 2005, until the Agency publishes an effective date in a future **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Stephanie White, Director, Multi-Family Housing Portfolio Management Division, Rural Housing Service, U.S. Department of Agriculture, Room 1265, South Building, Stop 0782, 1400 Independence Avenue, SW., Washington, DC 20250–0782, telephone (202) 720–1615.

SUPPLEMENTARY INFORMATION:

Delay of Implementation

■ In the interim final rule published November 26, 2004 (69 FR 69032–69176), implementation of the specific words in quotes in the following specific sections will be delayed indefinitely:

PART 3560—[AMENDED]

§ 35560.152 [Amended]

■ On page 69133, second column, § 3560.152 (a) (1) ''Be a United States citizen or qualified alien, and'';

§ 3560.154 [Amended]

■ On page 69134, third column, § 3560.154 (a) (7) ''* * * and a certification that the applicant is a U.S. citizen or a qualified alien as defined in § 3560.11 * * *'';

§ 3560.156 [Amended]

■ On page 69136, third column, § 3560.156 (c) (12) ''* * * their citizenship status, * * *''; and

§ 3560.254 [Amended]

■ On page 69144, first column, § 3560.254 (c) (3) ''Whose head of the household is a U.S. citizen or a legal alien as defined in § 3560.11.''

Dated: February 14, 2005.

Gilbert Gonzales,

Acting Under Secretary, Rural Development.

[FR Doc. 05–3226 Filed 2–18–05; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NE–59–AD; Amendment 39–13982; AD 2005–04–10]

RIN 2120–AA64

Airworthiness Directives; General Electric Company CT58 Series and Surplus Military T58 Series Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for General Electric Company (GE) CT58–140–1, CT58–140–2, and surplus military T58–GE–5, –10, –100, and –402 turboshaft engines with certain serial numbers (SNs) of stage 1 compressor disks, part number (P/N) 5001T20P01, installed. This AD requires removing certain stage 1 compressor disks from service before reaching a reduced low-cycle-fatigue (LCF) life limit for those affected disks of 2,100 hours time-since-new (TSN) or by December 31, 2008, whichever occurs first. This AD results from two reports of low blade tip clearances in the compressor. We are issuing this AD to prevent LCF cracking and failure of the stage 1 compressor disk, an uncontained engine failure, and damage to the helicopter.

DATES: This AD becomes effective March 29, 2005.

ADDRESSES: Contact GE Aircraft Engines Customer Support Center, M/D 285, 1 Neumann Way, Evendale, OH 45215, telephone (513) 552–3272; fax (513) 552–3329, e-mail *GEAE.csc@ae.ge.com*, for the service information identified in this AD.

You may examine the AD docket at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA. You may examine the service information, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; 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.*

FOR FURTHER INFORMATION CONTACT: Norman Brown, Senior Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone 781–238–7181; fax 781–238–7199.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to GE CT58–140–1, CT58–140–2, and surplus military T58–GE–5, –10, –100, and –402 series turboshaft engines with certain SNs of stage 1 compressor disks, P/N 5001T20P01, installed. We published the proposed AD in the **Federal Register** on February 26, 2004 (69 FR 8875). That action proposed to require removing certain stage 1 compressor disks from service before reaching a reduced LCF life limit for those affected disks of 2,100 hours TSN or by December 31, 2008, whichever occurs first.

Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. *See* **ADDRESSES** for the location.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received, which are all from GE.

Request To Change the Number of U.S. Engines Affected

One commenter, GE, requests that we change the estimated number of affected engines installed on helicopters of U.S. registry from 45 to 30. The commenter states that this number is a more accurate estimate of engines in the U.S. and affects the total cost of disk replacement by one third. GE bases this quantity change on their engine tracking system.

We agree, and have changed that number in the final rule based on GE's estimate of the number of affected engines.

Request To Add ''Surplus Military'' Before References to T58

GE requests that we add ''surplus military'' before all references to ''T58–GE–5'', to differentiate those engines from the commercially-designated CT58 engines.

We agree, and have made these changes in the final rule, which includes surplus military models T58–GE–5, T58–GE–10, –100, and –402.

Request To Change the Unsafe Condition Description

GE requests that we change the unsafe condition description of ''We are issuing this AD to prevent low cycle fatigue (LCF) cracking and failure of the stage 1 compressor disk, an uncontained engine failure, and damage to the helicopter'' to ''We are issuing this AD to prevent low-cycle-fatigue (LCF) cracking of the stage 1 compressor disk.'' GE states that they do not consider the condition to be unsafe based on their investigation and analysis of this condition.

We do not agree. We reviewed GE's investigation and engineering analysis data with GE, and concluded there is an unsafe condition that requires an AD. The basis for the unsafe condition description in the proposed AD completes the potential scenario leading to the unsafe condition, should the disk cracking continue to an uncontained disk failure, resulting in damage to the helicopter. Further, our statement of the unsafe condition does not change the compliance requirements of GE Alert Service Bulletin No. 72–A0196. We have made no changes to the AD based on this comment.

Request To Change Wording in the Discussion of the Proposed AD

GE requests that we change some wording in the discussion of the proposed AD from ''An investigation by GE revealed that the tangential positioning of the blade dovetail slot resulted in the high-peak stresses.'' to ''An investigation conducted by GE determined that a defined population of stage 1 compressor disks had non-conforming tangential positioning of the blade dovetail slots, which resulted in high-peak stresses at the disk dovetail slot aft acute corner''. GE did not indicate any justification or reason for the proposed change.

We evaluated the change and determined it does offer a more detailed description and points out a nonconformance. However, this discussion information only appears in the proposed AD and not in the final rule, so we have made no change to the AD based on this comment.

Request To Change Requirements Statement

GE requests that we change the requirements statement from ''We are proposing this AD which would require removing certain stage 1 compressor disks from service at or before reaching a reduced LCF life limit of 2,100 hours

TSN or by December 31, 2008, whichever occurs first'' to ''We are proposing this AD which would require removing certain stage 1 compressor disks from service at or before reaching 2,100 hours TSN or by December 31, 2008, whichever occurs first''. GE states that they recommend compliance with GE Alert Service Bulletin No. 72–A0196. GE also reminds the FAA that the published FAA—approved life limit for P/N 5001T20P01 is 4,000 hours or 9,900 cycles.

We partially agree. GE points out that the published FAA-approved life limit for compressor disks, P/N 5001T20P01, is 4,000 hours or 9,900 cycles, for most of the SN disks with this P/N, while the affected SN population of disks has a reduced life limit of 2,100 hours or December 31, 2008, whichever occurs first. The intent of this AD is to require removing the affected disks that need the reduced life limit because of the nonconformity of those disks. We have changed the requirements statement of this AD to state ''This AD requires removing certain stage 1 compressor disks from service at or before reaching a reduced LCF life limit for those affected disks of 2,100 hours TSN or by December 31, 2008, whichever occurs first''.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 320 GE CT58–140–1, CT58–140–2, and surplus military T58–GE–5, –10, –100, and –402 series turboshaft engines of the affected design in the worldwide fleet. We estimate that 30 engines installed on helicopters of U.S. registry will be affected by this AD. The action does not impose any additional labor costs. A new disk would cost about $7,965 per engine. We estimate that the prorated cost of the life reduction will be about $4,181 per engine. Based on these figures, we estimate the total cost of the AD to U.S. operators to be $125,430.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES.** Include ''AD Docket No. 2003–NE–59–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2005–04–10 General Electric Company: Amendment 39–13982. Docket No. 2003–NE–59–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective March 29, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to General Electric Company (GE) CT58–140–1, CT58–140–2, and surplus military T58–GE–5, –10, –100, and ''402 turboshaft engines with stage 1 compressor disks, part number (P/N) 5001T20P01, that have a serial number (SN) listed in the following Table 1:

Table 1–Stage 1 Compressor Disk SNs Affected By This AD

GATD0PD2
GATH6RWW
GATH7PR0
GATH86K2
GATH8K0P
GATD0PD3
GATH6T00
GATH7PR1
GATH86K3
GATH8K0R
GATD0PD5
GATH6T01
GATH7PR2
GATH86K4
GATH8K0T
GATD0PD6
GATH6T02
GATH7PR3
GATH86K5
GATH8K0W
GATD0PD7
GATH6T03
GATH7PR4
GATH8A5G
GATH8K12
GATD0PD8
GATH6T04
GATH7PR5
GATH8A5H
GATH8K13
GATD0PD9
GATH6T05
GATH7PR6
GATH8A5J
GATH8K14
GATD0PDA
GATH7K4K
GATH7PR7
GATH8A5K
GATH8K15
GATD0PDC
GATH7K4L
GATH7PR8
GATH8A5L
GATH8K16
GATH53GC
GATH7K4M
GATH7PR9
GATH8A5M

GATH8K17
GATH53GD
GATH7K4N
GATH7PRA
GATH8A5N
GATH8K18
GATH53GE
GATH7K4P
GATH7PRC
GATH8A5P
GATH8K19
GATH53GF
GATH7K4R
GATH7PRD
GATH8A5T
GATH8W7H
GATH53GH
GATH7K4T
GATH7PRE
GATH8A5W
GATH8W7J
GATH53GJ
GATH7K5G
GATH7PRF
GATH8A60
GATH8W7L
GATH53GK
GATH7KGH
GATH7PRG
GATH8A61
GATH8W7M
GATH5T70
GATH7KGK
GATH7PRH
GATH8A62
GATH8W7N
GATH5T71
GATH7KGL
GATH7PRJ
GATH8A63
GATH8W7P
GATH5T72
GATH7KGM
GATH7PRK
GATH8A64
GATH8W7R
GATH5T73
GATH7KGN
GATH7PRL
GATH8A66
GATH8W7T
GATH5T74
GATH7KGP
GATH7PRM
GATH8A67
GATH8WD4
GATH5T75
GATH7KGR
GATH7PRN
GATH8A68
GATH8WD5
GATH5T76
GATH7KGT
GATH7PRP
GATH8GRG
GATH8WD6
GATH5T77
GATH7KGW
GATH7PRR
GATH8GRH
GATH8WD7
GATH5T78
GATH7KH0
GATH7PRT
GATH8GRK
GATH8WD8
GATH5T79
GATH7KH1
GATH7PRW
GATH8GRL
GATH8WD9
GATH5T7A
GATH7KH2
GATH7PT0
GATH8GRM
GATH8WDA
GATH5T7C
GATH7LAL
GATH7RTP
GATH8GRN
GATH8WDC
GATH5T7D
GATH7LAM
GATH7RTR
GATH8GRP
GATH8WDD
GATH5T7E
GATH7LAN
GATH7RTT
GATH8GRR
GATH8WDE
GATH5T7F
GATH7LAP
GATH82R8
GATH8GRT
GATH8WDF
GATH5T7G
GATH7LAR
GATH82R9
GATH8GRW
GATH8WDG
GATH5T7H
GATH7LAT
GATH82RA
GATH8GT0
GATH8WDH
GATH6CDL
GATH7LAW
GATH82RD
GATH8GT1
GATH8WDJ
GATH6CDM
GATH7LC0
GATH82RE
GATH8GT3
GATH8WDK
GATH6CDN
GATH7LC1
GATH82RF
GATH8GT5
GATH8WDL
GATH6CDP
GATH7LC2
GATH82RG
GATH8GT7
GATH94R3
GATH6CDR
GATH7LC3
GATH82RH
GATH8GT8
GATH94R4
GATH6CDT
GATH7LC4
GATH82RJ
GATH8HGF
GATH94R6
GATH6CE0
GATH7LC5
GATH82RK
GATH8HGG
GATH94R7
GATH6CE1
GATH7LC6
GATH82RL
GATH8HGH
GATH94R8
GATH6CE2
GATH7LC7
GATH82RM
GATH8HGJ
GATH94R9
GATH6CE3
GATH7LC8
GATH82RN
GATH8HGK
GATH94RA
GATH6CE4
GATH7M8G
GATH82RP
GATH8HGL
GATH94RC
GATH6CE5
GATH7M8H
GATH82RR
GATH8HGM
GATH94RD
GATH6CE6
GATH7M8J
GATH82RT
GATH8HGN
GATH94RE
GATH6CE7
GATH7M8K
GATH82RW
GATH8HGP
GATH94RF
GATH6CE8
GATH7M8L
GATH82T0
GATH8HGR
GATH94RG
GATH6CE9
GATH7M8M
GATH82T1
GATH8HGT
GATH94RJ
GATH6CEA
GATH7M8N
GATH86JD
GATH8HGW
GATH94RK
GATH6CEC
GATH7MLK
GATH86JE
GATH8HH0
GATH94RN
GATH6CED

GATH7MLL
GATH86JF
GATH8HH1
GATH94RP
GATH6CEE
GATH7MLM
GATH86JG
GATH8HH2
GATH94RR
GATH6CEF
GATH7MLN
GATH86JH
GATH8HH3
GATH94RT
GATH6RH8
GATH7MLP
GATH86JJ
GATH8HH4
GATH96HF
GATH6RH9
GATH7MLR
GATH86JK
GATH8HH5
GATH96HG
GATH6RHC
GATH7MLT
GATH86JL
GATH8HH6
GATH96HK
GATH6RHD
GATH7MLW
GATH86JM
GATH8HH7
GATH96HL
GATH6RHE
GATH7MM0
GATH86JN
GATH8K0H
GATH96HM
GATH6RHF
GATH7MM1
GATH86JP
GATH8K0J
GATH96HN
GATH6RHG
GATH7MM2
GATH86JR
GATH8K0K
GATH96HR
GATH6RHH
GATH7MM3
GATH86JT
GATH8K0L
GATH96HT
GATH6RHJ
GATH7PPT
GATH86JW
GATH8K0M
GATH96HW
GATH6RWT
GATH7PPW
GATH86K0
GATH8K0N
GATH96J0

These engines are installed on, but not limited to, Agusta S.p.A AS–61N, AS–61N1, Sikorsky S–61L, S–61N, S–61R, and S–61NM helicopters, and the following surplus military helicopters that have been certified in accordance with sections 21.25 or 21.27 of the Federal Aviation Regulations (14 CFR 21.25 or 21.27): Sikorsky S–61D and S–61V, Glacier CH–3E, Siller CH–3E and SH–3A, and Robinson Crane CH–3C, CH–3E, HH–3C, HH–3E, and Carson S–61L helicopters.

Unsafe Condition

(d) This AD results from two reports of low blade tip clearances in the compressor. We are issuing this AD to prevent low-cycle-fatigue (LCF) cracking and failure of the stage 1 compressor disk, an uncontained engine failure, and damage to the helicopter.

Compliance

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

Replacement of Stage 1 Compressor Disks

(f) If you have a stage 1 compressor disk, P/N 5001T20P01, with a SN listed in Table 1 of this AD, replace that stage 1 compressor disk at or before reaching a reduced LCF life limit for those affected disks of 2,100 hours time-since-new (TSN) or by December 31, 2008, whichever occurs first. GE Alert Service Bulletin (ASB) No. CT58 S/B 72–A0196, dated July 24, 2003, contains information on replacing the stage 1 compressor disk.

(g) After the effective date of this AD, do not install any stage 1 compressor disk, P/N 5001T20P01, that has a SN listed in Table 1 of this AD and has 2,100 hours TSN or more, into any engine.

Alternative Methods of Compliance

(h) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(i) None.

Related Information

(j) GE Alert Service Bulletin No. CT58 S/B 72–A0196, dated July 24, 2003, pertains to the subject of this AD.

Issued in Burlington, Massachusetts, on February 10, 2005.

Francis A. Favara,

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

[FR Doc. 05–3190 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NE–50–AD; Amendment 39–13980; AD 2005–04–08]

RIN 2120–AA64

Airworthiness Directives; Hartzell Propeller Inc. Model HC–B3TN–5( )/T10282( ) Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing Priority Letter Airworthiness Directive (AD) for Hartzell Propeller Inc. model HC–B3TN–5( )/T10282( ) propellers. That AD currently requires initial and repetitive inspections of the blade pilot tube bore area. This ad requires the same inspections. This AD results from a review of all currently effective ADs. That review determined that Priority Letter AD 88–24–15 was not published in the Federal Register to make it effective to all operators, as opposed to just the operators who received actual notice of the original Priority Letter AD. This AD also results from the discovery that the original AD omitted an airplane model with a certain Supplemental Type Certificate (STC) from the applicability. We are issuing this AD to prevent possible blade failure near the hub which can result in blade separation, engine separation, damage to the airplane, and possible loss of the airplane.

DATES: This AD becomes effective March 29, 2005. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of March 29, 2005.

ADDRESSES: Contact Hartzell Propeller Inc. Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778–4200; fax (937) 778–4391, for the service information identified in this AD.

You may examine the AD docket at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA. You may examine the service information, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; 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.

FOR FURTHER INFORMATION CONTACT: Melissa T. Bradley, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone (847) 294–8110; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with a proposed airworthiness directive (AD). The proposed AD applies to Hartzell Propeller Inc. model HC–B3TN–5( )/ T10282( ) propellers. We published the proposed AD in the **Federal Register** on July 22, 2004 (69 FR 43775). That action proposed to require initial and repetitive inspections of the blade pilot tube bore area.

Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. *See* **ADDRESSES** for the location.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the one comment received.

Request To Change the Compliance Time

One commenter, Hartzell Propeller Inc., requests that we change the compliance time to a much more aggressive compliance requirement, to the point of grounding those operators who did not follow the Priority Letter AD, regardless of whether they were legally obligated to do so or not. The commenter states that the NPRM we published, which is 16 years beyond the Priority Letter AD effective date, extends compliance to 500 hours after the effective date of the yet-to-be published final rule AD. The Priority Letter AD either identified, or was the result of, cracks found on two blades installed in the same propeller, and two occurrences of blade separation on two other propellers. All events were from fractures initiating at the same general location in the blade bore. Hartzell issued Service Bulletin No. 161, dated May 18, 1989, as a counterpart to the Priority Letter AD. Hartzell further states that since many operators of this type of aircraft overhaul their propellers, compliance to the Priority Letter AD was likely accomplished, intentionally or otherwise, as part of the overhaul process. However, if an operator did not receive or acknowledge the Priority Letter AD, and if they did not overhaul their propellers, they are flying at increased risk of failure. Hartzell further states that the published NPRM provides inappropriate relaxation and should be revised.

We do not agree. To justify the suggested change in compliance time, we would need supporting data. However, service history has shown that there has been no occurrence of this failure mode subsequent to the issuance of the Priority Letter AD.

Conclusion

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

Costs of Compliance

By adding STC SA345GL to the applicability, there are about 50 additional Hartzell Propeller Inc. model HC–B3TN–5( )/T10282( ) propellers of the affected design in the worldwide fleet. Including the additional applicability, we estimate a total of 500 propellers have been installed on airplanes of U.S. registry and would be affected by this AD. We also estimate that it would take about 2.5 work hours per propeller blade to perform the actions, and that the average labor rate is $65 per work hour. Based on these figures, we estimate the total cost of the AD to U.S. operators is $243,750.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''AD Docket No. 2003–NE–50–AD'' in your request.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding a new airworthiness directive, Amendment 39–13980, to read as follows:

2005–04–08 Hartzell Propeller Inc.: Amendment 39–13980. Docket No. 2003–NE–50–AD.

Effective Date

(a) This AD becomes effective March 29, 2005.

Affected ADs

(b) This AD supersedes Priority Letter AD 88–24–15.

Applicability

(c) This AD applies to Hartzell Propeller Inc. model HC–B3TN–5( )/T10282( ) propellers installed on the airplane and engine combinations shown in the following Table 1 (excluding propellers with blades part number (P/N) T10282N( ), T10282NB( ), T10282NK( ), or T10282NE( ) installed).

TABLE 1.—APPLICABILITY

Airplane model	Propeller model	Engine model
Fairchild SA226–TC Fairchild SA226–AT Fairchild SA226–T	HC–B3TN–5( )/T10282( )	Garrett TPE331–10UA–511G

(d) For reference, airplanes incorporating Supplemental Type Certificates (STCs) SA344GL–D, SA4872SW, and SA345GL–D have these engine, propeller, and airplane combinations.

(e) The parentheses appearing in the propeller model number indicates the presence or absence of an additional letter(s) that varies the basic propeller model. This AD still applies regardless of whether these letters are present or absent in the propeller model designation.

Unsafe Condition

(f) This AD results from a review of all currently effective ADs. That review determined that Priority Letter AD 88–24–15 was not published in the **Federal Register** to make it effective to all operators, as opposed to just the operators who received actual notice of the original Priority Letter AD. This AD also results from the discovery that the original AD omitted an airplane model with a certain STC from the applicability. We are issuing this AD to prevent possible blade failure near the hub which can result in blade separation, engine separation, damage to the airplane, and possible loss of the airplane.

Compliance

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

Required Actions

(h) Within 10 hours time-in-service (TIS) after the effective date of this AD, perform a document search to determine if the following actions have been done:

(1) The propeller blades meet the initial and repetitive compliance requirements of Priority Letter AD 88–24–15.

(2) The P/N T10282( ) propeller blades have been replaced with P/N T10282N( ), T10282NB( ), T10282NK( ), or T10282NE( ) propeller blades.

(i) If the actions in paragraph (h)(1) or (h)(2) of this AD have not been done, then do one of the following:

(1) Inspect the blades using Paragraph 3 of the Accomplishment Instructions of Hartzell Service Bulletin (SB) No. 136, Revision Letter ''I,'' dated April 25, 2003, within 500 hours time-since-new (TSN) or time-since-last-overhaul (TSLO) and not to exceed two years after the effective date of this AD, whichever occurs first; and thereafter within 500 service-hour intervals; or

(2) Replace with P/N T10282N( ), T10282NB( ), T10282NK( ), or T10282NE( ) propeller blades as applicable, within 500 hours TSN or TSLO and not to exceed two years after the effective date of this AD, whichever occurs first.

(j) If the actions in paragraph (h)(1) of this AD have been done, but not the actions in paragraph (h)(2) of this AD, then do the following:

(1) Inspect the blades within 500 hours since the last Hartzell SB No. 136E, or later Revision, inspection, and thereafter within 500 service hour intervals, using Paragraph 3 of the Accomplishment Instructions of Hartzell SB No. 136, Revision Letter ''I,'' dated April 25, 2003.

(2) Replace before further flight all blades showing evidence of cracks or other unairworthy conditions, as noted in Hartzell SB No. 136, Revision Letter ''I,'' dated April 25, 2003, with airworthy blades.

Hartzell SB No. 136

(k) Since Hartzell SB No. 136E was issued, the SB has been revised to 136F, 136G, 136H, and 136I. Any of these revisions are suitable for determining past compliance, as they are all approved as alternative methods of compliance (AMOC). After the effective date of this AD, compliance is restricted to SB No. 136, Revision Letter ''I,'' or later versions when approved by an AMOC.

Optional Terminating Action

(l) Installation of propeller blades, P/N T10282N( ), T10282NB( ), T10282NK( ), or T10282NE( ) as applicable, onto a Hartzell Propeller Inc. model HC–B3TN–5( ) propeller constitutes terminating action to the inspections, repairs, and replacements specified in paragraphs (i) through (j)(2) of this AD.

Alternative Methods of Compliance

(m) The Manager, Chicago Aircraft Certification Office, has the authority to approve alternate methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(n) You must use Hartzell SB No. 136 (HC–SB–61–136), Revison Letter ''I,'' dated April 25, 2003, to perform the inspections required by this AD. The Director of the Federal Register approved the incorporation by reference of this service bulletin in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You can get a copy from Hartzell Propeller Inc. Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778–4200; fax (937) 778–4391. You can review copies at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA, 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.*

Related Information

(o) None.

Issued in Burlington, Massachusetts, on February 11, 2005.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05–3046 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

19 CFR Part 162

[CBP Dec. 05–02]

RIN 1651–AA48

Publication of Administrative Forfeiture Notices

AGENCY: Bureau of Customs and Border Protection, Homeland Security.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, a proposed amendment to the Bureau of Customs and Border Protection (CBP) Regulations published in the **Federal Register** on January 14, 2004, to raise the threshold value of seized property for which CBP must publish a forfeiture notice in a newspaper from $2,500 to $5,000. By changing the requirements for publication of administrative forfeiture notices, the amendment significantly reduces the publication costs incurred by CBP, which have often exceeded the value of seized property.

EFFECTIVE DATE: March 24, 2005.

FOR FURTHER INFORMATION CONTACT: Ricardo Scheller, Seizures & Penalties Branch, (202) 344–1095.

SUPPLEMENTARY INFORMATION:

Background

Section 162.45 of the Customs and Border Protection (CBP) Regulations (19 CFR 162.45) sets forth the procedure that CBP must follow when it seizes and gives notice of intent to forfeit property under administrative forfeiture proceedings, as required by section 607 of the Tariff Act of 1930, as amended (19 U.S.C. 1607). The statutory language

allows for administrative forfeiture when CBP seizes (1) a prohibited importation; (2) a transporting conveyance if used to import, export, transport or store a controlled substance or listed chemical; (3) any monetary instrument within the meaning of 31 U.S.C. 5312(a)(3); or (4) any conveyance, merchandise or baggage for which its value does not exceed $500,000.

Specifically, § 162.45(b), CBP Regulations, addresses publication of notices under administrative forfeiture proceedings. If the value of seized property exceeds $2,500, current paragraph (b)(1) requires publication of administrative forfeiture notices in a newspaper circulated at the Customs port and in the judicial district where the seizure occurred. All known parties-in-interest are notified of the newspaper and expected dates of publication of the notice.

When the value of the seized property does not exceed $2,500, current paragraph (b)(2) of § 162.45 allows CBP to publish a notice of seizure and intent to forfeit by posting it in a conspicuous place accessible to the public at the customhouse nearest the place of seizure.

Proposal

On January 14, 2004, CBP published a document in the **Federal Register** (69 FR 2093) proposing to amend the CBP Regulations by changing the requirements for publication of administrative forfeiture notices in § 162.45(b)(1) by raising the value threshold of property for which CBP must publish an administrative forfeiture notice in a newspaper from $2,500 to $5,000.

Consequently, the applicability of paragraph (b)(2) would be automatically expanded to seizures of property valued at $5,000 or under, allowing CBP to publish the notice by posting it in a conspicuous place accessible to the public at the customhouse nearest the place of seizure.

CBP had last changed the regulation in 1985, when it increased the dollar threshold from $250 to $2,500. Since then, inflation has often caused the costs of publication in large metropolitan areas to exceed $2,500. Thus, in many cases the publication costs can be prohibitive when compared to the value of the property advertised.

Adoption of Proposal as Final Rule

Comments on the proposed amendment to the CBP Regulations were solicited. No comments were received during the public comment period, which closed on March 15, 2004. Upon further consideration of the matter, CBP has determined to adopt the proposal as published on January 14, 2004.

Regulatory Flexibility Act and Executive Order 12866

The amendment is changing the dollar value threshold governing only the form of public notice, not its substance. Accordingly, CBP certifies that the amendment will not have a significant economic impact on a substantial number of small entities, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

For the same reasons, this document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Drafting Information

The principal author of this document is Mr. Fernando Peña, Office of Regulations and Rulings, Customs and Border Protection. However, personnel from other Bureau offices participated in its development.

Signing Authority

This regulation is being issued by CBP in accordance with 19 CFR 0.1(b)(1).

List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Drug traffic control, Exports, Imports, Inspection, Law enforcement, Penalties, Prohibited merchandise, Restricted merchandise, Reporting and recordkeeping requirements, Search warrants, Seizures and forfeitures.

Amendment to the Regulations

■ For the reasons stated above, part 162 of the CBP Regulations (19 CFR part 162) is amended as follows.

PART 162—INSPECTION, SEARCH, AND SEIZURE

■ 1. The general authority citation for part 162 and the specific authority citation for § 162.45 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1592, 1593a, 1624.

* * * * *

Section § 162.45 also issued under 19 U.S.C. 1607, 1608;

* * * * *

■ 2. The first sentence of paragraph (b)(1) of § 162.45 is amended by removing the monetary amount ''$2,500'' and adding ''$5,000'' in its place.

Approved: February 16, 2005.

Robert C. Bonner,

Commissioner, Customs and Border Protection.

[FR Doc. 05–3327 Filed 2–18–05; 8:45 am]

BILLING CODE 4820–02–P

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 206 and 207

Investigations Relating to Global and Bilateral Safeguard Actions, Market Disruption, Trade Diversion and Review of Relief Actions; and Investigations of Whether Injury to Domestic Industries Results From Imports Sold at Less Than Fair Value or From Subsidized Exports to the United States

AGENCY: International Trade Commission.

ACTION: Notice of final rulemaking.

SUMMARY: The United States International Trade Commission (Commission) hereby amends its Rules of Practice and Procedure (Rules) regarding antidumping and countervailing duty (AD/CVD) investigations as well as certain safeguard and market disruption proceedings. Under the amended Rules, parties are required to file prehearing briefs no later than five business days before the hearing, and they must file *in camera* requests no later than seven business days prior to the hearing. Such *in camera* requests and any comments to those requests must be served by hand-delivery or next-day service. Further, petitions filed after 12 noon will be deemed to be filed the following business day. The amended Rules no longer require clerical or other staff to file an administrative protective order (APO) application with the Commission; however, they must sign a form maintained by an authorized APO applicant. Finally, parties must file new APO applications in NAFTA appeals.

DATES: The effective date of these amendments is March 24, 2005.

FOR FURTHER INFORMATION CONTACT: Marilyn R. Abbott, Secretary, United States International Trade Commission, telephone 202–205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*).

SUPPLEMENTARY INFORMATION:

Background

On November 5, 2004, the Commission published a Notice of Proposed Rulemaking (NOPR) in the **Federal Register**. 69 FR 64541, November 5, 2004. In the NOPR, the Commission proposed certain amendments to its Rules of Practice and Procedure applicable to AD/CVD proceedings as well as parallel amendments to comparable rules regarding certain safeguard and market disruption proceedings. The Commission developed these proposed amendments after seeking and receiving public comment on ways to improve its conduct of AD/CVD investigations (67 FR 72221, December 4, 2002).

The Commission proposed the following amendments to its Rules in the NOPR: (a) Requiring parties to file prehearing briefs no later than five business days before the hearing, rather than four business days; (b) requiring parties to file *in camera* requests no later than seven business days prior to the hearing and any comments to those requests within two (2) business days after the filing of the request; (c) requiring parties to serve *in camera* requests and comments to those requests by hand-delivery or next-day service; (d) no longer requiring clerical or other staff to file an APO application with Commission but instead sign a form maintained by an authorized APO applicant; (e) stating that petitions filed after 12 noon will be deemed to be filed the following business day; and (f) requiring parties to file new NAFTA APO applications in NAFTA appeals. The Commission also proposed a minor amendment to change references to the Mexican Secretary of Commerce and Industrial Development to the Mexican Secretary of Economia. 69 FR 64541, November 5, 2004.

In the NOPR, the Commission invited public comment on its proposed rule amendments and requested that those comments be filed no later than 60 days after publication of the NOPR (*i.e.*, January 4, 2005). The Commission did not receive any public comments to the NOPR. Accordingly, the Commission adopts these final amended rules without change from the proposed amendments in the NOPR.

Regulatory Analysis

The Commission has determined that these amended rules do not meet the criteria described in Section 3(f) of Executive Order 12866 (58 FR 51735, Oct. 4, 1993) and thus do not constitute a significant regulatory action for purposes of the Executive Order.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is inapplicable to this rulemaking because it is not one for which a notice of proposed rulemaking is required under 5 U.S.C. 553(b) or any other statute. Although the Commission published a notice of proposed rulemaking, the proposed regulations are ''agency rules of procedure and practice,'' and thus are exempt from the notice requirement imposed by 5 U.S.C. 553(b).

These amended rules do not contain federalism implications warranting the preparation of a federalism summary impact statement pursuant to Executive Order 13132 (64 FR 43255, Aug. 4, 1999).

No actions are necessary under the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*) because the amended rules will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more in any one year, and will not significantly or uniquely affect small governments.

The amended rules are not major rules as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*). Moreover, they are exempt from the reporting requirements of the Contract With America Advancement Act of 1996 (Pub. L. 104–121) because they concern rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

The amendments are not subject to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), since they do not contain any new information collection requirements.

List of Subjects in 19 CFR Parts 206 and 207

Administrative practice and procedure, Investigations.

■ For the reasons stated in the preamble, the Commission amends 19 CFR parts 206 and 207 as follows:

PART 206—INVESTIGATIONS RELATING TO GLOBAL AND BILATERAL SAFEGUARD ACTIONS, MARKET DISRUPTION, TRADE DIVERSION, AND REVIEW OF RELIEF ACTIONS

■ 1. The authority citation for part 206 continues to read as follows:

Authority: 19 U.S.C. 1335, 2251–2254, 2451–2451a, 3351–3382, sections 103, 301–302, Pub. L. 103–465, 108 Stat. 4809.

■ 2. Amend § 206.17 by revising paragraphs (b) introductory text, (b)(1) introductory text, and (b)(1)(iv) to read as follows:

§ 206.17 Limited disclosure of certain confidential business information under administrative protective order.

* * * * *

(b) *Administrative protective order.* The administrative protective order under which information is made available to the authorized applicant shall require the applicant to submit to the Secretary a personal sworn statement that, in addition to such other conditions as the Secretary may require, the applicant shall:

(1) Not divulge any of the confidential business information obtained under the administrative protective order and not otherwise available to the applicant, to any person other than

* * * * *

(iv) Other persons, such as paralegals and clerical staff, who are employed or supervised by an authorized applicant; who have a need thereof in connection with the investigation; who are not involved in competitive decisionmaking on behalf of an interested party which is a party to the investigation; and who have signed a statement in a form approved by the Secretary that they agree to be bound by the administrative protective order (the authorized applicant shall be responsible for retention and accuracy of such forms and shall be deemed responsible for such persons' compliance with the administrative protective order);

* * * * *

■ 3. Amend § 206.45 by adding paragraph (e) as follows:

§ 206.45 Time for reporting.

* * * * *

(e) *Date of filing.* Any petition under this subpart E that is filed after 12:00 noon shall be deemed to be filed on the next business day.

PART 207—INVESTIGATIONS OF WHETHER INJURY TO DOMESTIC INDUSTRIES RESULTS FROM IMPORTS SOLD AT LESS THAN FAIR VALUE OR FROM SUBSIDIZED EXPORTS TO THE UNITED STATES

■ 4. The authority citation for part 207 continues to read as follows:

Authority: 19 U.S.C. 1336, 1671–1677n, 2482, 3513.

■ 5. Amend § 207.3 by revising paragraph (b) as follows:

§ 207.3 Service, filing, and certification of documents.

* * * * *

(b) *Service.* Any party submitting a document for inclusion in the record of

the investigation shall, in addition to complying with § 201.8 of this chapter, serve a copy of each such document on all other parties to the investigation in the manner prescribed in § 201.16 of this chapter. If a document is filed before the Secretary's issuance of the service list provided for in § 201.11 of this chapter or the administrative protective order list provided for in § 207.7, the document need not be accompanied by a certificate of service, but the document shall be served on all appropriate parties within two (2) days of the issuance of the service list or the administrative protective order list and a certificate of service shall then be filed. Notwithstanding § 201.16 of this chapter, petitions, briefs, requests to close a portion of the hearing, comments on requests to close a portion of the hearing, and testimony filed by parties pursuant to §§ 207.10, 207.15, 207.23, 207.24, 207.25, 207.65, 207.66, and 207.67, shall be served by hand or, if served by mail, by overnight mail or its equivalent. Failure to comply with the requirements of this rule may result in removal from status as a party to the investigation. The Commission shall make available to all parties to the investigation a copy of each document, except transcripts of conferences and hearings, business proprietary information, privileged information, and information required to be served under this section, placed in the record of the investigation by the Commission.

* * * * *

■ 6. Amend § 207.7 by revising paragraphs (b) introductory text, (b)(1) introductory text, and (b)(1)(iv) to read as follows:

§ 207.7 Limited disclosure of certain business proprietary information under administrative protective order.

* * * * *

(b) *Administrative protective order.* The administrative protective order under which information is made available to the authorized applicant shall require the applicant to submit to the Secretary a personal sworn statement that, in addition to such other conditions as the Secretary may require, the applicant shall:

(1) Not divulge any of the business proprietary information obtained under the administrative protective order and not otherwise available to the applicant, to any person other than

* * * * *

(iv) Other persons, such as paralegals and clerical staff, who are employed or supervised by the authorized applicant; who have a need thereof in connection with the investigation; who are not involved in competitive decision making for an interested party which is a party to the investigation; and who have signed a statement in a form approved by the Secretary that they agree to be bound by the administrative protective order (the authorized applicant shall be responsible for retention and accuracy of such forms and shall be deemed responsible for such persons' compliance with the administrative protective order);

* * * * *

■ 7. Amend § 207.10 by revising paragraph (a) as follows:

§ 207.10 Filing of petition with the Commission.

(a) *Filing of the petition.* Any interested party who files a petition with the administering authority pursuant to section 702(b) or section 732(b) of the Act in a case in which a Commission determination under title VII of the Act is required, shall file copies of the petition, including all exhibits, appendices, and attachments thereto, pursuant to § 201.8 of this chapter, with the Secretary on the same day the petition is filed with the administering authority. If the petition complies with the provisions of § 207.11, it shall be deemed to be properly filed on the date on which the requisite number of copies of the petition is received by the Secretary, provided that, if the petition is filed with the Secretary after 12:00 noon, the petition shall be deemed filed on the next business day. The Secretary shall notify the administering authority of that date. Notwithstanding § 201.11 of this chapter, a petitioner need not file an entry of appearance in the investigation instituted upon the filing of its petition, which shall be deemed an entry of appearance.

* * * * *

■ 8. Revise § 207.23 as follows:

§ 207.23 Prehearing brief.

Each party who is an interested party shall submit to the Commission, no later than five (5) business days prior to the date of the hearing specified in the notice of scheduling, a prehearing brief. Prehearing briefs shall be signed and shall include a table of contents. The prehearing brief should present a party's case concisely and shall, to the extent possible, refer to the record and include information and arguments which the party believes relevant to the subject matter of the Commission's determination under section 705(b) or section 735(b) of the Act. Any person not an interested party may submit a brief written statement of information pertinent to the investigation within the time specified for filing of prehearing briefs.

9. Amend § 207.24 by revising paragraph (d) as follows:

§ 207.24 Hearing.

* * * * *

(d) *Closed sessions.* Upon a request filed by a party to the investigation no later than seven (7) business days prior to the date of the hearing that identifies the subjects to be discussed, specifies the amount of time requested, and justifies the need for a closed session with respect to each subject to be discussed, the Commission may close a portion of a hearing to persons not authorized under § 207.7 to have access to business proprietary information in order to allow such party to address business proprietary information during the course of its presentation. If any party wishes to comment on the request to close a portion of the hearing, such comments must be filed within two (2) business days after the filing of the request. In addition, during each hearing held in an investigation conducted under section 705(b) or section 735(b) of the Act, following the public presentation of the petitioner(s) and that of each panel of respondents, the Commission will, if it deems it appropriate, close the hearing to persons not authorized under section 207.7 to have access to business proprietary information in order to allow Commissioners to question parties and/or their representatives concerning matters involving business proprietary information.

■ 10. Amend § 207.93 by revising paragraphs (b)(6), (c)(1), (c)(2)(ii), (c)(3), (c)(4)(ii)(A), (c)(5)(i), (c)(5)(ii), (c)(5)(iii), and (e); and by adding paragraph (b)(7) as follows:

§ 207.93 Protection of proprietary information during panel and committee proceedings.

* * * * *

(b) * * *

(6) Any officer or employee of the Government of Canada or the Government of Mexico who the Canadian Minister of Trade or the Mexican Secretary of Economia, as the case may be, informs the Commission Secretary needs access to proprietary information to make recommendations regarding the convening of extraordinary challenge committees; and

(7) Counsel representing, and other staff providing support to, the investigating authority, the Commission.

(c) *Procedures for obtaining access to proprietary information under*

protective order—(1) *Persons who must file an application for release under protective order.* To be permitted access to proprietary information in the administrative record of a determination under panel review, all persons described in paragraphs (b)(1), (2), (4), (5), (6), or (c)(5)(i) of this section shall file an application for a protective order.

(2) * * *

(ii) Such forms shall require the applicant to submit a personal sworn statement that, in addition to such other conditions as the Commission Secretary may require, the applicant will:

(A) Not disclose any proprietary information obtained under protective order and not otherwise available to any person other than:

(*1*) Personnel of the Commission involved in the particular panel review in which the proprietary information is part of the administrative record,

(*2*) The person from whom the information was obtained,

(*3*) A person who is authorized to have access to the same proprietary information pursuant to a Commission protective order, and

(*4*) A clerical person retained or employed by and under the direction and control of a person described in paragraph (b)(1), (2), (5), or (6) of this section who has been issued a protective order, if such clerical person has signed and dated an agreement, provided to the Commission Secretary upon request, to be bound by the terms set forth in the application for a protective order of the person who retains or employs him or her (the authorized applicant shall be responsible for retention and accuracy of such forms and shall be deemed responsible for such persons' compliance with the administrative protective order);

(B) Not use any of the proprietary information released under protective order and not otherwise available for purposes other than the particular proceedings under Article 1904 of the Agreement;

(C) Upon completion of panel review, or at such other date as may be determined by the Commission Secretary, return to the Commission, or certify to the Commission Secretary the destruction of, all documents released under the protective order and all other material (such as briefs, notes, or charts), containing the proprietary information released under the protective order, except that those described in paragraph (b)(1) of this section may return such documents and other materials to the United States Secretary. The United States Secretary may retain a single file copy of each document for the official file.

(D) Update information in the application for protective order as required by the protective order; and

(E) Acknowledge that the person becomes subject to the provisions of 19 U.S.C. 1677f(f) and to this subpart, as well as corresponding provisions of Canadian and Mexican law on disclosure undertakings concerning proprietary information.

(3) *Timing of applications.* An application for any person described in paragraph (b)(1) or (b)(2) of this section may be filed after a notice of request for panel review has been filed with the Secretariat. A person described in paragraph (b)(4) of this section shall file an application immediately upon assuming official responsibilities in the United States, Canadian or Mexican Secretariat. An application for any person described in paragraph (b)(5) or (b)(6) of this section may be filed at any time after the United States Trade Representative, the Canadian Minister of Trade, or the Mexican Secretary of Economia, as the case may be, has notified the Commission Secretary that such person requires access.

(4) * * *

(ii) *Applications of persons described in paragraph (b)(2) of this section*—(A) *Filing.* A person described in paragraph (b)(2) of this section, concurrent with the filing of a complaint or notice of appearance in the panel review on behalf of the participant represented by such person, shall file the completed original of the form (NAFTA APO Form C) and three (3) copies with the Commission Secretary, and four (4) copies with the United States Secretary.

* * * * *

(5) *Persons who retain access to proprietary information under a protective order issued during the administrative proceedings.* (i) If counsel or a professional has been granted access in an administrative proceeding to proprietary information under a protective order that contains a provision governing continued access to that information during panel review, and that counsel or professional retains the proprietary information more than fifteen (15) days after a First Request for Panel Review is filed with the Secretariat, that counsel or professional, and such clerical persons with access on or after that date, become immediately subject to the terms and conditions of NAFTA APO Form C maintained by the Commission Secretary on that date including provisions regarding sanctions for violations thereof.

(ii) Any person described in paragraph (c)(5)(i) of this section, concurrent with the filing of a complaint or notice of appearance in the panel review on behalf of the participant represented by such person, shall:

(A) File the completed original of the form (NAFTA APO Form C) and three (3) copies with the Commission Secretary; and

(B) File four (4) copies of the completed NAFTA APO Form C with the United States Secretary.

(iii) Any person described in paragraph (c)(5)(i) of this section must submit a new application for a protective order at the commencement of a panel review.

* * * * *

(e) *Retention of protective orders; service list.* The Commission Secretary shall retain, in a public file, copies of applications granted, including any updates thereto, and protective orders issued under this section, including protective orders filed in accordance with paragraph (b)(6)(ii) of this section. The Secretary shall establish a list of persons authorized to receive proprietary information in a review, including parties whose applications have been granted.

* * * * *

By Order of the Commission.

Issued: February 16, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3292 Filed 2–18–05; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin Paste

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by Cross Vetpharm Group Ltd. The ANADA provides for oral use of ivermectin paste in horses for treatment and control of various internal parasites or parasitic conditions.

DATES: This rule is effective February 22, 2005.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary

Medicine (HFV–104), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301–827–8549, e-mail: *lonnie.luther@fda.gov*.

SUPPLEMENTARY INFORMATION: Cross Vetpharm Group Ltd., Broomhill Rd., Tallaght, Dublin 24, Ireland, filed ANADA 200–326 for BIMECTIN (ivermectin) Paste 1.87%. The application provides for oral use of 1.87 percent ivermectin paste in horses for the treatment and control of various species of internal parasites or parasitic conditions. Cross Vetpharm Group's BIMECTIN Paste 1.87% is approved as a generic copy of Merial Limited's EQVALAN Paste, approved under NADA 134–314. ANADA 200–326 is approved as of January 19, 2005, and 21 CFR 520.1192 is amended to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

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

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

List of Subjects in 21 CFR Part 520

Animal drugs.

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

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

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

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

■ 2. Section 520.1192 is amended by adding paragraphs (b)(3) and (e)(1)(ii)(C) to read as follows:

§ 520.1192 Ivermectin paste.

* * * * *

(b) * * *

(3) No. 061623 for use of a 1.87 percent paste for use as in paragraph (e)(1)(i), (e)(1)(ii)(C), and (e)(1)(iii) of this section.

* * * * *

(e) * * *

(1) * * *

(ii) * * *

* * * * *

(C) Large strongyles (adults)—*Strongylus vulgaris* (also early forms in blood vessels), *S. edentatus* (also tissue stages), *S. equinus*, and *Triodontophorus* spp. including *T. brevicauda* and *T. serratus*; Small Strongyles (adults, including those resistant to some benzimidazole class compounds)—*Cyathostomum* spp. including *C. catinatum* and *C. pateratum*, *Cylicocyclus* spp. including *C. insigne*, *C. leptostomum*, *C. nassatus*, and *C. brevicapsulatus*, *Cylicodontophorus* spp., and *Cylicostephanus* spp. including *C. calicatus*, *C. goldi*, *C. longibursatus*, and *C. minutus*; Small Strongyles—fourth-stage larvae; Pinworms (adults and fourth-stage larvae)—*Oxyuris equi*; Ascarids (adults and third- and fourth-stage larvae)—*Parascaris equorum*; Hairworms (adults)—*Trichostrongylus axei*; Large-mouth Stomach Worms (adults)—*Habronema muscae*; Bots (oral and gastric stages)—*Gasterophilus* spp. including *G. intestinalis* and *G. nasalis*; Lungworms (adults and fourth-stage larvae)—*Dictyocaulus arnfieldi*; Intestinal Threadworms (adults)—*Strongyloides westeri*; Summer Sores caused by *Habronema* and *Draschia* spp. cutaneous third-stage larvae; Dermatitis caused by neck threadworm microfilariae, *Onchocerca* sp.

* * * * *

Dated: February 8, 2005.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 05–3280 Filed 2–18–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD01–05–013]

Drawbridge Operation Regulations: Raritan River, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the New Jersey Transit Rail Operations (NJTRO) Bridge, at mile 0.5, across the Raritan River, at Perth Amboy, New Jersey. Under this temporary deviation the bridge may remain in the closed position beginning at 11 p.m. on Friday through 6 p.m. on Saturday for four weekends between March 18 and May 14, 2005. This temporary deviation is necessary to facilitate scheduled maintenance at the bridge.

DATES: This deviation is effective from March 18, 2005 through May 14, 2005.

FOR FURTHER INFORMATION CONTACT: Joe Arca, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The NJTRO Bridge has a vertical clearance in the closed position of 8 feet at mean high water and 13 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR 117.747.

The bridge owner, New Jersey Transit Rail Operations (NJTRO), requested a temporary deviation from the drawbridge operation regulations to facilitate necessary scheduled bridge maintenance, replacement of miter rails, at the bridge. The bridge must remain in the closed position during the performance of these repairs.

Under this temporary deviation the NJTRO Bridge may remain in the closed position beginning at 11 p.m. on Friday through 6 p.m. on Saturday for four weekends as follows: March 18 through March 19; April 1 through April 2; April 15 through April 16; and April 29 through April 30, 2005. Two alternate weekend closure dates, May 6 through May 7, and May 13 through May 14, 2005, have been authorized in the event that inclement weather requires cancellation of any of the above dates.

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

Dated: February 11, 2005.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 05–3255 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–04–042]

RIN 1625–AA09

Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Cypremort, LA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulation governing the operation of the State Route 319 (Louisa) bridge across the Gulf Intracoastal Waterway, mile 134.0 west of Harvey Lock, near Cypremort, Louisiana. A new high-level, double-leaf bascule bridge that will require limited openings has replaced the low-level swing bridge across the waterway. The regulation change removes the regulation governing the to-be-removed bridge and replaces it with a regulation for the operation of the new bascule bridge.

DATES: This rule is effective April 11, 2005.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD08–04–042) and are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, 501 Magazine Street, New Orleans, Louisiana 70130–3396, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The Bridge Administration Branch maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, at (504) 589–2965.

SUPPLEMENTARY INFORMATION:

Regulatory History

On November 17, 2004, we published a notice of proposed rulemaking (NPRM) entitled, ''Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Cypremort, LA,'' in the **Federal Register** (69 FR 67294). We received two letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The U.S. Coast Guard, at the request of the State of Louisiana, Department of Transportation and Development (LDOTD), and supported by the Port of West St. Mary, proposes to establish a schedule of operation for the new SR 319 movable bridge and eliminate the schedule of operation of the old SR 319 bridge. Currently, the bridge opens on signal; except that from 15 August to 5 June, the draw need not be opened from 6:55 to 7:10 a.m. and from 3:50 to 4:10 p.m. Monday through Friday except holidays.

The new bridge will open for traffic on April 10, 2005. When traffic is relocated to the new bridge, the old bridge will be maintained in the open to navigation position until it is removed. Removal of the old bridge should be completed within 90 days after the new bridge has been opened to traffic. The existing regulation for the old bridge is no longer required.

The new bridge provides mariners with 73 feet of vertical clearance above mean high water in the closed to navigation position. The new bridge will only be required to open for vessels with vertical clearances of greater than 73 feet. Gulf Intracoastal Waterway bridges to the east and to the west of this bridge are fixed bridges providing only 73 feet of vertical clearance. Only vessels wishing to transit to the Port of West St. Mary will require openings as this facility is currently the only facility or waterway between the SR 319 bridge at mm 134.0 and the Bayou Sale bridge at mm 113.0.

In an effort to assess and accurately determine the opening requirements of the new bridge, LDOTD supplied opening data for the present bridge and identified the number of openings that would have been required if the new bridge with 73 feet of vertical clearance were operating. In 2003, the existing bridge opened for the passage of vessels approximately 12,800 times. During that time period, the new bridge would have been required to open for marine traffic three times. Through mid-October of 2004, the existing bridge opened for the passage of vessels approximately 11,000 times. In 2004, during the final phases of construction of the new bridge (with the bascule leaves for the new bridge in place), vessels transiting the waterway only required 5 openings.

Based upon the existing statistics for bridge openings and the limited number of openings that will be required for the passage of traffic for the new bridge, LDOTD has requested that the new bridge be required to open on signal if at least 24-hours advanced notice is given. The Port of West St. Mary is the only facility known to be affected by the new advanced notice requirement. They have stated by letter that this requirement is reasonable and have no objections.

Navigation at the site of the bridge consists primarily of tugboats with barges. Alternate routes to the Port of West St. Mary are not available to marine traffic requiring vertical clearances of greater than 73 feet.

Discussion of Comments and Changes

Two letters were received with regards to the NPRM. The U.S. Fish and Wildlife Service stated that the change would have no effect on resources. The National Marine Fisheries Service has no objections to the proposed change. Based upon this comments, no changes were made to the proposed regulation.

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 allows vessels with vertical clearance requirements of greater than 73 feet ample opportunity to transit this waterway without delay if they provide 24-hours advanced notification of their vessel movement. The drawbridge will not restrict all other vessels.

Small Entities

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

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

Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture

Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency?s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888-REG-FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction, from further environmental documentation. This final rule involves removal of the drawbridge operation regulation for a drawbridge that has been removed from service and placing a drawbridge operation regulation on a new high-level bascule drawbridge. It will not have any impact on the environment.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

■ For the reasons set out in the preamble, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.451, paragraph (d) is revised to read as follows:

§ 117.451 Gulf Intracoastal Waterway.

* * * * *

(d) The draw of the SR 319 (Louisa) bridge across the Gulf Intracoastal Waterway, mile 134.0 west of Harvey Lock, near Cypremort, shall open on signal if at least 24 hours notice is given.

* * * * *

Dated: February 10, 2005.

R.F. Duncan,

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

[FR Doc. 05–3381 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 309–0474; FRL–7872–4]

Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District and Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing approval of revisions to the Great Basin Unified Air Pollution Control District (GBUAPCD) and Ventura County Air Pollution

Control District (VCAPCD) portions of the California State Implementation Plan (SIP). These revisions were proposed in the **Federal Register** on June 7, 2004 and concern the emission of particulate matter (PM–10) from open burning and incinerator burning. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: *Effective Date:* This rule is effective on March 24, 2005.

ADDRESSES: You can inspect copies of the submitted rule revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted rule revisions and TSDs at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.
California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.
Great Basin Unified Air Pollution Control District, 157 Short Street, Suite 6, Bishop, CA 93514.
Ventura County Air Pollution Control District, 669 Country Square Drive, Ventura, CA 93003.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4118, *petersen.alfred@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

I. Proposed Action

On June 7, 2004 (69 FR 31782), EPA proposed to approve the following rules into the California SIP.

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule Title	Revised or amended	Submitted
GBUAPCD	406	Open Outdoor Fires	09/24/03, Revised	11/04/03
GBUAPCD	407	Incinerator and Burn Barrel-Burning	09/24/03, Revised	11/04/03
VCAPCD	56	Open Burning	011/11/03, Amended	01/15/04

We proposed to approve these rules because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period. During this period, we received a comment from the following party.

- Randy Gullickson, Camarillo, California, e-mail dated June 7, 2004 and received June 7, 2004.

As a result of this comment, we published a withdrawal of the direct final approval of these rules that was published on July 15, 2004 (69 FR 42340). The comment and our response is summarized below.

Comment: Mr. Gullickson, a resident and homeowner in Ventura County, is concerned about the proposed exemption ''to limit the burning of household waste at single-or two-family dwellings to only dry non-glossy paper and cardboard and dry natural vegetation.'' His concern relates to the costs and problems, such as damage to local farms and fields, that are associated with implementation of this limited exemption. He urges EPA to reconsider the approval after a thorough study of these issues.

Response: The cited limited exemption is contained in GBUAPCD Rule 407, Incinerator and Burn Barrel Burning, pursuant to California Code of Regulations, title 17, section 93113(e). The exemption is restricted to areas with population density of less or equal to 3.0 persons per square mile. The District may request that the exemption also apply to areas with greater than 3.0 but less or equal to 10.0 persons per square mile for a renewable 10-year period. The low population density assures that very little burning would occur and then only materials that burn relatively clean would be burned. Further restrictions are that burning must occur only on Burn Days as determined by the California Air Resources Board and that a valid burn permit be obtained from the GBUAPCD. We believe that incinerator burning under the cited requirements significantly limits any incinerator burning and that negligible contamination from PM–10 emissions will occur in the remote, low-population density areas where the exemption is allowed.

VCAPCD Rule 56, Open Burning, which regulates open burning in Ventura County, does not include this limited exemption and does not allow burning of any household waste at single-or two-family dwellings. Thus, the potential environmental problems and environmental costs associated with this limited exemption would not occur in Ventura County.

III. EPA Action

No comments were submitted that change our assessment that the submitted rules comply with the relevant CAA requirements. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving these rules into the California SIP.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 25, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 12, 2005.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(321)(i)(C)(*2*) and (*3*) and (328)(i)(A)(*2*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(321) * * *

(i) * * *

(C) * * *

(*2*) Rule 406, adopted on January 21, 1976 and revised on September 24, 2003.

(*3*) Rule 407, adopted on September 5, 1974 and revised on September 24, 2003.

* * * * *

(328) * * *

(i) * * *

(A) * * *

(*2*) Rule 56, adopted on October 22, 1968 and amended on November 11, 2003.

* * * * *

[FR Doc. 05–3183 Filed 2–18–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 207–0435a; FRL–7871–1]

Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) portion of the California State Implementation Plan (SIP). These revisions concern the permitting of air pollution sources. We are approving local rules under authority of the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on April 25, 2005 without further notice, unless EPA receives adverse comments by March 24, 2005. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Send comments to Gerardo Rios, Permits Office Chief (AIR–3), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to *R9airpermits@epa.gov*, or submit comments at *http://www.regulations.gov*.

You can inspect copies of the submitted SIP revisions and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions and TSD at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

Antelope Valley Air Quality Management District, 43301 Division Street, #206, Lancaster, CA 93535.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm*. Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Manny Aquitania, Permits Office (AIR–3), U.S. Environmental Protection

Agency, Region IX, (415) 947–4123, *aquitania.manny@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board.

TABLE 1.—SUBMITTED RULES

Local agency	Rule #	Rule title	Amended	Submitted
AVAQMD	201	Permit to Construct	08/19/97	03/10/98
AVAQMD	203	Permit to Operate	08/19/97	03/10/98
AVAQMD	204	Permit Conditions	08/19/97	03/10/98
AVAQMD	205	Expiration of Permits to Construct	08/19/97	03/10/98
AVAQMD	217	Provision for Sampling and Testing Facilities	08/19/97	03/10/98

On May 21, 1998, the submittals of Rules 201, 203, 204, 205, and 217 were found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

B. Are There Other Versions of These Rules?

We approved a version of Rules 201, 203, 204, 205, and 217 into the SIP on November 9, 1978 (43 FR 52237).

C. What Is the Purpose of the Submitted Rules or Rule Revisions?

Section 110(a) of the CAA requires states to submit regulations that control volatile organic compounds, oxides of nitrogen, particulate matter, and other air pollutants which harm human health and the environment. These rules were developed as part of the local agency's program to control these pollutants.

The purposes of the revisions relative to the SIP rules are as follows:

- Rules 201, 203, 205, and 217 revise the format with no change in content.
- Rule 204 adds a provision to allow the Air Pollution Control Officer (APCO), after a 30-day notice to the permitee, to add or amend written conditions in a permit to assure compliance with applicable rules and regulations. The TSD has more information about these rules.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

These rules describe administrative provisions and definitions that support emission controls found in other local agency requirements. In combination with the other requirements, these rules must be enforceable (*see* section 110(a) of the CAA) and must not relax existing requirements (*see* sections 110(l) and 193). EPA policy that we used to define specific enforceability requirements includes:

- *Requirements for Preparation, Adoption, and Submittal of Implementation Plans*, U.S. EPA, 40 CFR part 51.
- *Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations*, U.S. EPA (May 25, 1988) (The Bluebook).

B. Do the Rules Meet the Evaluation Criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSD has more information on our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the CAA, EPA is fully approving the submitted AVAPCD Rules 201, 203, 204, 205, and 217, because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by March 24, 2005, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on April 25, 2005. This will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 25, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 12, 2005.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ 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 F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(254)(i)(E)(*3*) as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(254) * * *

(i) * * *

(E) * * *

(*3*) Rules 201, 203, 204, 205, and 217, adopted on January 9, 1976 and amended on August 19, 1997.

* * * * *

[FR Doc. 05–3185 Filed 2–18–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 307–0460a; FRL–7874–6]

Revisions to the California State Implementation Plan, El Dorado County Air Quality Management District (Mountain Counties Portion), Imperial County Air Pollution Control District, and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the El Dorado County Air Quality Management District (EDCAQMD) (Mountain Counties portion), Imperial County Air Pollution Control District (ICAPCD), and the South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). The revisions concern an obsolete permitting rule and the storage and transfer of gasoline at dispensing facilities. We are removing an obsolete local permitting rule and are approving local rules that regulate volatile organic compound (VOC) emissions under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on April 25, 2005 without further notice, unless EPA receives adverse comments by March 24, 2005. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

ADDRESSES: Send comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to *steckel.andrew@epa.gov*, or submit comments at *http://www.regulations.gov*.

You can inspect a copy of the submitted rule revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see a copy of the submitted rule revisions and TSDs at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814

El Dorado County Air Quality Management District, 2850 Fairlane Court, Building C, Placerville, CA 95667

Imperial County Air Pollution Control District, 150 South 9th Street, El Centro, CA 92243

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765

A copy of the rules may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm*. Please be advised that this is not an EPA Web site and may not contain the same version of the rules that were submitted to EPA

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4118, *petersen.alfred@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

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III. Statutory and Executive Order Reviews

I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rule we are removing and the rules being revised or amended by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—REMOVED OR SUBMITTED RULES

Local agency	Rule #	Rule title	Action	Submitted
EDCAQMD (Mountain Counties portion).	425	Transfer of Authority to Construct	Removed by EPA.	
ICAPCD	415	Transfer and Storage of Gasoline	05/18/04 Revised	07/19/04
SCAQMD	461	Gasoline Transfer and Dispensing	01/09/04 Amended	06/03/04

On August 10, 2004, the submittal of ICAPCD Rule 415 was found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review. On June 30, 2004, the submittal of SCAQMD Rule 461 was found to meet the completeness criteria.

B. Are There Other Versions of These Rules?

We approved a version of EDCAQMD Rule 425 on July 7, 1982 (47 FR 29536). We finalized a limited approval/limited disapproval of a previous version of ICAPCD Rule 415 on October 29, 2002 (67 FR 65873). We approved a previous version of SCAQMD Rule 461 into the SIP on August 20, 2001 (66 FR 43483). There were no sanction implications on our action on Rule 415.

C. What Is the Purpose of the Submitted Rule Revisions?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions.

The purpose of removing EDCAQMD (Mountain Counties portion) Rule 425, Transfer of Authority to Construct, is to remove an obsolete permitting rule from the SIP. This rule is superseded by EDCAQMD SIP Rule 501.3.E, General Permit Requirements, and there is no relaxation of the SIP. Rule 425 should have been rescinded in the final action of February 2, 2000 (65 FR 4887), as proposed on October 5, 1999 (64 FR 53973). Due to an oversite, Rule 425 was not rescinded. Therefore, EPA is removing Rule 425 from the SIP in today's action.

The purpose of revising ICAPCD Rule 415 is to make the following changes, some of which correct deficiencies that we identified in our October 29, 2002 action on a previous version of this rule:

- 415.A.1.a: To delete the exemption from requirements for storage tanks for fueling equipment used primarily for animal husbandry.
- 415.A.1.b: To reduce the scope of exemption for retail service stations in existence since December 1, 1988. The existing SIP rule had exempted such facilities entirely from the rule, but the revised rule exempts such stations only from the requirement to install Phase II controls.
- 415.A.1.f: To add an exemption from requirements for storage tanks with a submerged fill pipe or a pressure tank with a capacity of 1,000 gallons or less, where no more than 3,000 gallons are transferred into vehicle fuel tanks in a calendar month, providing the associated facility is not a retail service station.
- 415.B.5.c: To add a requirement that applicable performance tests be conducted within 30 days of completion of construction for any new or modified vapor recovery system. ''Applicable'' means as required by the Authority to Construct, Permit to Operate, or CARB Executive Order. [This remedies a deficiency in the rule.]
- 415.B.5.d: To add a requirement at retail dispensing stations with Phase II vapor recovery systems that applicable reverification of performance tests be performed annually. [This remedies a deficiency in the rule.]
- 415.B.5.d: To add a requirement at facilities with Phase I and II vapor recovery systems that applicable reverification of performance tests be performed.
- To add a requirement that all Phase II systems be used only with a Phase I system capable of 95% recovery of emitted vapors.
- 415.C: To substantially revise and update appropriate test procedures for determining compliance. The added test procedures included the Static Pressure Test, Dynamic Back Pressure Test, Air-to-Liquid Volume Ratio Test, and Liquid Removal Rate Test. [This remedies a deficiency in the rule.] The purpose of revising SCAQMD Rule 461 is to make the following changes:
- 461(e)(3)(C): To allow tests and retests during the weekend under certain specified conditions.
- 461(e)(3)(D): To require the electronic submission within 72 hours of a PASS/FAIL test report on all tests conducted.
- 461(e)(3)(E): To require the submission of the final test report within 14 calendar days when all tests are passed.
- 461(e)(3)(E): To require the person responsible for conducting the tests to have completed the District's orientation class for testing, including any subsequent refresher classes.
- 461 ''Attachment A'': To delete the text of the definition in the California Code of Regulations for ''major defects'' that is referred to in paragraph (b)(19) of the rule.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

Generally, SIP rules must be enforceable (see section 110(a) of the CAA) and must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(b)(2)), and must not relax existing requirements (see sections 110(l) and 193). Gasoline vapor recovery rules must fulfill the special requirements for gasoline vapor recovery in certain ozone nonattainment areas (see section 182(b)(3)(A)).

The following guidance documents were used for reference:

- *Requirements for Preparation, Adoption, and Submittal of Implementation Plans,* EPA, 40 CFR part 51.
- *Guidance Document for Correcting Common VOC & Other Rule*

Deficiencies, EPA Region IX (August 21, 2001). (The Little Bluebook)

• Draft *Model Rule, Gasoline Dispensing Facility-Stage II Vapor Recovery,* EPA (August 17, 1992).

• *Gasoline Vapor Recovery Guidelines,* EPA Region IX (April 24, 2000).

B. Do the Rules Meet the Evaluation Criteria?

We believe that the approval of ICAPCD Rule 415 and SCAQMD Rule 461 and the removal of EDCAQMD Rule 425 are consistent with the relevant policy and guidance regarding enforceability, SIP relaxations, special gasoline requirements, and fulfilling RACT. All of the deficiencies cited in the previous limited approval/limited disapproval action on ICAPCD Rule 415 have been corrected. The removed EDCAQMD Rule 425 is replaced by SIP Rule 501.3.E. The TSDs have more information on our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) and 110(k)(6) of the CAA, we are taking actions that we believe fulfill all relevant requirements. We do not think anyone will object to this, so we are finalizing the rule removal and approvals without proposing them in advance. However, in the Proposed Rules section of this **Federal Register,** we are simultaneously proposing approval of the same actions. If we receive adverse comments by March 24, 2005, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on April 25, 2005. This will remove EDCAQMD (Mountain Counties portion) Rule 425 from the federally-enforceable SIP and incorporate ICAPCD Rule 415 and SCAQMD Rule 461 into the SIP. There are no sanction or FIP clock implications with our previous action on ICAPCD Rule 415.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 25, 2005. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

Dated: December 17, 2004.

Wayne Nastri,

Regional Administrator, Region IX.

■ 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(120)(i)(C), (331)(i)(B), and (332)(i)(A)(*2*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(120) * * *

(i) * * *

(C) Previously approved on July 7, 1982 in paragraph (c)(120)(i)(A) of this section and now deleted without replacement Rule 425.

* * * * *

(331) * * *

(i) * * *

(B) South Coast Air Quality Management District.

(*1*) Rule 461, originally adopted on January 9, 1976 and amended on January 9, 2004.

* * * * *

(332) * * *

(i) * * *

(A) * * *

(*2*) Rule 415, originally adopted on November 4, 1977 and revised on May 18, 2004.

* * * * *

[FR Doc. 05–3358 Filed 2–18–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[OAR–2002–0049; FRL–7874–9]

RIN 2060–AJ68

Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983; and Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendments.

SUMMARY: This action promulgates amendments to the new source performance standards for electric arc furnaces constructed after October 21, 1974, and on or before August 17, 1983, and the new source performance standards for electric arc furnaces constructed after August 17, 1983. The final amendments add alternative requirements for monitoring emissions from furnace exhausts and make minor editorial corrections.

EFFECTIVE DATE: February 22, 2005.

ADDRESSES: The EPA has established an official public docket for this action including both Docket No. OAR–2002–0049 and Docket No. A–79–33. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket* (or Docket No. A–79–33). Not all docket materials are available electronically. The materials in Docket No. A–79–33 are in hard copy form and are publicly available through the docket facility as set forth below. Although listed in the index, some information is not publicly available, *i.e.*, confidential business information or other information whose disclosure is restricted by statute. Certain other information, such as copyrighted materials, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy form at the New Source Performance Standards for Electric Arc Furnaces Docket, Docket ID No. OAR–2002–0049 (or A–79–33), EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavender, Emission Standards Division, Office of Air Quality Planning and Standards (C439–02), Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541–2364, electronic mail (e-mail) address, *cavender.kevin@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

Categories and entities potentially regulated by this action include:

Category	NAICS code [1]	Examples of regulated entities
Industry	331111	Steel manufacturing facilities that operate electric arc furnaces.
Federal government		Not affected.
State/local/tribal government		Not affected.

[1] North American Industry Classification System.

This description is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 60.270 (for electric arc furnaces constructed after October 21, 1974, and on or before August 17, 1983) or 40 CFR 60.270a (for electric arc furnaces and argon-oxygen decarburization vessels constructed after August 7, 1983), as applicable. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Where Can I Get a Copy of This Document and Other Related Information?

In addition to being available in the docket, an electronic copy of today's final rule amendments will also be available on the Worldwide Web (WWW) through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the final rule amendments will be placed on the TTN's policy and guidance page for proposed or promulgated rules at *http://www.epa.gov/ttn/oarpg*. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

C. What Are the Judicial Review Requirements?

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the final rule amendments is available only by filing a petition for review in the U.S.

Court of Appeals for the District of Columbia Circuit by April 25, 2005. Under section 307(d)(7)(B) of the CAA, only an objection to the final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Under section 307(b)(2) of the CAA, the requirements that are the subject of today's final rule amendments may not be challenged separately in civil or criminal proceedings brought by the EPA to enforce these requirements.

D. How Is This Document Organized?

The information in this preamble is organized as follows:

II. Background
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B. What Are the Current Requirements of the New Source Performance Standards for Electric Arc Furnaces?
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II. Background

A. What Is an Electric Arc Furnace?

An electric arc furnace (EAF) is a metallurgical furnace used to produce carbon and alloy steels. The input material to an EAF is typically 100 percent scrap steel. Cylindrical, refractory lined EAF are equipped with carbon electrodes to be raised or lowered through the furnace roof. With electrodes retracted, the furnace roof can be rotated to permit the charge of scrap steel by overhead crane. Alloying agents and fluxing materials usually are added through doors on the side of the furnace. Electric current is passed between the electrodes and through the scrap, generating arcing and the generation of enough heat to melt the scrap steel charge. After the melting and refining periods, impurities (in the form of a slag) and the refined steel are poured from the furnace.

The production of steel in an EAF is a batch process. Cycles, or heats, range from about 1½ to 5 hours to produce carbon steel and from 5 to 10 hours to produce alloy steel. Scrap steel is charged to begin a cycle, and alloying agents and slag forming materials are added for refining. Stages of each cycle normally are charging, melting, refining (which usually includes oxygen blowing), and tapping.

All of those operations generate particulate matter (PM) emissions. Emission control techniques involve an emission capture system and a gas cleaning system. Emission capture systems used in the industry include direct shell (fourth hole) evacuation, side draft hoods, combination hoods, canopy hoods, scavenger ducts, and furnace enclosures. Direct shell evacuation (DEC) consists of ductwork attached to a separate, or fourth hole, in the furnace roof which draws emissions to a gas cleaner. The DEC system works only when the furnace is up-right and the roof is in place. The side draft hoods collect furnace off gases from around the electrode holes and the work doors after the gases leave the furnace. The combination hood incorporates elements from the side draft and direct shell evacuation systems. Canopy hoods and scavenger ducts are used to address charging and tapping emissions. Baghouses are typically used as the gas cleaning system.

B. What Are the Current Requirements of the New Source Performance Standards for Electric Arc Furnaces?

The new source performance standards (NSPS) for EAF constructed after October 21, 1974, and on or before August 17, 1983 (40 CFR part 60, subpart AA) were first promulgated on September 23, 1975 (40 FR 43850). The NSPS for EAF constructed after August 17, 1983 (40 CFR part 60, subpart AAa) were first promulgated on October 31, 1984 (49 FR 43845). Both subparts limit the allowable PM concentration in the exhaust of an EAF emission control device to 12 milligrams per dry standard cubic meter (mg/dscm) or 0.0052 grains per dry standard cubic foot (gr/dscf). In addition to the PM emission limit, both subparts limit visible emissions from the EAF control device (typically a baghouse) to less than 3 percent opacity, as determined by EPA Method 9 of 40 CFR part 60, appendix A.

In both subparts, if the control device is equipped with a single stack, the owner or operator is required to install, calibrate, maintain, and operate a continuous opacity monitoring system (COMS). The owner or operator must report each 6-minute average COMS reading of 3 percent or greater as an excess emission. A COMS is not required on any modular or multiple-stack fabric filter if opacity readings are taken at least once per day during a melting and refining period, in accordance with EPA Method 9.

The subparts also contain requirements for the EAF capture systems. However, those requirements are not being amended by today's action. As such, we do not discuss the capture system requirements here.

C. Why Are We Amending the New Source Performance Standards?

We are amending the NSPS in response to a petition to reopen the NSPS filed by the American Iron and Steel Institute (AISI), the Speciality Steel Industry of North America (SSINA), and the Steel Manufacturers Association (SMA) (''the Petitioner''). In the request to reopen, the Petitioner argues that COMS are not capable of accurately monitoring opacity emissions from an EAF shop at the 3 percent excess emission threshold level, and that the EAF NSPS should be amended to address the technological shortcomings associated with COMS. In making this argument, the Petitioner points to our recent revision (65 FR 48914, August 10, 2000) to performance specification 1 (PS–1) for COMS (40 CFR part 60, appendix B) in which we acknowledge that there is potential for measurement error associated with COMS readings. On October 16, 2002 (67 FR 64014), in response to the petition, we proposed amendments to the NSPS that would allow bag leak detection systems as an alternative monitoring option. More information on the industry petition can be found in the preamble to the proposed amendments.

Today's final rule amendments reflect our full consideration of the petition, including all of the public comments received. The petition to reopen is granted to the extent provided in today's final action adding an alternative to COMS for monitoring emissions from EAF control devices. The petition is denied in all other respects. For the reasons stated in the response to comments below, we have determined that the alternatives suggested by the Petitioner are inappropriate, and that other measures, including the bag leak detection system monitoring alternative finalized today, adequately address its concerns about potential measurement error.

III. Summary of the Final Amendments

A. What Is the New Alternative Monitoring Option?

The final rule amendments allow plants to use a bag leak detection system on all single stack fabric filters as an alternative monitoring option to COMS. Owners or operators are required to develop a site-specific monitoring plan describing how the system will be selected, installed, and operated, including how the alarm levels will be established. In the event a bag leak detection system alarm is triggered, the owner or operator must initiate corrective action to determine the cause of the alarm within 1 hour of the alarm and alleviate the cause of the alarm within 3 hours. An approved site-specific monitoring plan may allow more than 3 hours for alleviating a specified condition where an explanation is provided justifying a longer time period.

The owner or operator also must conduct an opacity observation at least once per day when the furnace is in the melting and refining period, in accordance with EPA Method 9 (40 CFR part 60, appendix A). All opacity observations greater than 3 percent opacity must be reported as a violation of the opacity standard. In addition, if the alarm on the bag leak detection system was not alarming during the time the opacity was observed to be greater than 3 percent, the alarm on the bag leak detection system must be lowered to a point that an alarm would have occurred during the observation.

B. What Editorial Corrections Are We Making?

Two typographical errors are corrected in the amendments. In 40 CFR 60.274(c) and in 40 CFR 60.274a(c), the references to paragraphs (b)(1) and (2) are corrected to refer to paragraph (b). The paragraphs (b)(1) and (2) of 40 CFR 60.274(c) and 40 CFR 60.274a(c) were incorporated into paragraph (b) during the last revision to the NSPS (64 FR 10105, March 2, 1999). In 40 CFR 60.274a(b), the reference to paragraph (d) is corrected to refer to paragraph (e).

In addition, 40 CFR 60.274a(d) and 40 CFR 60.274a(e) are revised to clarify that owners and operators may petition the Administrator to approve alternatives to the monitoring requirements specified in 40 CFR 60.274a(b), as well as alternatives to the monthly operational status inspections specified in 40 CFR 60.274a(d). These revisions do not change the rules requirements because owners and operators are currently allowed to petition for alternative monitoring requirements under 40 CFR 60.13(i) of the NSPS General Provisions (40 CFR part 60, subpart A).

IV. Response to Comments

We received a total of 20 comment letters on the proposed amendments from representatives of three industry trade associations, one State agency, one steelmaking company, the steelworkers labor union, three equipment vendors, and two private citizens. We offered to provide interested individuals the opportunity for oral presentations of data, views, or arguments concerning the proposed amendments, but a public hearing was not requested. Today's final rule amendments reflect our full consideration of all the comments received.

Comment: We received comments supporting bag leak detection systems as an alternative to COMS from two equipment vendors, representatives of three industry trade associations, and one steelmaker. Two vendors express support for bag leak detection systems based on comparative study results and the lower operation and maintenance costs. The industry commenters express support for this alternative monitoring system because of a reported potential for measurement error associated with COMS at levels below 10 percent opacity, which they believe is evidenced by the revisions to PS–1 for COMS (65 FR 48914, August 10, 2000).

We received comments opposing bag leak detection systems as an alternative to COMS from 11 members of one equipment vending firm, two private citizens, one State environmental agency, and representatives of the steelworker's union. These commenters do not agree that the proposed alternative is necessary because revisions to PS–1 (40 CFR part 60, appendix B) in EPA's 2002 ''Conditional Performance Specification for Measurement 0–10% Opacity'' (designed specifically for EAF) ensure accurate COMS measurements below 10 percent opacity. The conditional performance specification addresses the limitations of PS–1 and the technical problems described in the industry's study. In addition, a low-opacity COMS that meets PS–1 and the conditional performance specification has been installed and certified on EAF. The low-opacity COMS costs only 15 percent more than a standard COMS and is easy to use. One commenter also contends that EPA has not shown in the administrative record that steel mini-mills have been improperly burdened by enforcement actions based on erroneous opacity readings below 10 percent. Another stated that allowing the proposed alternative will increase emissions and noncompliance.

The commenters argue that plants cannot use bag leak detection systems to certify continuous compliance because they are not accurate enough and do not actually measure PM or opacity. In addition, Method 9 (40 CFR part 60, appendix B) cannot provide a reasonable check of bag leak detection systems because: (1) The method is good only at opacity levels of 7 to 8 percent; (2) COMS are necessary for some facilities where Method 9 is not applicable or accurate due to factors such as baghouse orientation or extreme southern latitudes, (3) the periodic readings are taken only once daily for 18 minutes during daylight hours and not during the operations that generate the most emissions, or (4) are subject to manipulation.

Response: We disagree with commenters that bag leak detectors are ineffective or inappropriate. We have required bag leak detection systems as monitoring systems in numerous national emission standards for hazardous air pollutants (NESHAP) developed under section 112 of the Clean Air Act (CAA). We are not aware of any States or EPA Regions with concerns about certifying continuous compliance for the numerous existing rules that utilize bag leak detection systems, and the commenters did not provide any specific information in support of their assertions. These systems have been demonstrated to be very effective at detecting leaks and bag failures on a continuing basis in many different applications. The systems provide timely information that can be used to reduce excess emissions that occur when unexpected leaks or failures occur.

Bag leak detection systems offer a viable and effective alternative to COMS for monitoring the performance of baghouses. While bag leak detection systems do not directly measure PM or opacity, they sense any increase in PM concentration at very low levels before emissions rise to a level that would result in observable opacity. Given the sensitivity of bag leak detection systems to changes in PM concentration, along with the daily Method 9 observations to verify the performance of the bag leak detection systems, allowing bag leak detections systems as an alternative to COMS will not increase emissions or noncompliance. In fact, the opposite is true. By requiring owners and operators to identify leaks quickly and to make prompt repairs, we expect facilities that elect to use the bag leak detection alternative will reduce emissions.

Upon further review of the appropriateness of bag leak detection systems for the final rules, we became aware that the proposed minimum sensitivity of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) was near the level of the PM standard (12 mg/dscm or 0.0052 gr/dscf). However, based on consultation with vendors of bag leak detections systems, it was determined that standard bag leak detections systems are easily capable of measuring baseline emissions of 1 milligram per actual cubic meter or lower. As a result, we are lowering the minimum sensitivity to 1 milligram per actual cubic meter (0.00044 grains per actual cubic foot). This change does not represent a significant departure from our proposed amendments because it does not affect the selection or cost of the bag leak detection systems available to owners or operators, but merely provides a more accurate representation of the minimum sensitivity of existing bag leak detection systems.

We disagree that Method 9 observations are inadequate to verify the performance of the bag leak detection systems. Although the human eye may not be able to distinguish opacity to the nearest 1 percent opacity, Method 9 observations were used as a basis for the 3 percent opacity limit. Method 9 involves 15 second opacity readings that are recorded at discrete values to the nearest 5 percent opacity, *i.e.*, values of either 0, 5, 10, or 15 percent, etc. Over a 6-minute period, Method 9 produces 24 readings that are used to develop the 6-minute average values. Method 9 readings were used to develop the original 3 percent opacity standard and continues to be the performance test method for determining compliance identified for these final rules as well as many others for measurement of opacity. As such, the proposed daily Method 9 observations are directly applicable and appropriate for the verification of the performance of the bag leak detection systems (as well as their direct use to assess compliance).

We do not agree that the commenter's concerns about limitations on the times that Method 9 may be conducted necessitate the use of COMS. Method 9 and 40 CFR 60.273(c) and 40 CFR 60.273a(c) specify the conditions under which the tests are to be conducted. Owners and operators must schedule and conduct the daily Method 9 reading such that these conditions are met. We do not know of any EAF facility that would be unable to meet the Method 9 requirements due to baghouse orientation and extreme southern latitude, and the commenter did not provide any specific information in support of their assertions. Also, the requirement to perform the Method 9 observation during melting and refining is consistent with the existing requirements for Method 9 observations on EAF stacks that are not equipped with COMS (40 CFR 60.273(c), 60.273a(c), 60.275(i) and 60.275a(i)).

The availability of low opacity COMS also does not warrant withholding bag leak detection systems as an alternative monitoring option. Although the installation and certification of new low-opacity COMS technology and the development of the conditional performance specification appear promising, additional steps are needed in the process before we can require their application. The conditional performance specification still must be approved as an alternative method or a revision to PS–1 before a source may use it to meet Federal requirements under 40 CFR part 60, 61, or 63. During that process, the specification is potentially subject to change based on the review of additional validation studies or on public comments as part of the process for adoption as an EPA test method or as a revision to PS–1. Nonetheless, an owner or operator who would prefer to use a low-opacity COMS could install a low-opacity COMS and certify it using PS–1, or apply to certify the low opacity COMS based on the conditional performance specification as an alternative monitoring option as allowed under the NSPS General Provisions (40 CFR part 60, appendix A).

Based on a review of public comments, we maintain that the bag leak detection systems provide a reasonable alternative to the COMS requirements.

Comment: Two industry commenters state that the bag leak detection system alternative does not resolve the potential measurement error associated with COMS readings at the 3 percent opacity level and thus does not resolve the petition to reopen the NSPS. The commenters cite statements in the rulemaking for PS–1 regarding the technological limitations of COMS, including a comment by an American Society for Testing and Materials (ASTM) representative that the ASTM standard for COMS (ASTM D6216–98), which is incorporated in PS–1, ensures accurate COMS measurements only at sources with opacity limits of 10 percent or greater. They also cite EPA's estimate of the upper range of potential measurement error of 4 percent opacity, and an industry study finding that COMS complying with PS–1 requirements have a potential error band of 7.5 percent.

The commenters stated that inaccurate data results in negative legal implications, such as exposure to inappropriate enforcement actions, hurdles to certifications of continuous compliance in the title V permitting program, and the triggering of additional excess emissions reports for false positive COMS readings. One commenter adds that false positive readings from COMS have occurred, as evidenced by simultaneous information from both COMS and Method 9 readings. The commenters stated that the proposed option does not resolve the industry's petition because it does not address the COMS error band issue. Not all facilities affected by the error band issue can replace COMS with bag leak detection systems due to costs, permit requirements, and the reluctance of EPA Regional Offices to approve the change. They request that EPA raise the excess reporting threshold to account for the error band, acknowledge that the COMS data within the error band are not credible evidence of opacity violations, or eliminate the COMS requirement in its entirety.

One commenter suggests that EPA retain the COMS requirements but require plants to report only the data that exceeds 10 percent opacity to address the error band issue. Opacity data less than 10 percent should not be recorded or reported.

Response: The alternatives suggested by the commenters do not provide adequate assurance and documentation that the opacity standard is being continuously maintained. Raising the excess reporting threshold would preclude the permitting authority and the public from obtaining information on any opacity exceedances falling below the new higher threshold (as high as 10 percent under the commenters' view) and thus undermine accountability to the 3 percent opacity standard. Eliminating the COMS requirement would result in the wholesale loss of continuous opacity measurements, even where exceedances are far above the potential error band.

The revisions to PS–1 explained that it was not appropriate to limit the applicability of PS–1 based on the level of the emission limit that would be measured. We determined that PS–1 should acknowledge the uncertainty associated with COMS measurements below 10 percent opacity and allow for consideration of the potential error (through statistical procedures or otherwise) when evaluating compliance with opacity standards below 10 percent. As commenters acknowledge,

EPA conducted a very conservative analysis of the upper range of potential measurement error that may be associated with COMS meeting PS–1 and found the upper range of potential measurement error to be about 4 percent. We also noted that a ''properly operating and aligned COMS should experience measurement error significantly less than this magnitude.'' Thus, instead of broadly limiting the applicability of COMS, any uncertainty should be addressed on a case-by-case basis.

We note that while COMS is the required monitoring method (in the absence of a source choosing the alternative monitoring option finalized today), Method 9 remains the performance test method and, as such, is the benchmark against which other data are compared in determining source compliance.[1] If the company believes the COMS data are not credible evidence of an opacity violation, it may dispute the materiality of such data in its compliance certification or excess emissions report.[2] It may also challenge the relevance and accuracy of the COMS data in a judicial or administrative tribunal.[3] Thus, it is not necessary or appropriate to make a broad determination that COMS data within the potential error band are not credible evidence of opacity violations.

In addition, the bag leak detection system alternative provides owners or operators who are concerned with the accuracy of COMS measurements the option to use bag leak detection systems instead of COMS. Case-by-case approval of this alternative monitoring method by EPA Regional Offices will no longer be necessary after the alternative is incorporated into the NSPS through today's final rule amendments.

Comment: Comments from the industry trade associations support the proposed alternative but oppose certain provisions. They suggest that: (1) Facilities should be allowed 1 hour (rather than 30 minutes) to initiate procedures to determine the cause of an alarm, (2) the proposed 3-hour limit for alleviating the cause of an alarm be replaced with ''as soon as practicable'' or ''within a reasonable time'' to account for scenarios that may take longer than 3 hours to identify and fix, and (3) facilities should not have to receive advance approval of their site-specific monitoring plan.

Response: A key and necessary component of the bag leak detection system alternative is the requirement to initiate corrective action and alleviate the cause of alarms as soon as possible. Providing specific time requirements makes the standard much clearer for both the regulators and the regulated community. Based on our experience with baghouses, bag leak detectors, and the various corrective actions that may be required, we determined that the 30-minute period to initiate corrective action was insufficient and should be revised to 1 hour. This change is consistent with the bag leak detection requirements we have promulgated in other rules.

We agree that the cause of the alarm should be alleviated as soon as practicable; however, the 3-hour limit is reasonable and necessary to ensure that corrective action needed to alleviate the cause of the alarm be taken to ensure timely action and to protect the environment. Most causes of an alarm can be fixed within the 3-hour limit. For example, modern baghouses have multiple compartments so that one compartment can be quickly isolated (*i.e.*, taken out of service) to perform maintenance or to isolate a leaking bag without requiring the process to be shut down. Nonetheless, we have added a provision to the final rule amendments stating that, as part of the site-specific monitoring plan, the Administrator or delegated authority may approve such additional time as necessary to ensure corrective action as expeditiously as practicable where the owner or operator identifies the condition that could lead to an alarm and adequately explains why the 3-hour limit for the condition is not feasible. This adequately addresses those few scenarios where more than 3 hours is necessary to alleviate the cause of the alarm.

We are retaining the requirement to receive advance approval of site-specific monitoring plans. Pre-approval of the monitoring plans serves several purposes. First, it provides EPA an indication of which monitoring method the facility will use. Second, it ensures that the monitors will be properly installed for all applicable emission points. In addition, it provides the owner or operator some assurance that the proposed monitoring approach will be satisfactory and may avoid unnecessary expenditures if the monitoring approach was found to be inadequate after it was implemented.

Comment: One commenter proposed a change to 40 CFR 60.723(e)(6)(ii), which reads: ''opacity over zero percent would require an adjustment of the bag leak detection system alarm levels.'' The commenter stated this should read ''over three percent.''

Response: As discussed above, a Method 9 opacity observation is composed of 24 individual, 15 second opacity readings. Each individual reading is recorded in 5 percent increments. As such, any visible emissions would be recorded as 5 percent opacity or greater. Baghouses in good working condition control emissions to below the level that would result in visible emissions (*i.e.*, zero percent). If visible emissions are observed from a baghouse, it is an indication that a leak has occurred, and the bag leak detection system should be adjusted to ensure the alarm sounds at that point or below.

Comment: One commenter stated the proposed amendment improperly relaxes monitoring requirements by allowing excursions from bag leak detection system operational parameters for up to 3 percent of facility operating hours. The commenter stated that this provision does not ensure continuous compliance with the opacity and particulate emission limits.

On the other hand, comments from industry trade associations oppose the 3 percent limit on alarms because: (1) It undermines the purpose of bag leak detection systems, which is to detect emissions before they become exceedances; and (2) the limit assumes that alarms equate to exceedances or that the alarms indicate poor operation. The number of alarms may reflect only how low a facility sets the alarm level, and the operating limit serves to increase the stringency of the emission limit. Instead, the commenter suggests that EPA adopt an alarm threshold above which plants would be required to implement a quality improvement plan or adopt a threshold of 5 percent as it has done in other rules. The proposed amendments should also describe more clearly how operating time is to be calculated and confirm what operations would constitute a startup, shutdown, or malfunction.

Response: We reconsidered the 3 percent limit on alarms for baghouse leak detection system alarms as applied to EAF. We have no data indicating that the 3 percent limit on alarms has been applied to these operations, and we have no firm basis for determining what level, if any, might be appropriate for these operations. We agree that the

[1] *See* Credible Evidence Revisions (62 FR 8314, February 24, 1997) (''the reference tests remain the benchmark against which * * * other information will be evaluated.'').

[2] *See Natural Resources Defense Council* v. *EPA,* 194 F.3d 130, 138 (D.C. Cir. 1999) (''[N]othing precludes an owner from adding a caveat to its certification to the effect that, while it is providing other evidence which EPA might find material, the submitter disputes its materiality and reserves the right to challenge the use of the evidence in court.'').

[3] *See* 62 FR at 8322; *Grand Canyon Trust* v. *Public Serv. Co. of New Mexico,* 294 F. Supp. 2d 1246 (D.N.M. 2003).

purpose of bag leak detection systems is to detect emissions before they become exceedances. For these reasons, we have dropped the 3 percent limit on alarms. However, it is important that corrective action be initiated promptly; consequently, we require that corrective actions be initiated within 1 hour of an alarm to ensure baghouses are well maintained and operated properly on a continuing basis. Excessive alarms are effectively limited by the general duty under 40 CFR 60.11(d) to maintain and operate air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions.

In response to the comments, we have not included the following proposed provisions in the final rule amendments: (1) The definition of ''operating time'' in 40 CFR 60.271(p) and 60.271a, (2) the proposed operating limit in 40 CFR 63.273(g) and 63.273a(g), (3) associated provisions in 40 CFR 63.273(h) and 63.273a(h) for determining how to calculate the percentage of time the alarm sounds, and (4) associated recordkeeping and recording requirements in 40 CFR 63.276(e) and (f) and 40 CFR 63.276a(h)(4) and (i).

Comment: One commenter asks EPA to specify whether bag leak detection system records must be reported according to the requirements in 40 CFR 70.6(c) and 71.6(c) and whether the records may be used to establish violations under the NSPS credible evidence requirements in 40 CFR 60.11. Should EPA remove the 3 percent allowance for operation of the EAF and fume collection system while the bag leak detection system indicates bag leaks or pressure loss, the amendments should clarify that any system failures that cause an alarm are evidence of a violation.

Response: With regard to recordkeeping and reporting requirements under 40 CFR part 70, 40 CFR 70.6(c) and 71.6(c) clearly require that title V permits include recordkeeping and reporting provisions covering the bag leak detection system records in this NSPS (40 CFR 60.273(c), 60.273a(c), 60.276(e), and 60.276a(h)). The part 70 regulations state that title V permits must contain recordkeeping and reporting requirements consistent with 40 CFR 70.6(a)(3) and 71.6(a)(3), respectively. Those provisions further provide that the permit must incorporate ''all applicable recordkeeping requirements, including ''[r]ecords of required monitoring information,'' and ''all applicable reporting requirements.'' They also require ''[s]ubmittal of reports of any required monitoring at least every six months.''

Whether such records establish violations of the opacity limit will vary depending on the circumstances presented. As stated previously, the purpose of bag leak detection systems is to detect emissions before they become exceedances. Whether a particular alarm or exceedance can be used as credible evidence of such a violation depends upon the facts presented in each case. Additionally, as we stated in the preamble to the credible evidence rule, ''what evidence is credible and admissible will be determined by * * * taking into account how the evidence was gathered and the specifics of the emission standard and any associated reference method.'' (62 FR 8314, 8323, February 24, 1997).[4]

Independent of whether a particular alarm or exceedance is credible evidence of a violation of the opacity limit, sources have a duty to comply with the baghouse leak detection system monitoring requirements where a source chooses such monitoring as an alternative to COMS, and failure to comply with the monitoring requirements could give rise to an enforcement action under section 113(a)(3) or section 304(a) of the CAA.

Comment: Comments from industry trade associations do not oppose the editorial corrections to 40 CFR 60.274(c) and 60.274a(c), but the commenter questions why the proposed wording of the regulatory text differs from the existing rule. The existing rule was amended on October 17, 2000, to read:

> (c) When the owner or operator of an affected facility is required to demonstrate compliance with the standards under § 63.272(a)(3) *and at any other time that the Administrator may require* (under section 114 of the CAA, as amended) either * * *.

The proposed regulatory text reads ''at any other time the Administrator may require *that*''. The industry commenters believe the location of the word ''that'' could change the meaning of the paragraph. The paragraph could be interpreted as allowing the Administrator to choose which of the three monitoring options a facility must follow. To clarify this issue, the word ''that'' should follow ''at any other time.''

Response: We did not intend to alter the placement of the word ''that'' in 40 CFR 60.274(c) and 60.274a(c). We have revised the placement of the word ''that'' in the final rule amendment to follow ''at any other time,'' as suggested by the commenter, to clarify that the Administrator does not choose which of the three monitoring options a facility must use.

V. Statutory and Executive Order Reviews

A. Executive Order 12866, Regulatory Planning and Review

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

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that the final rule amendments are not a ''significant regulatory action'' under the terms of Executive Order 12866 and are, therefore, not subject to OMB review.

B. Paperwork Reduction Act

The information collection requirements in the final rule amendments have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them.

The information requirements in the final rule amendments are based on notification, recordkeeping, and reporting requirements in the NSPS General Provisions (40 CFR part 60, subpart A), which are mandatory for all operators subject to NSPS. The records and reports required by these rule amendments are necessary for EPA to: (1) Identify new, modified, or reconstructed sources subject to the

[4] The Agency further explained that it would not issue lists of presumptively credible evidence, explaining that ''both judicial and administrative tribunals routinely make determinations concerning the admissibility and weight of evidence on a case-by-case basis.'' (*See* 62 FR 8316.) Such case-by-case evaluations would apply to data generated by bag leak detection systems.

rule; (2) ensure that the rule requirements are being properly applied; and (3) ensure that the emission control devices are being properly operated and maintained on a continuous basis. Based on the reported information, EPA can decide which plants, records, or processes should be inspected. The recordkeeping and reporting requirements are specifically authorized by section 114 of the CAA (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency policies in 40 CFR part 2, subpart B.

The annual increase to monitoring, recordkeeping, and reporting burden for the final rule amendments are estimated at 1,750 labor hours at a total cost of $96,145 nationwide, and the annual average increase in burden is 175 labor hours and $9,615 per source. The estimate of the increase in annual monitoring, recordkeeping, and reporting annual cost in the final rule amendment is higher than the estimate made in the proposal by $34,878, which is due to the use of a higher cost of labor estimate ($26.16/hr, $54.94/hr including overhead) than was used in the proposal ($16.67/hr, $35.01/hr including overhead). We estimate that there will be no increase in the annualized capital costs due to the final rule amendments. We estimate that the annualized costs associated with purchasing and installing a bag leak detection system are equal to the offsetting annualized cost savings associated with the discontinued use and periodic replacement of a COMS. In making the estimates, it was assumed that ten existing facilities currently required to install and operate COMS would elect to use the proposed alternative monitoring option. The cost estimates reflect increased costs associated with the installation and operation of a bag leak detection system and with daily opacity observations partially offset by the cost savings from no longer having to operate and maintain a COMS.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purpose 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 respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations in 40 CFR part 60 are listed in 40 CFR part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the **Federal Register** to display the OMB control number for the approved information collection requirements contained in these final rule amendments.

C. Regulatory Flexibility Analysis

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with the final rule amendments. For the purposes of assessing the economic impact of today's final rule amendments on small entities, small entity is defined as: (1) A small business according to U.S. Small Business Administration size standards for NAICS code 331111 having no more than 1,000 employees; (2) a small government jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and that is not dominant in its field.

After considering the economic impacts of today's final rule amendments on small entities, EPA has concluded that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact of the proposed rule on small entities'' (5 U.S.C. 603 and 604). Thus, an agency may conclude that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic impact on all of the small entities subject to the rule.

The final rule amendments provide a new compliance option for all facilities (large or small) that is designed to increase flexibility. We have, therefore, concluded that today's final rule amendments will relieve regulatory burden for all small entities.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least-burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that the final rule amendments do not contain a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector in any 1 year. The maximum total annualized costs of the final rule amendments for any year is estimated at less than $97,000. Thus, today's final rule amendments are not subject to sections 202 and 205 of the UMRA. The EPA has also determined

that the final rule amendments contain no regulatory requirements that might significantly or uniquely affect small governments because they contain no requirements that apply to such governments or impose obligations upon them. Thus, today's final rule amendments are not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

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

The final rule amendments do not have federalism implications. They will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. None of the affected facilities are owned or operated by State governments, and the requirements of the final rule amendments will not supersede State regulations that are more stringent. Thus, Executive Order 13132 does not apply to the final rule amendments.

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

Executive Order 13175 (65 FR 67249, November 9, 2000) requires EPA to develop an accountable process to ensure ''meaningful and timely input in the development of regulatory policies on matters that have tribal implications.''

The final rule amendments do not have tribal implications, as specified in Executive Order 13175. They will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes. No tribal governments own or operate an affected source. Thus, Executive Order 13175 does not apply to the final rule amendments.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. The final rule amendments are not subject to Executive Order 13045 because they are based on control technology and not on health or safety risks. No children's risk analysis was performed because the action only provides EAF owners and operators with an alternative monitoring option. Furthermore, the final rule amendments have been determined not to be ''economically significant'' as defined under Executive Order 12866.

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

The final rule amendments are not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because they are not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. No. 104–113; 15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, business practices) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs EPA to provide Congress, through annual reports to the OMB, with explanations when the Agency decides not to use available and applicable voluntary consensus standards. The final rule amendments do not involve voluntary consensus standards.

J. Congressional Review Act

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

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedures, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 14, 2005.

Stephen L. Johnson,

Acting Administrator.

■ For the reasons set out in the preamble, title 40, chapter I, part 60 of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

■ 1. The authority citation for part 60 continues to read as follows:

Subpart AA—[Amended]

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

■ 2. Section 60.271 is amended by adding new paragraph (o) to read as follows:

§ 60.271 Definitions.

* * * * *

(o) *Bag leak detection system* means a system that is capable of continuously monitoring relative particulate matter (dust) loadings in the exhaust of a baghouse to detect bag leaks and other conditions that result in increases in particulate loadings. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, electrodynamic, light scattering, light transmittance, or other effect to continuously monitor relative particulate matter loadings.

■ 3. Section 60.273 is amended by revising paragraph (c) and adding new

paragraphs (e), (f), and (g) to read as follows:

§ 60.273 Emission monitoring.

* * * * *

(c) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device(s) is not required on any modular, multi-stack, negative-pressure or positive-pressure fabric filter if observations of the opacity of the visible emissions from the control device are performed by a certified visible emission observer; or on any single-stack fabric filter if visible emissions from the control device are performed by a certified visible emission observer and the owner installs and continuously operates a bag leak detection system according to paragraph (e) of this section. Visible emission observations shall be conducted at least once per day for at least three 6-minute periods when the furnace is operating in the melting and refining period. All visible emissions observations shall be conducted in accordance with Method 9 of appendix A to this part. If visible emissions occur from more than one point, the opacity shall be recorded for any points where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of the visible emission, only one set of three 6-minute observations will be required. In that case, the Method 9 observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident. Records shall be maintained of any 6-minute average that is in excess of the emission limit specified in § 60.272(a).

* * * * *

(e) A bag leak detection system must be installed and continuously operated on all single-stack fabric filters if the owner or operator elects not to install and operate a continuous opacity monitoring system as provided for under paragraph (c) of this section. In addition, the owner or operator shall meet the visible emissions observation requirements in paragraph (c) of this section. The bag leak detection system must meet the specifications and requirements of paragraphs (e)(1) through (8) of this section.

(1) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 1 milligram per actual cubic meter (0.00044 grains per actual cubic foot) or less.

(2) The bag leak detection system sensor must provide output of relative particulate matter loadings and the owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (*e.g.*, using a strip chart recorder or a data logger.)

(3) The bag leak detection system must be equipped with an alarm system that will sound when an increase in relative particulate loading is detected over the alarm set point established according to paragraph (e)(4) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.

(4) For each bag leak detection system required by paragraph (e) of this section, the owner or operator shall develop and submit to the Administrator or delegated authority, for approval, a site-specific monitoring plan that addresses the items identified in paragraphs (i) through (v) of this paragraph (e)(4). For each bag leak detection system that operates based on the triboelectric effect, the monitoring plan shall be consistent with the recommendations contained in the U.S. Environmental Protection Agency guidance document ''Fabric Filter Bag Leak Detection Guidance'' (EPA–454/R–98–015). The owner or operator shall operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. The plan shall describe:

(i) Installation of the bag leak detection system;

(ii) Initial and periodic adjustment of the bag leak detection system including how the alarm set-point will be established;

(iii) Operation of the bag leak detection system including quality assurance procedures;

(iv) How the bag leak detection system will be maintained including a routine maintenance schedule and spare parts inventory list; and

(v) How the bag leak detection system output shall be recorded and stored.

(5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time (if applicable).

(6) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided for in paragraphs (e)(6)(i) and (ii) of this section.

(i) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects including temperature and humidity according to the procedures identified in the site-specific monitoring plan required under paragraphs (e)(4) of this section.

(ii) If opacities greater than zero percent are observed over four consecutive 15-second observations during the daily opacity observations required under paragraph (c) of this section and the alarm on the bag leak detection system does not sound, the owner or operator shall lower the alarm set point on the bag leak detection system to a point where the alarm would have sounded during the period when the opacity observations were made.

(7) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detection sensor must be installed downstream of the baghouse and upstream of any wet scrubber.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(f) For each bag leak detection system installed according to paragraph (e) of this section, the owner or operator shall initiate procedures to determine the cause of all alarms within 1 hour of an alarm. Except as provided for in paragraph (g) of this section, the cause of the alarm must be alleviated within 3 hours of the time the alarm occurred by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:

(1) Inspecting the baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in particulate emissions;

(2) Sealing off defective bags or filter media;

(3) Replacing defective bags or filter media or otherwise repairing the control device;

(4) Sealing off a defective baghouse compartment;

(5) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or

(6) Shutting down the process producing the particulate emissions.

(g) In approving the site-specific monitoring plan required in paragraph (e)(4) of this section, the Administrator or delegated authority may allow owners or operators more than 3 hours to alleviate specific conditions that cause an alarm if the owner or operator identifies the condition that could lead to an alarm in the monitoring plan,

adequately explains why it is not feasible to alleviate the condition within 3 hours of the time the alarm occurred, and demonstrates that the requested additional time will ensure alleviation of the condition as expeditiously as practicable.

■ 4. Section 60.274 is amended by revising the first sentence of paragraph (c) to read as follows:

§ 60.274 Monitoring of operations.

* * * * *

(c) When the owner or operator of an affected facility is required to demonstrate compliance with the standards under § 60.272(a)(3) and at any other time that the Administrator may require (under section 114 of the CAA, as amended) either: the control system fan motor amperes and all damper positions, the volumetric flow rate through each separately ducted hood, or the volumetric flow rate at the control device inlet and all damper positions shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the affected facility subject to paragraph (b) of this section. * * *

* * * * *

■ 5. Section 60.275 is amended by revising paragraph (i) to read as follows:

§ 60.275 Test methods and procedures.

* * * * *

(i) If visible emissions observations are made in lieu of using a continuous opacity monitoring system, as allowed for by § 60.273(c), visible emission observations shall be conducted at least once per day for at least three 6-minute periods when the furnace is operating in the melting and refining period. All visible emissions observations shall be conducted in accordance with Method 9. If visible emissions occur from more than one point, the opacity shall be recorded for any points where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of the visible emission, only one set of three 6-minute observations will be required. In that case, the Method 9 observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident. Records shall be maintained of any 6-minute average that is in excess of the emission limit specified in § 60.272(a).

* * * * *

■ 6. Section 60.276 is amended by adding new paragraph (e) to read as follows:

§ 60.276 Recordkeeping and reporting requirements.

* * * * *

(e) The owner or operator shall maintain the following records for each bag leak detection system required under § 60.273(e):

(1) Records of the bag leak detection system output;

(2) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and

(3) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, if procedures were initiated within 1 hour of the alarm, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and if the alarm was alleviated within 3 hours of the alarm.

Subpart AAa—[Amended]

■ 7. Section 60.271a is amended by adding, in alphabetical order, a definition for ''Bag leak detection system'' as follows:

§ 60.271a Definitions.

* * * * *

Bag leak detection system means a system that is capable of continuously monitoring relative particulate matter (dust) loadings in the exhaust of a baghouse to detect bag leaks and other conditions that result in increases in particulate loadings. A bag leak detection system includes, but is not limited to, an instrument that operates on triboelectric, electrodynamic, light scattering, light transmittance, or other effect to continuously monitor relative particulate matter loadings.

* * * * *

■ 8. Section 60.273a is amended by revising paragraph (c) and adding new paragraphs (e) and (f) to read as follows:

§ 60.273a Emission monitoring.

* * * * *

(c) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device(s) is not required on any modular, multi-stack, negative-pressure or positive-pressure fabric filter if observations of the opacity of the visible emissions from the control device are performed by a certified visible emission observer; or on any single-stack fabric filter if visible emissions from the control device are performed by a certified visible emission observer and the owner installs and continuously operates a bag leak detection system according to paragraph (e) of this section. Visible emission observations shall be conducted at least once per day for at least three 6-minute periods when the furnace is operating in the melting and refining period. All visible emissions observations shall be conducted in accordance with Method 9. If visible emissions occur from more than one point, the opacity shall be recorded for any points where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of the visible emission, only one set of three 6-minute observations will be required. In that case, the Method 9 observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident. Records shall be maintained of any 6-minute average that is in excess of the emission limit specified in § 60.272a(a).

* * * * *

(e) A bag leak detection system must be installed and continuously operated on all single-stack fabric filters if the owner or operator elects not to install and operate a continuous opacity monitoring system as provided for under paragraph (c) of this section. In addition, the owner or operator shall meet the visible emissions observation requirements in paragraph (c) of this section. The bag leak detection system must meet the specifications and requirements of paragraphs (e)(1) through (8) of this section.

(1) The bag leak detection system must be certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 1 milligram per actual cubic meter (0.00044 grains per actual cubic foot) or less.

(2) The bag leak detection system sensor must provide output of relative particulate matter loadings and the owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (*e.g.,* using a strip chart recorder or a data logger.)

(3) The bag leak detection system must be equipped with an alarm system that will sound when an increase in relative particulate loading is detected over the alarm set point established according to paragraph (e)(4) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.

(4) For each bag leak detection system required by paragraph (e) of this section,

the owner or operator shall develop and submit to the Administrator or delegated authority, for approval, a site-specific monitoring plan that addresses the items identified in paragraphs (i) through (v) of this paragraph (e)(4). For each bag leak detection system that operates based on the triboelectric effect, the monitoring plan shall be consistent with the recommendations contained in the U.S. Environmental Protection Agency guidance document ''Fabric Filter Bag Leak Detection Guidance'' (EPA–454/R–98–015). The owner or operator shall operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. The plan shall describe the following:

(i) Installation of the bag leak detection system;

(ii) Initial and periodic adjustment of the bag leak detection system including how the alarm set-point will be established;

(iii) Operation of the bag leak detection system including quality assurance procedures;

(iv) How the bag leak detection system will be maintained including a routine maintenance schedule and spare parts inventory list; and

(v) How the bag leak detection system output shall be recorded and stored.

(5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time (if applicable).

(6) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point, or alarm delay time without approval from the Administrator or delegated authority except as provided for in paragraphs (e)(6)(i) and (ii) of this section.

(i) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects including temperature and humidity according to the procedures identified in the site-specific monitoring plan required under paragraphs (e)(4) of this section.

(ii) If opacities greater than zero percent are observed over four consecutive 15-second observations during the daily opacity observations required under paragraph (c) of this section and the alarm on the bag leak detection system does not sound, the owner or operator shall lower the alarm set point on the bag leak detection system to a point where the alarm would have sounded during the period when the opacity observations were made.

(7) For negative pressure, induced air baghouses, and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detection sensor must be installed downstream of the baghouse and upstream of any wet scrubber.

(8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(f) For each bag leak detection system installed according to paragraph (e) of this section, the owner or operator shall initiate procedures to determine the cause of all alarms within 1 hour of an alarm. Except as provided for under paragraph (g) of this section, the cause of the alarm must be alleviated within 3 hours of the time the alarm occurred by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to, the following:

(1) Inspecting the baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in particulate emissions;

(2) Sealing off defective bags or filter media;

(3) Replacing defective bags or filter media or otherwise repairing the control device;

(4) Sealing off a defective baghouse compartment;

(5) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; and

(6) Shutting down the process producing the particulate emissions.

(g) In approving the site-specific monitoring plan required in paragraph (e)(4) of this section, the Administrator or delegated authority may allow owners or operators more than 3 hours to alleviate specific conditions that cause an alarm if the owner or operator identifies the condition that could lead to an alarm in the monitoring plan, adequately explains why it is not feasible to alleviate the condition within 3 hours of the time the alarm occurred, and demonstrates that the requested additional time will ensure alleviation of the condition as expeditiously as practicable.

■ 9. Section 60.274a is amended by revising the first sentence of paragraph (b), revising the first sentence of paragraph (c), revising the first sentence of paragraph (d), and revising paragraph (e) to read as follows:

§ 60.274a Monitoring of operations.

* * * * *

(b) Except as provided under paragraph (e) of this section, the owner or operator subject to the provisions of this subpart shall check and record on a once-per-shift basis the furnace static pressure (if DEC system is in use, and a furnace static pressure gauge is installed according to paragraph (f) of this section) and either: check and record the control system fan motor amperes and damper position on a once-per-shift basis; install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate through each separately ducted hood; or install, calibrate, and maintain a monitoring device that continuously records the volumetric flow rate at the control device inlet and check and record damper positions on a once-per-shift basis.* * *

(c) When the owner or operator of an affected facility is required to demonstrate compliance with the standards under § 60.272a(a)(3) and at any other time that the Administrator may require (under section 114 of the CAA, as amended) either: the control system fan motor amperes and all damper positions, the volumetric flow rate through each separately ducted hood, or the volumetric flow rate at the control device inlet and all damper positions shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the affected facility subject to paragraph (b) of this section. * * *

(d) Except as provided under paragraph (e) of this section, the owner or operator shall perform monthly operational status inspections of the equipment that is important to the performance of the total capture system (*i.e.*, pressure sensors, dampers, and damper switches). * * *

(e) The owner or operator may petition the Administrator to approve any alternative to either the monitoring requirements specified in paragraph (b) of this section or the monthly operational status inspections specified in paragraph (d) of this section if the alternative will provide a continuous record of operation of each emission capture system.

* * * * *

■ 10. Section 60.276a is amended by adding new paragraph (h) to read as follows:

§ 60.276a Recordkeeping and reporting requirements.

* * * * *

(h) The owner or operator shall maintain the following records for each bag leak detection system required under § 60.273a(e):

(1) Records of the bag leak detection system output;

(2) Records of bag leak detection system adjustments, including the date

and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and

(3) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, if procedures were initiated within 1 hour of the alarm, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and if the alarm was alleviated within 3 hours of the alarm.

* * * * *

[FR Doc. 05–3360 Filed 2–18–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket No. FEMA–7867]

Suspension of Community Eligibility

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

ACTION: Final rule.

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

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

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

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

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

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

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

PART 64—[AMENDED]

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

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR,

1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assist ance no longer available in special flood hazard areas
Region IV				
Florida:				
Islamorada, Village of, Monroe County	120424	October 1, 1998, Emerg; October 1, 1998, Reg; February 18, 2005, Susp.	Feb. 18, 2005 ...	Feb. 18, 2005.
Marathon, City of, Monroe County	120681	October 16, 2000, Emerg; October 16, 2000, Reg; February 18, 2005, Susp.	.....do *	Do.
North Carolina: Lumberton, City of, Robeson County.	370203	March 5, 1975, Emerg; November 5, 1980, Reg; February 18, 2005, Susp.	Jan. 19, 2005 ...	Do.
Orrum, Town of, Robeson County	370349	March 11, 1997, Emerg; March 11, 1997, Reg; February 18, 2005, Susp.	.....do	Do.
Region VI				
Arkansas:				
Caldwell, Town of, St. Francis County ..	050185	May 28, 1975, Emerg; October 19, 1982, Reg; Feb. 18, 2005, Susp.	Feb. 18, 2005 ...	Do.
Forrest City, City of, St. Francis County	050187	May 5, 1975, Emerg; December 4, 1979, Reg; February 18, 2005, Susp.	.....do	Do.
Hughes, City of, St. Francis County	050188	July 11, 1975, Emerg; November 1, 1985, Reg; February 18, 2005, Susp.	.....do	Do.
Palestine, City of, St. Francis County ...	050359	June 17, 1975, Emerg; October 12, 1982, Reg; February 18, 2005, Susp.	.....do	Do.
St. Francis County, Unincorporated Areas.	050184	September 4, 1979, Emerg; November 1, 1985, Reg; February 18, 2005, Susp.	.....do	Do.
Wheatley, City of, St. Francis County ...	050384	August 17, 1983, Emerg; September 4, 1985, Reg; February 18, 2005, Susp.	.....do	Do.
Missouri:				
Callaway County, Unincorporated Areas	290049	September 30, 1983, Emerg; January 3, 1985, Reg; February 18, 2005, Susp.	.....do	Do.
Fulton, City of, Callaway County	290051	July 19, 1976, Emerg; June 15, 1983, Reg; February 18, 2005, Susp.	.....do	Do.
Jefferson, City of, Callaway County	290108	April 23, 1971, Emerg; April 15, 1980, Reg; February 18, 2005, Susp.	.....do	Do.

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

David I. Maurstad,

Acting Mitigation Division Director, Emergency Preparedness and Response Directorate.

[FR Doc. 05–3266 Filed 2–18–05; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–292; MB Docket No. 04–288, RM–11045]

Radio Broadcasting Services; Rhinelander, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Results Broadcasting of Rhinelander, Inc., the Audio Division allots Channel 243C3 at Rhinelander, Wisconsin as the community's fourth local transmission service. *See* 69 FR 48443, August 10, 2004. Channel 243C3 is allotted at Rhinelander with a site restriction of 14.9 kilometers (9.3 miles) east of the community. Because this site is within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested for this allotment. Coordinates for Channel 243C3 at Rhinelander are 45–39–43 NL and 89–13–25 WL. A filing window period for Channel 243C3 for Rhinelander, Wisconsin will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

DATES: Effective March 21, 2005.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 04–288, adopted February 2, 2005, and released February 4, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20054, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability

Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ 47 CFR part 73 is amended as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Channel 243C3 at Rhinelander.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–3311 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–294, MB Docket No. 04–224, RM–10853, RM–10854]

Radio Broadcasting Services; Lake Havasu City, Arizona and Pahrump, NE

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a petition filed by SSR Communications Incorporated proposing the allotment of Channel 272C3 at Pahrump, Nevada, as that community's third local service. *See* 69 FR 35560, published June 25, 2004. This document also denies a petition filed by Steven M. Greeley, licensee of Station KJJJ(FM), Lake Havasu City, Arizona, requesting the substitution of Channel 272C for Channel 272B at Lake Havasu City, Arizona, reallotment of Channel 272C from Lake Havasu City to Pahrump, Nevada, as its third local service, and modification of Station KJJJ(FM)'s license accordingly. Channel 272C3 can be allotted to Pahrump, consistent with the minimum distance separation requirements of section 73.207(b) of the Commission's Rules, provided there is a site restriction of 6.1 kilometers (3.8 miles) northwest of the community. The reference coordinates for Channel 272C3 at Pahrump are 36–14–09 North Latitude and 116–02–32 West Longitude.

DATES: Effective March 21, 2005.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* MB Docket No. 04–224, adopted February 2, 2005, and released February 4, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20054, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by adding Channel 272C3 at Pahrump.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–3310 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 205

[DFARS Case 2004–D025]

Defense Federal Acquisition Regulation Supplement; Provision of Information to Cooperative Agreement Holders

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement section 816 of the National Defense Authorization Act for Fiscal Year 2005. Section 816 increases, from $500,000 to $1,000,000, the threshold at which a DoD contract must include a requirement for the contractor to provide to cooperative agreement holders, upon their request, a list of the contractor's employees who are responsible for entering into subcontracts.

DATES: *Effective date:* February 22, 2005.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before April 25, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2004–D025, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil.* Include DFARS Case 2004–D025 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Michele Peterson, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, (703) 602–0311.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule implements Section 816 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375). Section 816 amends 10 U.S.C. 2416(d) to increase, from $500,000 to $1,000,000, the threshold at which a DoD contract must include a requirement for the contractor to provide to cooperative agreement holders, upon their request, a list of the contractor's employees who are responsible for entering into subcontracts. The rule amends the prescription for use of the clause at DFARS 252.205–7000, Provision of Information to Cooperative Agreement Holders, to reflect the new dollar threshold.

This rule was not subject to Office of Management and Budget review under

Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* While the rule will reduce administrative burdens for contractors, the economic impact is not expected to be substantial. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2004–D025.

C. Paperwork Reduction Act

The information collection requirements of the clause at DFARS 252.205–7000, Provision of Information to Cooperative Agreement Holders, have been approved by the Office of Management and Budget, under Control Number 0704–0286, for use through September 30, 2007.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 816 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375). Section 816 amends 10 U.S.C. 2416(d) to increase, from $500,000 to $1,000,000, the threshold at which a DoD contract must include a requirement for the contractor to provide to cooperative agreement holders, upon their request, a list of the contractor's employees who are responsible for entering into subcontracts. Section 816 became effective upon enactment on October 28, 2004. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 205

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 205 is amended as follows:

PART 205—PUBLICIZING CONTRACT ACTIONS

■ 1. The authority citation for 48 CFR part 205 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

205.470 [Amended]

■ 2. Section 205.470 is amended in the first sentence by removing ''$500,000'' and adding in its place ''$1,000,000''.

[FR Doc. 05–3200 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 225

[DFARS Case 2004–D002]

Defense Federal Acquisition Regulation Supplement; Polyacrylonitrile Carbon Fiber—Restriction to Domestic Sources; Correction

AGENCY: Department of Defense (DoD).

ACTION: Correction to final rule.

SUMMARY: DoD is issuing a correction to the final rule published at 70 FR 6374–6375 on February 7, 2005, that extended the ending date for phasing out domestic source restrictions on the acquisition of polyacrylonitrile (PAN) carbon fiber. The correction revises the terminology used to describe milestone B in the development of a major system, for consistency with the terminology used in DoD Instruction 5000.2, Operation of the Defense Acquisition System.

EFFECTIVE DATE: February 7, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

List of Subjects in 48 CFR Part 225

Government procurement.

■ Therefore, 48 CFR part 225 is amended as follows:

PART 225—FOREIGN ACQUISITION

■ 1. The authority citation for 48 CFR part 225 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

■ 2. Section 225.7103–3 is corrected to read as follows:

225.7103–3 Contract clause.

Use the clause at 252.225–7022, Restriction on Acquisition of Polyacrylonitrile (PAN) Carbon Fiber, in solicitations and contracts for major systems issued on or before May 31, 2006, if the system is not yet in development and demonstration (milestone B as defined in DoDI 5000.2).

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

[FR Doc. 05–3204 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 228

[DFARS Case 2003–D033]

Defense Federal Acquisition Regulation Supplement; Bonds

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the use of fidelity and forgery bonds under DoD contracts. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

EFFECTIVE DATE: February 22, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Euclides Barrera, Defense Acquisition Regulations Council, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0296; facsimile (703) 602–0350. Please cite DFARS Case 2003–D033.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm.*

This final rule is a result of the DFARS Transformation initiative. The rule—

• Amends DFARS 228.105 to clarify that fidelity and forgery bonds are authorized for use under certain circumstances; and

• Amends DFARS 228.106–7(a) to update a cross-reference.

DoD published a proposed rule at 69 FR 48444 on August 10, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule updates and clarifies DFARS text, with no substantive change in policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 228

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 228 is amended as follows:

PART 228–BONDS AND INSURANCE

■ 1. The authority citation for 48 CFR part 228 continues to read as follows:

■ 2. Section 228.105 is revised to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

228.105 Other types of bonds.

Fidelity and forgery bonds generally are not required but are authorized for use when—

(1) Necessary for the protection of the Government or the contractor; or

(2) The investigative and claims services of a surety company are desired.

228.106–7 [Amended]

■ 3. Section 228.106–7 is amended in paragraph (a) by revising the parenthetical to read ''(see FAR 32.112–1(b))''.

[FR Doc. 05–3205 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 229

[DFARS Case 2003–D032]

Defense Federal Acquisition Regulation Supplement; Resolving Tax Problems

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to resolution of tax problems under DoD contracts. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

EFFECTIVE DATE: February 22, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Euclides Barrera, Defense Acquisition Regulations Council, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0296; facsimile (703) 602–0350. Please cite DFARS Case 2003–D032.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm*.

This final rule is a result of the DFARS Transformation initiative. The rule revises DFARS 229.101 to remove text pertaining to (1) resolution of issues regarding the applicability of taxes under DoD contracts; and (2) tax relief agreements between the United States and European governments. This text has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi*.

DoD published a proposed rule at 69 FR 48445 on August 10, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule relocates DoD procedural information related to tax relief, with no substantive change in policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 229

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 229 is amended as follows:

PART 229—TAXES

■ 1. The authority citation for 48 CFR part 229 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

■ 2. Subpart 229.1 is revised to read as follows:

Subpart 229.1—General

Sec.
229.101 Resolving tax problems.

229.101 Resolving tax problems.

(a) Within DoD, the agency-designated legal counsels are the defense agency General Counsels, the General Counsels of the Navy and Air Force, and for the Army, the Chief, Contract Law Division, Office of the Judge Advocate General.

(c) For guidance on directing a contractor to litigate the applicability of a particular tax, see PGI 229.101(c).

(d) For information on tax relief agreements between the United States

and European foreign governments, see PGI 229.101(d).

[FR Doc. 05–3199 Filed 2–18–05; 8:45 am]
BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 246

[DFARS Case 2002–D032]

Defense Federal Acquisition Regulation Supplement; Government Source Inspection Requirements

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to eliminate requirements for Government contract quality assurance at source for contracts or delivery orders valued below $250,000, unless certain conditions exist.

DATES: *Effective Date:* February 22, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350. Please cite DFARS Case 2002–D032.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule adds policy at DFARS 246.402 and 246.404 to eliminate the requirement for Government contract quality assurance at source for contracts or delivery orders valued below $250,000, unless (1) mandated by DoD regulation, (2) required by a memorandum of agreement between the acquiring department or agency and the contract administration agency, or (3) the contracting officer determines that certain conditions exist.

DoD published a proposed rule at 68 FR 53946 on September 15, 2003. Thirty-seven respondents submitted comments on the proposed rule. Nine of the respondents were in favor of the rule, noting that the change will result in savings, will expedite deliveries, and is especially appropriate for commercial items. A discussion of comments submitted by the other respondents is provided below:

1. *Comment:* It is unclear as to why the criteria of both 242.402(3)(i) and (ii) must be met. If the Government specifies important technical requirements (through technical documents, specifications, drawings, etc.), there is adequate justification for Government quality assurance at source. Paragraphs (3)(i) and (ii) should be combined to read ''(i) Contract technical requirements are significant (*e.g.,* the technical requirements include drawings, test procedures, characteristics that are critical to proper performance of the item are identified, specific concerns have been identified with regard to the contractors ability to meet technical requirements, etc)''.

DoD Response: Do not agree with the proposed revision. However, 246.402(3)(ii) has been revised in the final rule for clarity.

2. *Comment:* Section 246.402(3)(iii), addressing manufacturers/producers and non-manufacturers/non-producers, should be eliminated.

DoD Response: Do not agree. The delivery of supplies through a non-manufacturer or non-producer affects the ability to perform meaningful quality assurance at sources. The rule is intended to ensure that contracting officers address this issue.

3. *Comment:* Section 246.402(3)(iii) should be clarified to explain its meaning and how it will be defined to apply equally.

DoD Response: Do not agree. The terms in paragraph (3)(iii), relating to manufacturers and producers, are sufficiently clear and do not require definition.

4. *Comment:* One respondent posed a question regarding 246.402(3)(ii) and asked about the interpretation of critical product features/characteristics and specific acquisition concerns at the contract administration office level.

DoD Response: The final rule revises 246.402(3) to further clarify the requirement for the contracting officer to ensure that critical product features and characteristics are identified, either through contract technical requirements or through other communications with the provider of the Government contract quality assurance at source, and to identify specific concerns. The contract administration office should assist in this identification as appropriate, but is not expected to provide the information absent the contracting officer activities.

5. *Comment:* To minimize confusion that will ensue regarding determinations for the need for source inspection, the phrase ''critical product feature'' should be clarified.

DoD Response: The final rule revises 246.402(3)(ii) for further clarification.

6. *Comment:* The following subparagraphs should be added to 246.402 as exceptions to the proposed rule: (3)(iv)—''The contract will require shipment of material OCONUS''; and (4)—''Contract is in support of a Security Assistance or Foreign Military Sales case.'' The comment details additional costs and export licenses associated with free on board (f.o.b.) destination conditions for OCONUS shipments and agreed-to letters of offer and acceptance between the U.S. Government and foreign governments.

DoD Response: Do not agree with the recommended change. If the conditions for Government contract quality assurance at source are met, the additional requirements may be communicated by defining them as a specific acquisition concern.

7. *Comment:* Section 246.402(3) should be revised to provide flexibility with regard to the first two criteria and to add a fourth criterion to allow for other circumstances determined by the contracting officer after consultation with quality assurance personnel.

DoD Response: Do not agree. Neither an additional criterion nor changes to the existing criteria are needed. However, 246.402(3)(ii) has been revised for further clarity.

8. *Comment:* The text at 246.402 provides differing criteria for Government contract quality assurance at source than that found at FAR 46.404.

DoD Response: Do not agree. FAR 46.404 directs the user to FAR 46.402, which is supplemented by this DFARS change.

9. *Comment:* DFARS 246.405 should be reinstated to ensure that subcontract activities parallel the proposed change.

DoD Response: Do not agree. The provisions of FAR 46.405 adequately address required Government quality assurance activity at the subcontract level.

10. *Comment:* FAR 52.213–4(d) and FAR 52.246–2 should not be used concurrently in the same contract.

DoD Response: The comment is outside the scope of this case. However, it is noted that FAR 46.302 specifically allows for inclusion of the clause at FAR 52.246–2 in contracts below the simplified acquisition threshold when it is in the Government's best interest.

11. *Comment:* The threshold of $250,000 could be twice that amount.

DoD Response: DoD considers a threshold of $250,000 to be appropriate at this time.

12. *Comment:* The dollar threshold should be eliminated on the basis that it is irrelevant and appears arbitrary in nature. Technical description, complexity, and criticality are the FAR 46.203 criteria for establishment of contract quality requirements.

DoD Response: DoD recognizes that cost is not the indicator of requirements for Government contract quality assurance at source. Therefore, the

conditions for Government contract quality assurance at source as described in the rule are of primary importance. The establishment of a dollar threshold is a means for ensuring that contracting offices apply the conditions as a matter of course.

13. *Comment:* The words ''and delivery orders'' should be deleted from the introductory sentence of 246.402 to support Air Force Material Command strategic contracts.

DoD Response: Do not agree. Delivery orders under strategic contracts must meet the conditions described in the rule in order to receive Government contract quality assurance at source.

14. *Comment:* The rule should explicitly address indefinite delivery/indefinite quantity contracts used through corporate contracts that may mix source and destination inspection/acceptance requirements on the same contract.

DoD Response: Do not agree. The rule already addresses delivery orders. For delivery orders under $250,000, only contract line items that meet the conditions specified in the rule qualify for Government contract quality assurance at source.

15. *Comment:* Contracting offices are not capable of providing critical characteristics.

DoD Response: Do not agree. A basic responsibility of the contracting office, per FAR 46.103, is to provide technical requirements and any specifications for inspection, testing, and other contract quality requirements essential to ensure the integrity of the supplies or services.

16. *Comment:* The contracting officer receives quality assurance requirements from the technical activity (FAR 46.103) and is not adequately trained to determine whether technical requirements are significant and to identify critical product features/characteristics.

DoD Response: The technical activity provides quality assurance requirements to the contracting officer, including inspection and testing requirements, which are conveyed to the contractor and the contract administration activity by the contracting officer.

17. *Comment:* DFARS 213.402, Conditions for Use of Fast Payment Procedures, should be changed to accommodate direct vendor delivery awards exceeding the $25,000 threshold for use of fast payment procedures, and awards that combine contract line items being shipped to stock not meeting the fast payment conditions, as well as direct vendor delivery contract line items that do; and to provide for instances when the best value is conditional on f.o.b. origin shipment terms. Additionally, conflict with FAR 47.305–5 and 47.304–1(d) may be resolved by amending DFARS 213.402 further by adding (a)(vi)—''When the sole reason for designating inspection and acceptance at source would be because f.o.b. origin is required in accordance with FAR 47.305–5 and 47.304–1(d).''

DoD Response: The recommended changes are outside the scope of this case.

18. *Comment:* Instead of this new language, allow ''good'' contractors to deliver with limited Government contract quality assurance at source, since adequate tools are available to the Government quality assurance representative (*i.e.,* alternative release procedures, certificates of conformance, and fast pay).

DoD Response: Do not agree. The intent of the change is to alleviate Government contract quality assurance at source for those procurements that typically are limited to the assessments of kind, count, and condition. With the exception of certificates of conformance, the tools described in this comment do not alleviate quality assurance activities at source. The tools will remain available for use as appropriate.

19. *Comment:* The change to 246.402 is too broad. It should be applied to commercial items and non-commercial items delivered via certificate of conformance.

DoD Response: Do not agree. The scope of the rule is appropriate. The conditions for Government contract quality assurance at source as described are of primary importance.

20. *Comment:* Contractors approved for alternative release procedures should be allowed to continue to conduct their own origin inspections and designate contracts to approved contractors for continued origin inspection.

DoD Response: Do not agree. The comment expresses a misapplication of the alternative release provision as defined by DFARS 246.471(b).

21. *Comment:* Language should be added to provide for Government contract quality assurance at source due to adverse manufacturer past performance; significant changes to the supplier's quality assurance program, manufacturing environment, or supplier base; or the previous receipt of nonconforming material for same or similar items.

DoD Response: The events described by the respondent may necessitate the requirement for Government contract quality assurance at source. Circumstances such as these are adequately covered by the provision for specific acquisition concerns at 246.402(3)(ii)(C).

22. *Comment:* Instead of the dollar value, the clause should be designed to reduce Government contract quality assurance at source for ISO-certified suppliers.

DoD Response: Do not agree. Currently, DoD does not require certification to international standards as a contract condition, opting to require compliance with associated contract quality requirements. Although ISO certification/compliance is a risk management tool considered while performing Government contract quality assurance, the comment is not supported by current acquisition regulations and policies.

23. *Comment:* The change ignores the relationship with the f.o.b. point.

DoD Response: Do not agree. The rule affects the f.o.b. point as specified by FAR 47.302(c)(2). However, there is no conflict. The provisions of FAR 47.302 state that the place of performance of Government acquisition quality assurance actions and the place of acceptance shall not control the delivery term, except when acceptance is at destination.

24. *Comment:* Contracts will need to be modified to account for additional cost burden associated with the f.o.b. point based on the change, per FAR 47.302. Additional costs will be incurred through contractor liability for delivery, storage, demurrage, and other costs prior to actual delivery; duplicate packaging and marking by the contractor and the Government; and liability for loss/damage before shipment receipt.

DoD Response: Do not agree. The rule affects the f.o.b. point as specified by FAR Part 47 and, as such, will require contractors to consider those costs when proposing on future contracts. However, current contracts will not require modification, because this change is not retroactive.

25. *Comment:* The f.o.b. points for both solicitations and contracts (FAR 47.305–5(a)(1) and 47.302(c)(1)) conflict with the rule, particularly when shipping to foreign military sales customers and Naval vessels.

DoD Response: Do not agree. The rule affects the f.o.b. point as specified by FAR 47.302(c)(2); however, there is no conflict. The provisions of FAR 47.302 state that the place of performance of Government acquisition quality assurance actions and the place of acceptance shall not control the delivery term, except when acceptance is at destination. Additionally, solicitation provisions are available to the contracting officer with regard to FAR

47.305–5(b)(2) when destinations are unknown that would not result in a conflict.

26. *Comment:* The phrase ''for contracts assigned administration to the Defense Contract Management Agency'' should be added to allow for the conduct of Government contract quality assurance at source when conditions are not met by the contracting agency.

DoD Response: Do not agree. The initiative to reduce Government contract quality assurance at source unless appropriate conditions exist should not be applicable to only one DoD agency. The conditions described allow for effective Government contract quality assurance at source for all involved in DoD acquisition and make the best use of resources throughout DoD.

27. *Comment:* The rule should exempt contractor plants with in-plant Defense Contract Management Agency offices. It is not cost-effective to have hardware delivered, subjected to process assessment at the plant level, then inspected at another location. If non-exempt, assure that the rule is only applied to future contracts.

DoD Response: The rule will result in Government contract quality assurance at source for only those supplies that meet the conditions of the rule. The rule is not retroactive to include current contracts.

28. *Comment:* The Government quality assurance representative provides assistance in interpreting contract requirements and facilitates corrections.

DoD Response: Agree. The revision does not preclude Government quality assurance representatives from providing assistance to contractors in support of Government contract interpretation as appropriate and facilitating corrections with the contracting office.

29. *Comment:* The Government quality assurance representative provides deterrence with regard to fraudulent activities.

DoD Response: Not applicable. Government contract quality assurance is not intended to detect fraudulent activities. It is incumbent upon all involved in Government acquisition to identify and report any potentially fraudulent activities.

30. *Comment:* The Government quality assurance representative at source rejects nonconforming parts based on more than defined critical characteristics.

DoD Response: Agree. The revision does not preclude the rejection of nonconforming parts based solely on critical characteristics at destination or, when the conditions of the proposed change exist, at source.

31. *Comment:* The rule should address instances where no Government inspection is required, especially when in-process system activities are performed.

DoD Response: Do not agree. Government contract quality assurance activities, whether at source or destination, are required to perform the Government acceptance function and subsequent transfer of title. In-process assessments are a form of Government contract quality assurance at source. At times, the quality assurance activities may be extremely limited, such as when quality assurance is limited to kind, count, and condition assessments (inspections); however, they nonetheless occur.

32. *Comment:* DoD should implement fast payment procedures for all contracts that require inspection at Government facilities.

DoD Response: Not applicable. Conditions for use of fast payment procedures are outside the scope of this case.

33. *Comment:* Recommend acceptance at source with inspection at destination, which will increase the fast payment procedure threshold and the expanded use of certificates of conformance to allow invoicing at shipment.

DoD Response: Do not agree. DoD regulations and policy do not allow for acceptance prior to Government contract quality assurance activities. Fast payment provisions are outside the scope of this case. The conditions for use of certificates of conformance are not being modified, and the certificate of conformance continues to be a valuable acquisition tool.

34. *Comment:* DoD should implement a joint contractor-Government process approach to the appropriate oversight level, with sampling techniques or self-oversight.

DoD Response: Do not agree. Presently, Government contract quality assurance at source activities may be performed jointly with the contractor. The rule does not affect this activity.

35. *Comment:* Will surplus contracts continue to be administered by the Defense Contract Management Agency?

DoD Response: The comment is outside the scope of this case. Assignment of contract administration by the contracting activity is in accordance with FAR Part 42 and DFARS Part 242. Contract administration represents more than quality assurance services and is dependent on the terms of the individual contract.

36. *Comment:* Will surplus contractors be required to re-package and re-label items prior to shipping? If so, how will DoD ensure traceability back to the original DoD contract and conformance to the surplus certification?

DoD Response: Not applicable. Packaging and traceability requirements specified by individual contracts are outside the scope of this case.

37. *Comment:* The rule should be amended to clearly state that it does not impose or otherwise change the inspection criteria currently adhered to by surplus contractors via 52.211–9000, Government Surplus Material DLAD (APR 2002).

DoD Response: Do not agree. The DFARS applies to DoD as a whole. Unique department and agency implementation activities are outside the scope of the case.

38. *Comment:* The memorandum of agreement provisions should be changed to allow negotiation at the contracting activity level instead of the department or agency.

DoD Response: Do not agree. Departments and agencies may issue their own procedures to identify the appropriate authority for approval of a memorandum of agreement.

39. *Comment:* Inspection locations should be specified in the solicitation.

DoD Response: Not applicable. Terms of individual solicitations are outside the scope of this case. However, it is the obligation of the contracting officer to specify the terms and conditions that apply to a contract.

40. *Comment:* The rule should be amended to require the Government to inspect material no later than 30 days following receipt and that payment be made no later than 60 days regardless of inspection occurrence.

DoD Response: Not applicable. The comment relates to payment terms, which are outside the scope of this case.

41. *Comment:* Provide the date when the new electronic payment system will be implemented.

DoD Response: There is no new electronic payment system. However, if the respondent is referring to the new Wide Area WorkFlow–Receipt and Acceptance (WAWF–RA) system, it is available now and has already been widely deployed. Many DoD locations are already registered in WAWF–RA, and more are being continually added. However, because submission under a particular contract is dependent on the acceptance point designated for that contract being registered in WAWF–RA, availability may vary. If a company is unsure whether a particular DoD location is registered in WAWF–RA,

they should contact that activity to confirm WAWF–RA status.

42. *Comment*: Implementation of the policy should be deferred until WAWF-RA is fully deployed by DoD; or the rule should be phased in to provide for destination acceptance for locations participating in WAWF–RA to limit invoicing delays. Some companies would be adversely affected by delays in payment and the current cycle time (estimated as 45 days for paper invoices and 37 electronically) could increase by 10 days or more.

DoD Response: Sufficient guidance is presently available to facilitate Government contract quality assurance at destination to include acceptance. Achieving department-wide implementation of WAWF–RA, although anticipated to increase efficiencies, is not necessary to implement this rule.

43. *Comment*: DoD should develop detailed metrics to accumulate real savings associated with the change.

DoD Response: Do not agree. Development of metrics is outside the scope of this case.

44. *Comment*: The rule should be based on unit costs instead of contract value.

DoD Response: Do not agree. Cost is not the indicator of requirements for Government contract quality assurance at source. Therefore, the conditions for Government contract quality assurance at source as described in the rule are of primary importance.

45. *Comment*: Discontinuing source inspections under $250,000 sends a clear signal that low risk equates to low value.

DoD Response: Do not agree. This change does not signal a direct relationship between dollar value and risk, since it recognizes that Government contract quality assurance may be necessary and appropriate for items of any dollar value. The established criteria for accomplishment of Government contract quality assurance at source are intended to drive the decision.

46. *Comment*: One respondent remarked that it will not bid on contracts with inspection/acceptance at destination, due to the criticality of obtaining acceptance documentation to permit invoicing and the difficulty of obtaining this documentation when acceptance is at destination.

DoD Response: Sufficient guidance is currently available to facilitate Government contract quality assurance at destination to include acceptance. Full operational capability of Wide Area WorkFlow–Receipt and Acceptance is expected to increase efficiencies, but is not necessary to implement this rule.

47. *Comment*: The change will result in the delivery of nonconforming material and increase the administrative burden of buying activities.

DoD Response: Do not agree. There is no evidence to support this assertion. Contractual obligations to provide conforming material are not lessened by this change. Contracting offices are obligated to ensure that contractors are responsive and responsible prior to contracting for supplies.

48. *Comment*: The change increases the burden on the destination point without the required manpower, expertise, or equipment to perform destination inspection and acceptance.

DoD Response: Do not agree. The destination quality assurance activities anticipated as a result of this revision should consist of the assessment of item kind, count, and physical condition. Destination activities normally assess kind, count, and condition of items delivered to them, even when this assessment has already been performed at source. If the exceptions described in the DFARS rule exist, Government contract quality assurance at source should be designated.

49. *Comment*: Inspection at source decreases instances of improper completion of DD Forms 250.

DoD Response: Do not agree. The Government quality assurance representative provides valuable assistance in these matters; however, accurate completion of DD Form 250 is the obligation of the contractor, in accordance with DFARS Appendix F. There is no evidence to indicate that instances of improper completion will increase as a result of this change.

50. *Comment*: The integrity of higher-level packaging will be destroyed at destination inspection.

DoD Response: Contracting offices will need to assess the effect regarding the integrity of higher-level packaging when determining where Government contract quality assurance will be performed and will need to adjust contract terms accordingly. If the packaging is unique to a supplier, or if the integrity of the packaging would be in question, this may constitute a specific acquisition concern that would meet the exception in the rule at 246.402(3)(ii)(C).

51. *Comment*: The change will result in the closure of Defense Contract Management Agency offices, thus reducing activities associated with subcontractor surveillance.

DoD Response: Do not agree. There is no evidence to support the assertion that this change will result in the closure of Defense Contract Management Agency offices or adversely impact abilities associated with the surveillance of subcontractor activities.

52. *Comment*: The change will result in increased costs to the Government receipt point.

DoD Response: Do not agree. Overall DoD costs will be reduced, because duplicate ''kind, count, and condition'' inspections will be eliminated. The only additional responsibilities imposed on destination activities are those associated with the execution and distribution of the DD Form 250. DoD deployment of Wide Area WorkFlow–Receipt and Acceptance should greatly relieve this burden.

53. *Comment*: Delays in inspection will delay delivery to the military user.

DoD Response: Do not agree. There is no evidence to support the assertion.

54. *Comment*: Defense Contract (Criminal) Investigative Services should be solicited to review small-dollar contractors under investigation for fraudulent activities.

DoD Response: The comment is outside the scope of this case.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD has prepared a final regulatory flexibility analysis consistent with 5 U.S.C. 604. The analysis is summarized below. A copy of the analysis may be obtained from the point of contact specified herein.

This final rule amends the DFARS to eliminate requirements for Government contract quality assurance at source for contracts or delivery orders valued below $250,000 unless: (1) Mandated by DoD regulation; (2) required by a memorandum of agreement between the acquiring department or agency and the contract administration agency; or (3) the contracting officer determines that certain conditions exist that make contract quality assurance at source necessary. The objective of the rule is to reduce lower-risk contract quality assurance workload, allowing for redirection of limited labor resources to higher-risk work, while providing flexibility for exceptions where special attention is needed. Several respondents expressed concern about delays in payment that might be experienced due to the reduction in the number of source inspections. DoD implementation of Wide Area WorkFlow–Receipt and Acceptance, a web-based system for electronic invoicing, receipt, and acceptance, will significantly speed up

the acceptance and payment process and should offset any delays due to reductions in source inspections. Many DoD locations are already registered in Wide Area WorkFlow–Receipt and Acceptance, and more are being continually added. Since Wide Area WorkFlow–Receipt and Acceptance is well on the way toward full implementation, DoD believes that any economic impact on small entities will be minimal.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 246

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR Part 246 is amended as follows:

■ 1. The authority citation for 48 CFR Part 246 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 246—QUALITY ASSURANCE

■ 2. Section 246.402 is added to read as follows:

246.402 Government contract quality assurance at source.

Do not require Government contract quality assurance at source for contracts or delivery orders valued below $250,000, unless—

(1) Mandated by DoD regulation;

(2) Required by a memorandum of agreement between the acquiring department or agency and the contract administration agency; or

(3) The contracting officer determines that—

(i) Contract technical requirements are significant (*e.g.*, the technical requirements include drawings, test procedures, or performance requirements);

(ii) The product being acquired—

(A) Has critical characteristics;

(B) Has specific features identified that make Government contract quality assurance at source necessary; or

(C) Has specific acquisition concerns identified that make Government contract quality assurance at source necessary; and

(iii) The contract is being awarded to—

(A) A manufacturer or producer; or

(B) A non-manufacturer or non-producer and specific Government verifications have been identified as necessary and feasible to perform.

■ 3. Section 246.404 is added to read as follows:

246.404 Government contract quality assurance for acquisitions at or below the simplified acquisition threshold.

Do not require Government contract quality assurance at source for contracts or delivery orders valued at or below the simplified acquisition threshold unless the criteria at 246.402 have been met.

[FR Doc. 05–3202 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 041221358–4358–01; I.D. 021405B]

Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Quarter I Fishery for Loligo Squid

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

ACTION: Closure.

SUMMARY: NMFS announces that the directed fishery for *Loligo* squid in the Exclusive Economic Zone (EEZ) will be closed effective 0001 hours, February 20, 2005. Vessels issued a Federal permit to harvest *Loligo* squid may not retain or land more than 2,500 lb (1,134 kg) of *Loligo* squid per trip for the remainder of the quarter (through March 31, 2005). This action is necessary to prevent the fishery from exceeding its Quarter I quota and to allow for effective management of this stock.

DATES: Effective 0001 hours, February 20, 2005, through 2400 hours, March 31, 2005.

FOR FURTHER INFORMATION CONTACT: Jason Blackburn, Fishery Management Specialist, 978–281–9326, Fax 978–281–9135.

SUPPLEMENTARY INFORMATION: Regulations governing the *Loligo* squid fishery are found at 50 CFR part 648. The regulations require specifications for maximum sustainable yield, initial optimum yield, allowable biological catch, domestic annual harvest (DAH), domestic annual processing, joint venture processing, and total allowable levels of foreign fishing for the species managed under the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. The procedures for setting the annual initial specifications are described in § 648.21.

The regulations at § 648.21(d)(1) allow for the previous year's annual specifications to remain in effect if the annual specifications for the new fishing year are not published in the **Federal Register** prior to the start of the fishing year. The 2004 annual quota for *Loligo* squid was 16,872.4 mt, with 5,606.7 mt allocated to Quarter I (69 FR 4861, February 2, 2004).

The annual quota in 2005 is not proposed to change from the 2004 value, but because the proposed 2005 Research Set-Aside (RSA) is greater than the 2004 RSA allocation, the individual Quarterly quotas are minimally different. The proposed rule for the 2005 annual specifications published on January 10, 2005 (70 FR 1686), with a comment period open through February 9, 2005. The proposed 2005 annual quota for Loligo squid is 16,744.9 mt. This amount is proposed to be allocated by quarter, as shown below.

TABLE 1.—*Loligo* SQUID QUARTERLY ALLOCATIONS.

Quarter	Percent	Metric Tons[1]	Research Set-aside
I (Jan-Mar)	33.23	5,564.3	N/A
II(Apr-Jun)	17.61	2,948.8	N/A
III(Jul-Sep)	17.3	2,896.9	N/A
IV(Oct-Dec)	31.86	5,334.9	N/A
Total	100	16,744.9	255.1

[1]Quarterly allocations after 255.1 mt research set-aside deduction.

Section 648.22 requires NMFS to close the directed Loligo squid fishery in the EEZ when 80 percent of the quarterly allocation is harvested in Quarters I, II, and III, and when 95 percent of the total annual DAH has been harvested. NMFS is further required to notify, in advance of the closure, the Executive Directors of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils; mail notification of the closure to all holders of *Loligo* squid permits at least 72 hours before the effective date of the closure; provide adequate notice of the closure to recreational participants in the fishery; and publish notification of the closure in the **Federal Register**. The Administrator, Northeast Region, NMFS, based on dealer reports and other available information, has determined that 80 percent of the DAH for *Loligo* squid in Quarter I will be harvested. Therefore, effective 0001 hours, February 20, 2005, the directed fishery for Loligo squid is closed and vessels issued Federal permits for *Loligo* squid may not retain or land more than 2,500 lb (1,134 kg) of *Loligo* during a calendar day. The directed fishery will reopen effective 0001 hours, April 1, 2005, when the Quarter II quota becomes available.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: February 14, 2005.

Alan D. Risenhoover,

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

[FR Doc. 05–3225 Filed 2–15–05; 2:56 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 021505A]

Fisheries off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 2005 Bank-specific Harvest Guidelines

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

ACTION: Notification of no harvest guideline for crustaceans.

SUMMARY: NMFS announces that an annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands (NWHI) will not be issued for the year 2005.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, NMFS Pacific Islands Regional Office, at (808)973–2937.

SUPPLEMENTARY INFORMATION: Under the regulations implementing the Fishery Management Plan for Crustacean Fisheries of the Western Pacific Region (Crustaceans FMP) at 50 CFR 660.50(b)(2), every year NMFS is required to publish a harvest guideline for lobster Permit Area 1, which encompasses the exclusive economic zone (0 to 200 nm from shore) around the NWHI. The fishery has been closed since 2000. This action is (a) taken as a precautionary measure to prevent overfishing of the lobster resources while NMFS conducts biological research and assessment on the lobster stocks; (b) in compliance with an order of the U.S. District Court for the District of Hawaii to keep the NWHI commercial lobster fishery closed until an environmental impact statement and a biological opinion have been prepared for the Crustaceans FMP; and (c) consistent with Executive Orders 13178 and 13196, issued in December 2000 and January 2001, respectively, that established the NWHI Coral Reef Ecosystem Reserve.

NMFS will not publish any harvest guideline for the NWHI commercial lobster fishery for the year 2005, and no harvest of NWHI lobster resources is allowed. NMFS intends to continue to study and assess the status of the lobster populations in the NWHI and examine the resulting information to determine the appropriate direction for future fishery management actions.

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

Dated: February 15, 2005.

Alan D. Risenhoover,

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

[FR Doc. 05–3362 Filed 2–18–05; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 34
Tuesday, February 22, 2005

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV05–932–1 PR]

Olives Grown in California, Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would increase the assessment rate established for the California Olive Committee (committee) for the 2005 and subsequent fiscal years from $12.18 to $15.68 per ton of olives handled. The committee locally administers the marketing order regulating the handling of olives grown in California. Authorization to assess olive handlers enables the committee to incur expenses that are reasonable and necessary to administer the program. The fiscal year began January 1 and ends December 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by March 24, 2005.

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

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

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

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 148 and Order No. 932, both as amended (7 CFR part 932), regulating the handling of olives grown in California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California olive handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable olives beginning on January 1, 2005, and continue until amended, suspended, or terminated. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule would increase the assessment rate established for the committee for the 2005 and subsequent fiscal years from $12.18 per ton to $15.68 per ton of olives.

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

For the 2004 and subsequent fiscal years, the committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal year to fiscal year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the committee or other information available to USDA.

The committee met on December 13, 2004, and unanimously recommended fiscal year 2005 expenditures of $1,217,014 and an assessment rate of $15.68 per ton of olives. In comparison, the expenditures for fiscal year 2004 were originally budgeted at $1,269,036. In July of 2004, the committee voted unanimously to increase the budget by $117,535 to fund a research project. The committee's reserves were used to fund the revised budget. The revised budget for 2004 totaled $1,386,598.

The proposed assessment rate of $15.68 is $3.50 higher than the $12.18 rate currently in effect. Expenditures recommended by the committee for the

2005 fiscal year include $680,000 for marketing activities, $337,014 for administration, and $200,000 for research. Budgeted expenses for these items in 2004 were originally $633,500 for marketing activities, $360,563 for administration, and $225,000 for research. The revised 2004 budget provided $342,535 for research.

The assessment rated recommended by the committee was derived by considering anticipated expenses (including restoration of the reserve funds allocated to the 2004 emergency research project), actual olive tonnage received by handlers, and additional pertinent factors. The California Agricultural Statistics Service (CASS) reported olive receipts for the 2004–05 crop year at 85,862 tons, which compares to 102,703 for the 2003–04 crop year. The reduction in the crop size for the 2004–05 crop year, due in large part to the alternate-bearing characteristics of olives, has made it necessary for the committee to recommend an increase in the assessment rate from the current $12.18 per assessable ton to $15.68 per assessable ton, an increase of $3.50 per ton. Income derived from handler assessments, interest, and utilization of reserve funds will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order of approximately one fiscal period's expense (§ 932.40).

The assessable tonnage for the 2005 fiscal year is expected to be less than the receipts of 85,862 tons reported by CASS, because some olives may be diverted by handlers to uses that are exempt from marketing order requirements.

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

Although this assessment rate would be in effect for an indefinite period, the committee would continue to meet prior to or during each fiscal year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of committee meetings are available from the committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The committee's 2005 budget and those for subsequent fiscal year would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

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

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

There are approximately 910 producers of olives in the production area and 3 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Based upon information from the committee, the majority of olive producers may be classified as small entities. One of the handlers may be classified as a small entity, but the majority of the handlers may be classified as large entities.

This rule would increase the assessment rate established for the committee and collected from handlers for the 2005 and subsequent fiscal years from $12.18 per ton to $15.68 per ton of olives. The committee unanimously recommended 2005 expenditures of $1,217,014 and an assessment rate of $15.68 per ton. The proposed assessment rate of $15.68 per ton is $3.50 per ton higher than the 2004 rate.

The quantity of olive receipts for the 2004–05 crop year was reported by CASS to be 85,862 tons, but the actual assessable tonnage for the 2005 fiscal year is expected to be lower. This is because some of the receipts are expected to be diverted by handlers to exempt outlets on which assessments are not paid.

The $15.68 per ton assessment rate should be adequate to meet this year's expenses when combined with funds from the authorized reserve and interest income. Funds in the order of about one fiscal period's expenses (§ 932.40).

Expenditures recommended by the committee for the 2005 fiscal year include $680,000 for marketing development, $337,014 for administration, and $200,000 for research. Budgeted expenses for these items in 2004 were originally $633,500 for marketing development, $360,563 for administration, and $225,000 for research. The research budget was increased to $342,535 in July 2004 to fund an additional project unanimously recommended by the committee.

In 2003–04, olive receipts totaled 102,703 tons compared to the 2004–05 crop year's tonnage of 85,862. Although the committee decreased 2005 budgeted expenses, the significant decrease in olive production makes the higher assessment rate necessary.

The research expenditures will fund studies to develop chemical, biological, and cultural controls of the olive fruit fly in the California production area. The budget for market development expenditures has been increased because the committee's marketing program for 2005 has been expanded to include nutrition and education outreach activities for wider audiences. Some of the outreach activities include cookbook contributions, school activities, and web site development. The committee reviewed and unanimously recommended 2005 expenditures of $1,217,014, which reflect an increase in the market development budget and decreases in the research and administrative budgets.

Prior to arriving at this budget, the committee considered information from various sources, such as the committee's Executive Subcommittee and the Market Development Subcommittee. Alternate spending levels were discussed by these groups, based upon the relative value of various research and marketing projects to the olive industry and the anticipated olive production. The assessment rate of $15.68 per ton of assessable olives was derived by considering anticipated expenses, the volume of assessable olives, and additional pertinent factors.

A review of historical and preliminary information pertaining to the upcoming fiscal year indicates that the grower price for the 2004–05 crop year is estimated to be approximately $720 per ton for canning fruit and $276 per ton for limited-use size fruit. Approximately 85 percent of a ton of olives are canning fruit sizes and 10 percent are limited-use sizes, leaving the balance as unusable cull fruit. Total grower revenue on 85,862 tons would then be $54,917,335 given the percentage of canning and limited-use sizes and current grower prices for those sizes. Therefore, if the assessment rate is

increased from $12.18 to $15.68, the estimated assessment revenue is expected to be approximately 2.33 percent of grower revenue.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the marketing order. In addition, the committee's meeting was widely publicized throughout the California olive industry and all interested persons were invited to attend the meeting and participate in committee deliberations on all issues. Like all committee meetings, the December 13, 2004, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on California olive handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

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

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2005 fiscal year began on January 1, 2005, and the marketing order requires that the rate of assessment for each fiscal year apply to all assessable olives handled during such fiscal year; (2) the committee needs sufficient funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended by the committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and record keeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is proposed to be amended as follows:

PART 932—OLIVES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 932 continues to read as follows:

Authority 7 U.S.C. 601–674.

2. Section 932.230 is revised to read as follows:

§ 932.230 Assessment rate.

On and after January 1, 2005, an assessment rate of $15.68 per ton is established for California olives.

Dated: February 15, 2005.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 05–3234 Filed 2–18–05; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20414; Directorate Identifier 2004–NM–116–AD]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–300 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Dornier Model 328–300 series airplanes. This proposed AD would require installing an additional mounting angle for the respective de-icing pipes at rib 9 in the leading edge area of the left- and right-hand wings. This proposed AD is prompted by chafed de-icing lines in the wing leading edge area. We are proposing this AD to prevent chafing of the de-icing lines, which could result in a reduction in functionality of the anti-ice system, and possibly reduced controllability and performance of the airplane in icing conditions.

DATES: We must receive comments on this proposed AD by March 24, 2005.

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

- *DOT Docket Web Site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide Rulemaking Web Site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, room PL–401, Washington, DC 20590.
- *By Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact AvCraft Aerospace GmbH, P.O. Box 1103, D–82230 Wessling, Germany.

You can examine the contents of this AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL–401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA–2005–20414; the directorate identifier for this docket is 2004–NM–116–AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20414; Directorate Identifier 2004–NM–116–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments submitted by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of our docket Web site, anyone can find and read the comments in any of our dockets, including the name of the individual

who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov.*

Examining the Docket

You can examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, notified us that an unsafe condition may exist on all Dornier Model 328–300 series airplanes. The LBA advises that, during inspections, de-icing lines were found chafed in the leading edge area of the left- and right-hand wings. The chafing was caused by insufficient clearance from the de-icing lines to the adjacent airplane structure. This condition, if not corrected, could result in a reduction in functionality of the anti-ice system, and possibly reduced controllability and performance of the airplane in icing conditions.

Relevant Service Information

Dornier has issued Service Bulletin SB–328J–30–190, dated July 16, 2003. The service bulletin describes procedures for installing an additional mounting angle for the respective de-icing pipes at rib 9 in the leading edge area of the left- and right-hand wings. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The LBA mandated the service information and issued German airworthiness directive D–2004–049, dated February 1, 2004, to ensure the continued airworthiness of these airplanes in Germany.

FAA's Determination and Requirements of the Proposed AD

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

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Installation	8	$65	$252	$772	49	$37,828

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fairchild Dornier GMBH (Formerly Dornier Luftfahrt GmbH): Docket No. FAA–2005–20414; Directorate Identifier 2004–NM–116–AD.

Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by March 24, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Dornier Model 328–300 series airplanes, certificated in any category.

Unsafe Condition

(d) This AD was prompted by chafed de-icing lines in the wing leading edge area. We are issuing this AD to prevent chafing of the de-icing lines, which could result in a reduction in functionality of the anti-ice system, and possibly reduced controllability and performance of the airplane in icing conditions.

Compliance

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

Installation

(f) Within 90 days after the effective date of this AD, install an additional mounting angle at rib 9 in the leading edge area of the left- and right-hand wings in accordance with the Accomplishment Instructions of Dornier Service Bulletin SB–328J–30–190, dated July 16, 2003.

Alternative Methods of Compliance (AMOCs)

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

Related Information

(h) German airworthiness directive D–2004–049, dated February 1, 2004, also addresses the subject of this AD.

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

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–3286 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–20007; Directorate Identifier 2004–CE–50–AD]

RIN 2120–AA64

Airworthiness Directives; Air Tractor Inc. Model AT–602 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Air Tractor Inc. Model AT–602 airplanes. This proposed AD would require you to repetitively inspect (using the eddy current methods) the two outboard holes in the lower wing spar caps for cracks and repair or replace any cracked spar cap. This proposed AD results from fatigue cracking of the wing main spar lower cap at the centerline joint outboard fastener hole. We are issuing this proposed AD to detect and correct cracks in the wing main spar lower cap, which could result in failure of the spar cap and lead to wing separation and loss of control of the airplane.

DATES: We must receive any comments on this proposed AD by April 21, 2005.

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

- *DOT Docket Web Site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide Rulemaking Web Site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Fax:* 1–202–493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

To get the service information identified in this proposed AD, contact Air Tractor Inc.; P.O. Box 485, Olney, Texas 76374; telephone: (800) 893–1420; facsimile: (701) 572–2602.

To view the comments to this proposed AD, go to *http://dms.dot.gov.* The docket number is FAA–2004–20007.

FOR FURTHER INFORMATION CONTACT: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; facsimile: (210) 308–3370.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES.** Include the docket number, ''FAA–2004–20007; Directorate Identifier 2004–CE–50–AD'' at the beginning of your comments. We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed rulemaking. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). This is docket number FAA–2004–20007. You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://dms.dot.gov.*

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

Docket Information

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

Discussion

What events have caused this proposed AD? The FAA received a report of fatigue cracking of the wing main spar lower cap at the centerline outboard fastener hole on one Air Tractor Model AT–602 airplane. The airplane had 2,895 hours time-in-service at the time the cracking was discovered. The fatigue cracking was similar to that found on Air Tractor Models AT–502, AT–502A, and AT–502B airplanes. The FAA previously issued AD 2002–26–05, Amendment 39–12991 (68 FR 18, January 2, 2003), to address the condition on the Models AT–502, AT–502A, and AT–502B airplanes.

What is the potential impact if FAA took no action? Cracks in the wing main spar lower cap could result in failure of the spar cap and lead to wing separation and loss of control of the airplane.

Is there service information that applies to this subject? Snow Engineering Co. has issued Process Specification #197, revised June 4, 2002; Process Specification #205, dated April 26, 2004; Service Letter #204, dated November 13, 2003; Service Letter #240, dated September 30, 2004; and Drawing 20998, Revision B, dated September 28, 2004.

What are the provisions of this service information? The service letters, process specifications, and drawing include procedures for:

—Preparing the airplane and the eddy current machine for inspection of the lower wing spar caps;
—Inspecting the lower wing spar caps for cracks;
—Verifying suspected cracks for steel and aluminum lower wing spars caps;
—Repairing the cracks by installing a web plate and 8-bolt splice block; and
—Replacing the spar caps and associated hardware.

FAA's Determination and Requirements of This Proposed AD

What has FAA decided? We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. For this reason, we are proposing AD action.

What would this proposed AD require? This proposed AD would require you to incorporate the actions in the previously-referenced service information.

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

Costs of Compliance

How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 107 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish this proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
2 workhours × $65 = $130	N/A	$130	$13,910

We estimate the following costs to accomplish any necessary repairs that would be required based on the results of this proposed inspection. We have no way of determining the number of airplanes that may need this repair/replacement:

Labor cost	Parts cost	Total cost per airplane
* Install access panels: 22 workhours × $65 per hour = $1,430	$425	$1,855
** Install web plate, 8-bolt splice blocks, and cold work fastener holes: 130 workhours × $65 = $8,450	5,000	13,450

*Access panels are incorporated into production starting with serial number 602–0670.
**If 8-bolt attach blocks (part number 20985–1/–2) are not installed with a web plate, then reduce the cost by $900.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES.** Include ''AD Docket FAA–2004–20007; Directorate Identifier 2004–CE–50–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Air Tractor Inc.: Docket No. FAA–2004–20007; Directorate Identifier 2004–CE–50–AD.

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by April 21, 2005.

What Other ADs Are Affected by This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects Model AT–602 airplanes, all serial numbers beginning with 602–0337, that are certificated in any category.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of fatigue cracking of the wing main spar lower cap at the centerline splice joint outboard fastener hole. The actions specified in this AD are intended to detect and correct cracks in the wing main spar lower cap, which could result in failure of the spar cap and lead to wing separation and loss of control of the airplane.

What Must I Do To Address This Problem?

(e) At the initial inspection time specified in paragraph (e)(2) or (e)(3) of this AD, do the following:

(1) For all affected airplanes, gain access for the required inspection listed below by installing cover plates. Follow Snow Engineering Co. Service Letter #204 (page 3), dated November 13, 2003.

(2) For all affected airplanes not having cold-worked fastener holes as described in Snow Engineering Co. Service Letter #240, dated September 30, 2004; or Process Specification #205, dated April 26, 2004: Eddy current inspect the two outboard holes in both the right and left lower wing spar caps following Snow Engineering Co. Process Specification #197, revised June 4, 2002. For these non cold-worked airplanes, use the following wing spar lower cap hours time-in-service (TIS) schedule to do the initial and repetitive inspections:

Serial Nos.	Condition	Initially inspect upon accumulating the following or within 50 hours TIS after the effective date of this AD, whichever occurs later:	Repetitively inspect thereafter at the intervals following:
(i) 602–0337 through 602–0584	As manufactured	2,500 hours TIS	1,000 hours TIS.
(ii) 602–0337 through 602–0584	When modified by installing Web Plate, part number (P/N) 20996–2, following Drawing Number 20998 or 20776, Sheet 2.	2,500 hours TIS	1,600 hours TIS.
(iii) 602–0585 through 602–0694	As manufactured	2,500 hours TIS	1,600 hours TIS.

(3) For all affected airplanes that have cold-worked fastener holes by either Snow Engineering Co. Service Letter #240, dated September 30, 2004; or Snow Engineering Co. Process Specification #205, dated April 26, 2004: Upon accumulating 5,000 hours TIS after cold-working the lower spar caps or within 50 hours TIS after the effective date of the AD, whichever occurs later, perform a one-time eddy current inspection of the two outboard holes in both the right and left lower wing spar caps following Snow Engineering Co. Process Specification #197, revised June 4, 2002.

(4) For all serial number airplanes beginning with 602–0695 (excludes 602–0337 through 602–0694), upon accumulating 5,000 hours TIS on the lower spar caps or within 50 hours TIS after the effective date of the AD, whichever occurs later, perform a one-time eddy current inspection of the two outboard holes in both the right and left lower wing spar caps following Snow Engineering Co. Process Specification #197, revised June 4, 2002.

(5) One of the following must do the inspection:

(i) A level 2 or 3 inspector certified in eddy current inspection using the guidelines established by the American Society for Nondestructive Testing or MIL–STD–410; or

(ii) A person authorized to perform AD work and who has completed and passed the Air Tractor, Inc. training course on Eddy Current Inspection on wing lower spar caps.

(f) For all affected airplanes, repair or replace any cracked spar cap prior to further flight. For repair or replacement, do one of the following:

(1) Repair small cracks by reaming the cracked hole to the next larger size and installing P/N 20985–1 and 20985–2 extended 8-bolt splice blocks (and P/N 20996–2 web plate if not already installed) following Snow Engineering Co. drawing 20998.

(2) For large cracks or cracks that can not be removed with the 8-bolt splice blocks, replace the lower spar caps, splice blocks and hardware, and wing attach angles and hardware following Snow Engineering Co. drawing 20776, Sheet 2.

(g) For all affected airplanes, upon accumulating 6,500 hours TIS on the wing spar lower caps or within the next 50 hours TIS after the effective date of this AD, whichever occurs later, replace the wing lower spar caps, splice blocks and hardware, and wing attach angles and hardware. Follow Snow Engineering Co. Drawing 20776, Sheet 2.

(h) Report any cracks you find within 10 days after the cracks are found or within 10 days after the effective date of this AD, whichever occurs later. Include in your report the aircraft serial number, aircraft TIS, wing spar cap TIS, crack location and size, corrective action taken, and a point of contact name and phone number. Send your report to Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; facsimile: (210) 308–3370.

May I Request an Alternative Method of Compliance?

(i) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Fort Worth Airplane Certification Office, FAA, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0150. For information on any already approved alternative methods of compliance, contact Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; facsimile: (210) 308–3370.

May I Get Copies of the Documents Referenced in This AD?

(j) To get copies of the documents referenced in this AD, contact Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; telephone: (800) 893–1420; facsimile: (701) 572–2602. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at *http://dms.dot.gov.* The docket number is FAA–2004–20007.

Issued in Kansas City, Missouri, on February 11, 2005.

Nancy C. Lane,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–3271 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–131128–04]

RIN 1545–BD54

Guidance Under Section 1502; Miscellaneous Operating Rules for Successor Persons; Succession to Items of the Liquidating Corporation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations under section 1502 that provide guidance regarding the manner in which the intercompany items of a liquidating member are succeeded to, and taken into account, in cases in which more than one distributee member acquires the assets of the liquidating corporation in a complete liquidation to which section 332 applies. This document also contains proposed regulations under section 1502 that provide guidance regarding the manner in which such distributee members succeed to the items (including items described in section 381(c)) of the liquidating corporation. These regulations apply to corporations filing consolidated returns.

DATES: Written or electronic comments and requests for a public hearing must be received by May 23, 2005.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–131128–04), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–131128–04), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically, via the IRS Internet site at *http://www.irs.gov/regs* or via the Federal eRulemaking Portal at *http://www.regulations.gov* (indicate IRS and REG–131128–04).

FOR FURTHER INFORMATION CONTACT: Concerning the regulations, Jeffrey B. Fienberg or Charles M. Levy (202) 622–7770; concerning submissions and the hearing, Sonya Cruse, (202) 622–4693 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

The Complete Liquidation Rules

Section 332(a) provides that no gain or loss shall be recognized on the receipt by a corporation of property distributed in complete liquidation of another corporation. Section 332(b) provides, in part, that a distribution shall be considered to be in complete liquidation only if the corporation receiving such property was, on the date of the adoption of the plan of liquidation and at all times thereafter until the receipt of the property, the owner of stock that meets the requirements of section 1504(a)(2) and the distribution is made in complete cancellation or redemption of all of the stock of the liquidating corporation. Section 1.1502–34 provides that in determining the stock ownership of a member of a group in another corporation for purposes of determining the application of section 332(b), stock owned by all of the members of the group in that other corporation shall be aggregated. Therefore, for example, if one member of a group owns 60 percent of the stock of the liquidating corporation and another member of the group owns the remaining 40 percent of the stock of the liquidating corporation, section 332 will apply to the liquidation.

Section 337(a) provides that the liquidating corporation does not recognize gain or loss on the distribution to the 80-percent distributee of any property in a complete liquidation to which section 332 applies. For this purpose, the term ''80-percent distributee'' means only the corporation that meets the 80-percent stock ownership requirements of section 332(b). Under section 337(c), the determination of whether any corporation is an 80-percent distributee must be made without regard to any consolidated return regulation. Under section 336, if section 337(a) does not apply, the liquidating corporation must recognize gain or loss on the distribution of property in complete liquidation as if such property were sold to the distributee at its fair market value. Therefore, a liquidating distribution may be taxable to the distributing corporation and tax-free to the distributees.

The Intercompany Transaction Rules

Section 1.1502–13 prescribes rules for taking into account items of income, gain, deduction, and loss of members from intercompany transactions. The purpose of those rules is to clearly reflect the taxable income (and tax liability) of the group by preventing intercompany transactions from creating, accelerating, avoiding, or deferring consolidated taxable income or consolidated tax liability. Under § 1.1502–13(j)(2)(ii), if the assets of a member of the group are acquired by a successor member, the successor member succeeds to, and takes into account (under the rules of § 1.1502–13), the predecessor's intercompany items. In addition, if two or more successor members acquire assets of the predecessor, the successors take into account the predecessor's intercompany items in a manner that is consistently applied and reasonably carries out the purposes of § 1.1502–13 and applicable provisions of law. Section 1.1502–13(j)(2)(i) provides that any reference to a person includes, as the context may require, a reference to a predecessor or successor. For this purpose, a predecessor includes a transferor of assets to a transferee (the successor) in a transaction (A) to which section 381(a) applies; (B) in which substantially all of the assets of the transferor are transferred to members in a complete liquidation; or (C) in which the successor's basis in assets is determined (directly or indirectly, in whole or in part) by reference to the basis of the transferor, but the transferee is a successor only with respect to the assets the basis of which is so determined.

The current regulations include two examples that illustrate how these rules operate when a member of a group, X, engages in a complete liquidation in which it distributes its assets to S and B, also group members. In *example 6* of § 1.1502–13(j)(9), S owns 100 percent of the common stock of X and, therefore, is an 80-percent distributee without regard to the application of § 1.1502–34. B owns 100 percent of the preferred stock of X, which is described in section 1504(a)(4), and, therefore, is an 80-percent distributee only by reason of the application of § 1.1502–34. X recognizes gain on the assets distributed to B. That gain, however, is not taken into account as a result of the liquidation and S succeeds to that gain.

In *example 7* of § 1.1502–13(j)(9), S owns 60 percent of the X stock and B owns 40 percent of the X stock. Therefore, both S and B are 80-percent distributees only by reason of the application of § 1.1502–34. X recognizes gain on the assets distributed to both S and B. That gain, however, is not taken into account as a result of the liquidation and S succeeds to X's gain on the assets distributed to B and B succeeds to X's gain on the assets distributed to S. As a result, under the acceleration rule, on the deconsolidation of either S or B, those gains would be taken into account in their entirety.

The rules illustrated by the examples reflect the concern that, under prior intercompany regulations, the assets of

an acquired corporation could be broken up without a corporate level tax. See 59 FR 18011. The IRS and Treasury Department have re-examined the current regulations and have concluded that accelerating all of the intercompany gains recognized on the liquidation of the liquidating corporation's assets in these cases is not necessary to deter mirror subsidiary transactions. Therefore, these regulations propose that each member of the group to which assets of a liquidating member are transferred succeeds to, and takes into account, the intercompany items of the liquidating member that are generated in the liquidation to the extent such items would have been reflected in investment basis adjustments to the stock of the liquidating member owned by such distributee member under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, any stock of the liquidating member owned by nonmembers had been redeemed by the liquidating member in exchange for the money or property distributed to that nonmember in the liquidating distribution, and then such items had been taken into account under § 1.1502–13(d).

These proposed regulations also address the manner in which the distributee members succeed to the intercompany items of the liquidating member that were not generated in the liquidating transaction. The IRS and Treasury Department have not identified a policy reason to distinguish between intercompany items that are generated in the liquidating transaction and intercompany items that are generated prior to the liquidating transaction. Therefore, these proposed regulations adopt the same rule for both of these categories of intercompany items.

Application of Section 381

Section 381(a)(1) provides that the acquiring corporation in a distribution to which section 332 applies shall succeed to, and take into account, the items of the distributor corporation (*i.e.*, liquidating corporation) that are listed in section 381(c). Section 1.381(a)–1(b)(2) provides that only a single corporation can be an acquiring corporation for purposes of section 381. Currently, there are no rules that govern which corporation succeeds to the items of the liquidating corporation when section 332 applies to more than one distributee as may happen by reason of the application of § 1.1502–34 when the distributees are members of the same consolidated group. These proposed regulations include such rules.

The IRS and Treasury Department believe that it is appropriate for each distributee member, even if it is not an 80-percent distributee without regard to the application of § 1.1502–34, to succeed to items of the liquidating corporation that could be used to offset the income or tax liability of the group or any member. If the liquidating corporation is a member of the group, any income or gain recognized by the liquidating corporation in connection with the liquidation will be deferred under § 1.1502–13. If § 1.1502–13 did not apply, that income or gain could be offset by net operating losses of the liquidating corporation or, alternatively, any tax liability resulting from the recognition of that income or gain could be offset by credits of the liquidating corporation. The operation of § 1.1502–34 should not change that result. Single entity principles should control in situations in which section 332 applies to the distributee members. Therefore, these proposed regulations provide that each distributee member succeeds to the items of the liquidating corporation that could be used to offset the income or tax liability of the group or any member (including net operating loss carryovers and capital loss carryovers) to the extent that such items would have been reflected in investment basis adjustments to the stock of the liquidating corporation owned by such distributee member under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, any stock of the liquidating corporation owned by nonmembers had been redeemed and then such items had been taken into account. In addition, each distributee member succeeds to the credits of the liquidating corporation (including credits under sections 38 and 53) to the extent that the items of gain, income, loss, or deduction attributable to the activities that gave rise to the credit would have been reflected in investment basis adjustments to the stock of the liquidating corporation owned by such distributee member under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, any stock of the liquidating corporation owned by nonmembers had been redeemed and then such items had been taken into account. For this purpose, if the liquidating corporation is not a member of the group at the time of the liquidation, these rules are applied as if the liquidating corporation had been a member of the group at that time. Finally, except to the extent that the distributee member's earnings and profits already reflect the liquidating corporation's earnings and profits, these proposed regulations provide that the earnings and profits of the liquidating corporation are allocated to each distributee member under the principles of § 1.1502–32(c), treating any stock of the liquidating corporation owned by nonmembers as if it had been redeemed immediately prior to the liquidation.

With respect to items other than those that can offset the income or tax liability of the group or any member and earnings and profits, these proposed regulations provide that a distributee member that, immediately prior to the liquidation, satisfies the requirements of section 1504(a)(2) without regard to § 1.1502–34 succeeds to the items of the liquidating corporation in accordance with the principles set forth in the Code (including section 381) and the regulations promulgated thereunder. This rule is consistent with the treatment of a nonconsolidated corporation that satisfies the ownership requirements of section 1504(a)(2) with respect to a liquidating corporation.

Finally, again with respect to items other than those that can offset the income or tax liability of the group or any member and earnings and profits, these proposed regulations provide that a distributee member that, immediately prior to the liquidation, does not own stock in the liquidating corporation meeting the requirements of section 1504(a)(2) without regard to § 1.1502–34 succeeds to items of the liquidating corporation to the extent that it would have succeeded to those items if it had purchased, in a taxable transaction, the assets or businesses of the liquidating corporation that it received in the liquidation and assumed the liabilities it assumed in the liquidation. As described above, pursuant to section 336, to the extent that section 337(a) does not apply, a liquidating corporation must recognize gain or loss on the distribution of property in complete liquidation as if such property were sold to the distributee at its fair market value. Although no provision of the Code states that the distributee is the purchaser of those assets, the IRS and Treasury Department believe that it is reasonable to treat the distributee as purchasing those assets for purposes of determining the attributes to which such a distributee succeeds.

Proposed Effective Date

These regulations are proposed to apply to complete liquidations that occur after the date that these regulations are published as final regulations in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations do not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations primarily will affect affiliated groups of corporations that have elected to file consolidated returns, which tend to be larger businesses, and, moreover, that any burden on taxpayers is minimal. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

Comments and Requests for Public Hearing

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

Drafting Information

The principal author of these proposed regulations is Jeffrey B. Fienberg of the Office of Associate Chief Counsel (Corporate). However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

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

PART 1—INCOME TAXES

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

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

§ 1.1502–13 also issued under 26 U.S.C. 1502. * * *

§ 1.1502–80 also issued under 26 U.S.C. 1502.* * *

Par. 2. Section 1.1502–13 is amended by:

1. Adding a sentence at the end of paragraph (j)(2)(ii).
2. Adding paragraph (j)(2)(iii).
3. Redesignating paragraph (j)(9) introductory text as paragraph (j)(9)(i).
4. Revising *Example* 6 and *Example 7* of newly designated paragraph (j)(9)(i).
5. Adding paragraph (j)(9)(ii).

The revisions and additions read as follows:

§ 1.1502–13 Intercompany transactions.

* * * * *

(j) * * *

(2) * * *

(ii) *Intercompany items.* * * * For example, if the assets of a predecessor are acquired by more than one successor in a transaction to which section 381(a)(1) applies, each successor succeeds to, and takes into account (under the rules of this section), each of the predecessor's intercompany items (whether resulting from distributions in liquidation or otherwise) to the extent that such items would have been reflected in investment basis adjustments to the stock of the predecessor owned by that successor under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, any stock of the predecessor owned by nonmembers had been redeemed in exchange for the money or property distributed to that nonmember in the transaction to which section 381(a)(1) applies, and then such items had been taken into account under § 1.1502–13(d).

(iii) *Effective date.* The third sentence of paragraph (j)(2)(ii) of this section applies to transactions occurring after the date these regulations are published as final regulations in the **Federal Register**.

* * * * *

(9) *Examples.* (i) The operating rules of this paragraph (j) are illustrated generally throughout this section, and by the following examples:

* * * * *

Example 6. Liquidation—80% distributee. (i) *Facts.* B1, B2, and S are members of the same consolidated group. S has only common stock outstanding. B1 owns 80% of S's stock, and B2 owns the remaining 20%. On January 1 of Year 2, S sells two assets to another member of the group. S recognizes $100 of gain with respect to the first asset and $100 of loss with respect to the second asset. On July 1 of Year 3, S distributes all of its remaining assets to B1 and B2 in a complete liquidation. At the time of the liquidation, S's assets have an aggregate basis of $0 and an aggregate value of $100, and neither the gain nor the loss from the prior two asset sales has been taken into account under this section. Under § 1.1502–34, section 332 applies to both B1 and B2. Under section 337, S has no gain or loss from its liquidating distribution to B1. Under sections 336 and 337(c), S has a $20 gain from its liquidating distribution to B2. On January 1 of Year 4, B2 ceases to be a member of the group.

(ii) *Succession to intercompany items.* Under the matching rule, S's $20 gain from its liquidating distribution to B2 is not taken into account under this section as a result of the liquidation (and, therefore, is not yet reflected under §§ 1.1502–32 and 1.1502–33). Under the successor person rule of paragraph (j)(2)(i) of this section, B1 and B2 are both successors to S. Under paragraph (j)(2)(ii) of this section, B1 and B2 each succeeds to S's intercompany items to the extent that such items would have been reflected in investment basis adjustments to its stock of S under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, such items had been taken into account under § 1.1502–13(d). Therefore, B1 succeeds to 80% of the $20 of intercompany gain from the assets distributed to B2 in the liquidation, and 80% of the $100 of intercompany gain and 80% of the $100 of intercompany loss from the assets that S sold prior to the liquidation. In addition, B2 succeeds to 20% of the $20 of intercompany gain from the assets distributed to B2 in the liquidation and 20% of the $100 of intercompany gain and 20% of the $100 of intercompany loss from the assets that S sold prior to the liquidation.

(iii) *Taking into account intercompany items.* S's gain from its liquidating distribution to B2 and S's gain and loss from the sale of the two assets prior to the liquidation will be taken into account by B1 and B2 under the matching and acceleration rules of this section based on subsequent events. Therefore, in connection with B2 ceasing to be a member of the group, B1 will take into account $16 of the intercompany gain from the assets distributed to B2 in the liquidation. In addition, B2 will take into account $4 of the intercompany gain from the assets distributed to B2 in the liquidation and $20 of the intercompany gain and $20 of the intercompany loss from the two assets that S sold prior to the liquidation.

Example 7. Liquidation—no 80% distributee. (i) *Facts.* B1, B2, and S are members of the same consolidated group. S has only common stock outstanding. B1 and B2 each owns 40% of S's stock, and A, a nonmember, owns the remaining 20% of S's stock. On January 1 of Year 2, S sells two assets to another member of the group. S recognizes $100 of gain with respect to the first asset and $100 of loss with respect to the second asset. On July 1 of Year 3, S distributes all of its remaining assets to B1, B2, and A in complete liquidation. At the

time of the liquidation, S's assets have an aggregate basis of $0 and an aggregate value of $100, and neither the gain nor the loss from the prior two asset sales has been taken into account under this section. Under § 1.1502–34, section 332 applies to both B1 and B2. Under sections 336 and 337(c), S has a $100 gain from its liquidating distributions to B1, B2, and A.

(ii) *Succession to intercompany items.* Under the matching rule, S's $80 gain from its liquidating distributions to B1 and B2 is not taken into account under this section as a result of the liquidation (and, therefore, is not yet reflected under §§ 1.1502–32 and 1.1502–33). Under the successor person rule of paragraph (j)(2)(i) of this section, B1 and B2 are successors to S. Under paragraph (j)(2)(ii) of this section, B1 and B2 each succeeds to S's intercompany items to the extent that such items would have been reflected in investment basis adjustments to its stock of S under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, the stock of S owned by A had been redeemed in exchange for the money or property distributed to A in the liquidation, and then such items had been taken into account under § 1.1502–13(d). If A had been redeemed, then S's items would have produced investment basis adjustments in the stock of S owned by each of B1 and B2 equally. Therefore, each of B1 and B2 succeeds to 50% of the $80 of intercompany gain from the assets distributed to B1 and B2 in the liquidation and 50% of the $100 of intercompany gain and 50% of the $100 of intercompany loss from the assets that S sold prior to the liquidation. S's $20 gain with respect to the assets that are distributed to A in the liquidation is taken into account immediately.

(iii) *Taking into account intercompany items.* S's gain from its liquidating distributions to B1 and B2 and S's gain and loss from the sale of the two assets prior to the liquidation will be taken into account by B1 and B2 under the matching and acceleration rules of this section based on subsequent events.

(ii) *Effective dates.* Paragraph (j)(9)(i) *Examples 6* and *7* apply to transactions occurring after the date these regulations are published as final regulations in the **Federal Register**.

* * * * *

Par. 3. Section 1.1502–80 is amended by:

1. Removing the second sentence from paragraph (a).

2. Adding paragraph (g).

The addition reads as follows:

§ 1.1502–80 Applicability of other provisions of law.

* * * * *

(g) *Special rules for liquidations to which section 332 applies.* Notwithstanding the general rule of section 381, if one or more members is a distributee of assets in a liquidation to which section 332 applies and such member or members in the aggregate own stock of the liquidating corporation that satisfies the requirements of section 1504(a)(2) (regardless of whether any single member owns stock in the liquidating corporation that satisfies the requirements of section 1504(a)(2)), such member or members shall succeed to the items (including items described in section 381(c)) of the liquidating corporation, to the extent not otherwise prohibited by any applicable provision of law, as provided in this paragraph (g).

(1) Each distributee member shall succeed to the items of the liquidating corporation that could be used to offset the income or tax liability of the group or any member (including net operating loss carryovers and capital loss carryovers) to the extent that such items would have been reflected in investment basis adjustments to the stock of the liquidating corporation owned by such distributee member under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, any stock of the liquidating corporation owned by nonmembers had been redeemed and then such items had been taken into account. In addition, each distributee member shall succeed to the credits of the liquidating corporation (including credits under sections 38 and 53) to the extent that the items of gain, income, loss, or deduction attributable to the activities that gave rise to the credit would have been reflected in investment basis adjustments to the stock of the liquidating corporation owned by such distributee member under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, any stock of the liquidating corporation owned by nonmembers had been redeemed and then such items had been taken into account. If the liquidating corporation is not a member of the group at the time of the liquidation, the previous two sentences shall be applied as if the liquidating corporation had been a member of the group at the time of the liquidation. Finally, except to the extent that the distributee member's earnings and profits already reflect the liquidating corporation's earnings and profits, the earnings and profits of the liquidating corporation are allocated to each distributee member under the principles of § 1.1502–32(c), treating any stock of the liquidating corporation owned by nonmembers as if it had been redeemed immediately prior to the liquidation.

(2) With regard to items to which paragraph (g)(1) of this section does not apply, a distributee member that, immediately prior to the liquidation, owns stock in the liquidating corporation meeting the requirements of section 1504(a)(2) without regard to § 1.1502–34 shall succeed to items of the liquidating corporation in accordance with section 381 and other applicable principles.

(3) With regard to items to which paragraph (g)(1) of this section does not apply, a distributee member that, immediately prior to the liquidation, does not own stock in the liquidating corporation meeting the requirements of section 1504(a)(2) without regard to § 1.1502–34 shall succeed to items of the liquidating corporation to the extent that it would have succeeded to those items if it had purchased, in a taxable transaction, the assets or businesses of the liquidating corporation that it received in the liquidation and assumed the liabilities it assumed in the liquidation.

(4) *Examples.* The following examples illustrate the application of this paragraph (g):

Example 1. Liquidation—80% distributee.

(i) *Facts.* X has only common stock outstanding. On January 1 of Year 1, X acquired equipment with a 10-year life and elected to depreciate the equipment using the straight-line method of depreciation. On January 1 of Year 7, B1 and B2 own 80% and 20%, respectively, of X's stock. X is a domestic corporation but is not a member of the group that includes B1 and B2. On that date, X distributes all of its assets to B1 and B2 in complete liquidation. The equipment is distributed to B1. Under section 334(b), B1's basis in the equipment is the same as it would be in X's hands. After computing its tax liability for the taxable year that includes the liquidation, X has net operating losses of $100, business credits of $40, and earnings and profits of $80.

(ii) *Succession to items described in section 381(c).* Under paragraph (g)(1) of this section, B1 and B2 each succeeds to X's items that could be used to offset the income or tax liability of the group or any member to the extent that such items would have been reflected in investment basis adjustments to the stock of X it owned under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, such items had been taken into account. Accordingly, B1 and B2 succeed to $80 and $20, respectively, of X's net operating loss. In addition, under paragraph (g)(1) of this section, because, immediately prior to the liquidation, 80% of the items of gain, income, loss, or deduction attributable to the activities that gave rise to the business credits of $40 would have been reflected in investment basis adjustments to the stock of X owned by B1 under the principles of § 1.1502–32(c) and 20% of those items would have been reflected in investment basis adjustments to the stock of X owned by B2 under those same principles, B1 and B2 succeed to $32 and $8, respectively, of X's business credits. Under paragraph (g)(1) of this section, because B1's and B2's earnings and profits do not reflect X's earnings and profits, X's earnings and profits are allocated to B1 and B2 under the principles of § 1.1502–32(c). Therefore, B1 and B2 succeed

to $64 and $16, respectively, of X's earnings and profits. Finally, because B1 owns stock in X meeting the requirements of section 1504(a)(2) without regard to § 1.1502–34, under paragraph (g)(2), B1 is required to continue to depreciate the equipment using the straight-line method of depreciation.

Example 2. Liquidation—no 80% distributee.

(i) *Facts.* The facts are the same as in Example 1 except that B1 and B2 own 60% and 40%, respectively, of X's stock. Therefore, under section 334(a), B1's basis in the equipment is its fair market value at the time of the distribution. In addition, on January 1 of Year 6, X entered into a long-term contract with Y, an unrelated party. The total contract price is $1000, and X estimates the total allocable contract costs to be $500. At the time of the liquidation, X had received $250 in progress payments under the contract and incurred costs of $125. X accounted for the contract under the percentage of completion method described in section 460(b). In the liquidation, B1 assumes X's contract obligations and rights.

(ii) *Succession to items described in section 381(c).* (A) *Losses and credits.* Under paragraph (g)(1) of this section, B1 and B2 each succeeds to X's items that could be used to offset the income or tax liability of the group or any member to the extent that such items would have been reflected in investment basis adjustments to the stock of X it owned under the principles of § 1.1502–32(c) if, immediately prior to the liquidation, such items had been taken account. Accordingly, B1 and B2 succeed to $60 and $40, respectively, of X's net operating loss. In addition, under paragraph (g)(1) of this section, because, immediately prior to the liquidation 60% of the items of gain, income, loss, or deduction attributable to the activities that gave rise to the business credits of $40 would have been reflected in investment basis adjustments to the stock of X owned by B1 under the principles of § 1.1502–32(c) and 40% of those items would have been reflected in the investment basis adjustments to the stock of X owned by B2 under those same principles, B1 and B2 succeed to $24 and $16, respectively, of X's business credits.

(B) *Earnings and profits.* Under paragraph (g)(1) of this section, because B1's and B2's earnings and profits do not reflect X's earnings and profits, X's earnings and profits are allocated to B1 and B2 under the principles of § 1.1502–32(c). Therefore, B1 and B2 succeed to $48 and $32, respectively, of X's earnings and profits.

(C) *Depreciation of equipment's basis.* By reason of section 168(i)(7), to the extent that B1's basis in the equipment does not exceed X's basis in the equipment, B1 will be required to continue to depreciate the equipment using the straight-line method of depreciation.

(D) *Method of accounting for long-term contract.* Under paragraph (g)(3) of this section, B1 does not succeed to X's method of accounting for the contract. Rather, under § 1.460–4(k)(2), B1 is treated as having entered into a new contract on the date of the liquidation. Under § 1.460–4(k)(2)(iii), B1 must evaluate whether the new contract should be classified as a long-term contract within the meaning of § 1.460–1(b) and account for the contract under a permissible method of accounting.

(5) *Effective date.* Paragraph (g) applies to transactions occurring after the date these regulations are published as final regulations in the **Federal Register**.

* * * * *

Mark E. Matthews,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 05–3220 Filed 2–18–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 206

RIN 1010–AD00

Public Workshop on Proposed Rule—Establishing Oil Value for Royalty Due on Indian Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of public workshops.

SUMMARY: The Minerals Management Service (MMS) is giving notice of public workshops concerning the valuation of crude oil produced from Indian oil and gas leases.

DATES: The public workshop dates are:

Workshop 1: Oklahoma City, Oklahoma, on March 8, 2005, beginning at 8:30 a.m. and ending at 2 p.m., central time.

Workshop 2: Albuquerque, New Mexico, on March 9, 2005, beginning at 8:30 a.m. and ending at 2 p.m., mountain time.

Workshop 3: Billings, Montana, on March 16, 2005, beginning at 8:30 a.m. and ending at 2 p.m., mountain time.

ADDRESSES: Public workshop locations:

Workshop 1 will be held at the Sheraton Downtown in the Frontier Room, One North Broadway, Oklahoma City, Oklahoma 73102 (telephone number (405) 235–2780).

Workshop 2 will be held at the Wyndham Albuquerque in the Bernalillo Room, 2910 Yale Boulevard SE., Albuquerque, New Mexico 87106 (telephone number (505) 843–7000).

Workshop 3 will be held at the Sheraton Billings Hotel in the Avalanche Room, 27 North 27th Street, Billings, Montana 59101 (telephone number (406) 252–7400).

FOR FURTHER INFORMATION CONTACT: Mr. John Barder, Supervisory Mineral Revenue Specialist, Minerals Management Service, Minerals Revenue Management, Indian Oil and Gas Compliance and Asset Management, telephone (303) 231–3702, Fax (303) 231–3755, e-mail to *John.Barder@mms.gov,* P.O. Box 25165, MS 396B2, Denver, Colorado 80225–0165.

SUPPLEMENTARY INFORMATION: On February 12, 1998, MMS published a notice of proposed rulemaking regarding the value for royalty purposes of crude oil produced from Indian tribal and allotted leases. 63 FR 7089. On January 5, 2000, MMS published a supplementary proposed Indian oil valuation rule. 65 FR 403. Because of the substantial amount of time that has passed since the last proposal, and because of changes that have occurred since then in the market for crude oil, MMS has decided not to promulgate a final rule based on the previous proposed rules and comments received. Therefore, MMS is withdrawing both the proposed rule and the supplementary proposed rule, and is starting a new rulemaking process regarding the royalty valuation of crude oil produced from Indian leases.

The record compiled for the February 1998 proposed rule and the January 2000 supplementary proposed rule, including comments submitted on those proposals, will not be part of the record of the new rulemaking. At this time, MMS has made no decisions regarding the content of a future proposed rule or any future final rule that may result from this process. A new proposed rule may or may not include provisions similar to prior proposals.

The MMS has decided to gather preliminary comments and conduct preliminary consultation in anticipation of publishing a new proposed rule regarding Indian oil royalty valuation. The MMS is conducting the series of public workshops identified above for that purpose.

Among other things, MMS specifically seeks public comment on the following issues:

1. The MMS published amendments to the Federal crude oil valuation rule on May 5, 2004 (69 FR 24959). Should MMS adopt any of those same changes in the Indian oil valuation rule (*e.g.*, using NYMEX prices adjusted for location and quality and for transportation costs for oil that is not sold at arm's length, and using 1.3 times the Standard & Poor's BBB bond rate as the rate of return on undepreciated capital investment in calculating non-arm's-length transportation costs)?

2. The current Indian oil valuation rule provides that Amajor portion''

prices are to be calculated on the basis of the arm's-length sales in the field or area. Should MMS revise the rule to use arm's-length reported values for production from a reservation or other designated area?

3. Should MMS collect information to use in the major portion calculations to distinguish the quality of the oil (*e.g.*, sweet crude, sour crude, yellow wax crude, *etc.*)? The workshops will be open to the public in order to discuss the valuation of crude oil produced from Indian leases. We encourage members of the public to attend these meetings. Those wishing to make formal presentations should sign up to do so upon arrival. The sign-up sheet will determine the order of speakers.

Executive Order 13175 requires the Federal Government to consult and collaborate with the Indian community (tribes and individual Indian mineral owners) in the development of Federal policies that impact the Indian community. The locations of the workshops were chosen to allow for increased participation by the Indian community. In addition, MMS will send out letters to various leaders in the Indian community advising them of, and encouraging them to participate in, the workshops.

The workshops will be open to the public without advance registration. Public attendance may be limited to the space available. We encourage a workshop atmosphere, and members of the public are encouraged to participate. We will post the minutes from each workshop on our Web site at *http://www.mrm.mms.gov.* You may submit written comments to MMS following the workshops by regular mail to P.O. Box 25165, MS 396B2, Denver, Colorado 80225–0165, by e-mail to *John.Barder@mms.gov,* or through our Internet public comment system at *http://ocsconnect.mms.gov.*

Dated: February 9, 2005.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. 05–3252 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–MR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 207–0435b; FRL–7870–9]

Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Antelope Valley Air Quality Management District (AVAQMD) portion of the California State Implementation Plan (SIP). These revisions concern the permitting of air pollution sources. We are proposing to approve local rules under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by March 24, 2005.

ADDRESSES: Send comments to Gerardo Rios, Permits Office Chief (AIR–3), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to *R9airpermits@epa.gov,* or submit comments at *http://www.regulations.gov.*

You can inspect a copy of the submitted SIP revisions and EPA's technical support document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions and TSD at the following locations: Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460. California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814. Antelope Valley Air Quality Management District, 43301 Division Street, #206, Lancaster, CA 93535.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Manny Aquitania, Permits Office (AIR–3), U.S. Environmental Protection Agency, Region IX, (415) 972–3977; *aquitania.manny@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the approval of local AVAQMD permitting Rules 201, 203, 204, 205, and 217. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe this SIP revision is not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: January 12, 2005.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 05–3186 Filed 2–18–05; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 307–0460b; FRL–7874–7]

Revisions to the California State Implementation Plan, El Dorado County Air Quality Management District (Mountain Counties Portion), Imperial County Air Pollution Control District, and South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the El Dorado County Air Quality Management District (EDCAQMD) (Mountain Counties portion), Imperial County Air Pollution Control District (ICAPCD), and the South Coast Air Quality Management District (SCAQMD) portions of the California State Implementation Plan (SIP). The revisions concern an obsolete permitting rule and the storage and transfer of gasoline at dispensing facilities. We are proposing to remove an obsolete local permitting rule and are proposing to approve local rules that regulate volatile organic compound (VOC) emissions under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by March 24, 2005.

ADDRESSES: Mail or e-mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, or e-mail to *steckel.andrew@epa.gov,* or submit comments at *http://www.regulations.gov.*

You can inspect a copy of the submitted rule revisions and EPA's

technical support documents (TSDs) at our Region IX office during normal business hours. You may also see a copy of the submitted rule revisions and TSDs at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 ''I'' Street, Sacramento, CA 95814.

El Dorado County Air Quality Management District, 2850 Fairlane Court, Building C, Placerville, CA 95667.

Imperial County Air Pollution Control District, 150 South 9th Street, El Centro, CA 92243.

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765.

A copy of the rule may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office (AIR–4), U.S. Environmental Protection Agency, Region IX, (415) 947–4118, *petersen.alfred@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the removal of local EDCAQMD Rule 425 and approval of ICAPCD Rule 415 and SCAQMD Rule 461. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of the direct final rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the direct final rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 17, 2004.

Wayne Nastri,

Regional Administrator, Region IX.

[FR Doc. 05–3357 Filed 2–18–05; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–310; MB Docket No. 05–46, RM–11156; MB Docket No. 05–47 RM–11157]

Radio Broadcasting Services; Hornbeck, LA; Tennessee Colony, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document sets forth two proposals to amend the FM Table of Allotments, § 73.202(b) of the Commission's rules, 47 CFR 73.202(b). The Commission requests comment on a petition filed by Charles Crawford. Petitioner proposes the allotment of Channel 269A at Hornbeck, Louisiana, as a first local service. Channel 269A can be allotted at Hornbeck in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.2 km (4.5 miles) west of Hornbeck. The proposed coordinates for Channel 269A at Hornbeck are 31–18–42 North Latitude and 93–28–12 West Longitude. *See* **SUPPLEMENTARY INFORMATION** *infra.*

DATES: Comments must be filed on or before March 31, 2005, and reply comments on or before April 15, 2005.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Media Bureau (202) 418–7072.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket Nos. 05–46 and 05–47, adopted February 2, 2005, and released February 7, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (800) 378–3160, or via the company's Web site, *http://www.bcpiweb.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

The Commission further requests comment on a petition filed by Charles Crawford. Petitioner proposes the allotment of Channel 300A at Tennessee Colony, Texas, as a first local service. Channel 300A can be allotted at Tennessee Colony in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.0 km (3.1 miles) northeast of Tennessee Colony. The proposed coordinates for Channel 300A at Tennessee Colony are 31–51–38 North Latitude and 95–47–49 West Longitude.

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by adding Hornbeck, Channel 269A.

3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Tennessee Colony, Channel 300A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–3314 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–296; MB Docket No. 05–34; RM–10761]

Radio Broadcasting Services; Mt. Enterprise, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Charles Crawford requesting the allotment of Channel 231A at Mt. Enterprise, Texas. The coordinates for Channel 231A at Mt. Enterprise are 31–59–40 and 94–40–29. There is a site restriction 8.5 kilometers (5.3 miles) north of the community. To accommodate the allotment at Mt. Enterprise, petitioner has requested a site change for vacant Channel 231C2 at Hodge, Louisiana, from 32–08–20 and 52–59–04 to a site 20.5 kilometers southwest of Hodge at coordinates 32–09–00 and 92–53–00. A minor change application was later filed by Cumulus Licensing LLC, licensee of Station KQXY–FM, Channel 231C1, Beaumont, Texas, which conflicts with the proposed Mt. Enterprise allotment. *See* BPH–20031119AAE. This application will be treated as a counterproposal in this proceeding.

DATES: Comments must be filed on or before March 28, 2005, and reply comments on or before April 12, 2005.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205 and Gene A. Bechtel, Law Offices of Gene Bechtel, 1050 17th Street, NW., Suite 600, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 05–34, adopted February 2, 2005, and released February 4, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, or via e-mail *qualexint@aol.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Mt. Enterprise, Channel 231A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–3313 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–298, MB Docket No. 05–31, RM–11150]

Radio Broadcasting Services; Paint Rock, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a Petition for Rule Making filed by Charles Crawford requesting the allotment of Channel 296C3 at Paint Rock, Texas, as the community's first local aural transmission service. Channel 296C3 can be allotted to Paint Rock in compliance with the Commission's rules provided there is a site restriction of 15 kilometers (9.3 miles) east at coordinates 31–31–15 North Latitude and 99–45–45 West Longitude. To accommodate this allotment, this document also proposes the relocation of reference coordinates for vacant FM Channel 296C2 at Big Lake, Texas with a site restriction of 24.1 kilometers (15.0 miles) southwest at coordinates 31–02–00 NL and 101–38–00 WL. The proposed Paint Rock allotment and the proposed site for the Big Lake allotment both requires Mexican concurrence since these proposed allotments are located within 320 kilometers (199 miles) of the U.S.-Mexican border. *See* **SUPPLEMENTARY INFORMATION.**

DATES: Comments must be filed on or before March 28, 2005, and reply comments on or before April 12, 2005.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 05–31, adopted February 2, 2005, and released February 4, 2005. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The full text of this Commission decision is available for inspection and copying during normal business hours

in the Commission's Reference Center 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20054, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.*

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Paint Rock, Channel 296C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–3312 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 2003–D021]

Defense Federal Acquisition Regulation Supplement; Acquisition of Ball and Roller Bearings

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to restrictions on the acquisition of foreign ball and roller bearings. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 25, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D021, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web Site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil*. Include DFARS Case 2003–D021 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0328.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule is a result of DFARS Transformation, which is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm*.

10 U.S.C. 2534 and annual Defense appropriations acts contain restrictions on the acquisition of foreign ball and roller bearings. These restrictions are implemented in DFARS 225.7009 and in the clause at DFARS 252.225–7016, Restriction on Acquisition of Ball and Roller Bearings. This rule proposes to clarify DFARS 225.7009 and 252.225–7016 by (1) only addressing the exceptions, waivers, and waiver authority available to the contracting officer under current law; and (2) applying the exception to 10 U.S.C. 2534, authorized by Section 8003 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 41 U.S.C. 430), as implemented at DFARS 212.504(a)(xviii), to bearings that are commercial components of non-commercial end items or components.

The only exception to the annual Defense appropriations act restrictions on the acquisition of foreign bearings is the exception for contracts or subcontracts for the acquisition of commercial items, except for commercial ball and roller bearings acquired as end items. 10 U.S.C. 2534, as currently implemented at DFARS 225.7009–2(a)(2), provides an exception for commercial items incorporating ball or roller bearings. This exception does not apply to bearings that are commercial components of a non-commercial item. However, as a result of Section 8003 of the Federal Acquisition Streamlining Act of 1994, DFARS 212.504(a)(xviii) lists 10 U.S.C. 2534 as a law that is not applicable to subcontracts at any tier for the acquisition of commercial items. Applying this ''any tier'' interpretation to bearings would be consistent with the annual Defense appropriations acts' commercial item exception, and would provide a single consistent exception to the statutory restrictions on the acquisition of foreign bearings.

The annual Defense appropriations acts allow the Secretary of a military department to waive bearing domestic source restrictions on a case-by-case basis. The justification for the waiver must establish that (1) adequate domestic supplies are not available to meet DoD requirements on a timely basis; and (2) such an acquisition must

be made in order to acquire capability for national security purposes. The waiver authorities of 10 U.S.C. 2354 are unusable, except to the extent that they can also meet the waiver requirements of the annual Defense appropriations acts. Therefore, this proposed rule eliminates from the DFARS the exceptions and waivers authorized by 10 U.S.C. 2534, that are rendered ineffective by the overriding restrictions of the annual Defense appropriations acts.

The current DFARS also includes several more restrictive waiver requirements that derive from the 1992 DFARS. These waiver requirements relate to multiyear acquisitions and miniature and instrument ball bearings. Although 10 U.S.C. 2534(a) imposes the restrictions of the 1992 DFARS, 10 U.S.C. 2534(d) provides new waiver authority that supersedes the prior more restrictive waiver authority of the 1992 DFARS. This rule proposes to remove the 1992 waiver restrictions from the DFARS, which would substantially reduce paperwork burden for contractors.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

The proposed rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it permits the acquisition of foreign commercial bearings that are components of noncommercial items. Although existing language at DFARS 212.504(a)(xviii) provides that 10 U.S.C. 2534 is not applicable to subcontracts at any tier for the acquisition of commercial items, DoD is not certain to what extent this authority has been implemented due to the inconsistent requirements in DFARS Part 225. This proposed rule resolves that inconsistency. An initial regulatory flexibility analysis has been prepared and is summarized as follows:

This proposed rule establishes a consistent exception to restrictions on the acquisition of foreign ball and roller bearings, to apply to the acquisition of commercial bearings. The objective of the proposed rule is to increase clarity of the regulations and reduce administrative burden for DoD contractors. The legal basis for the proposed rule is 10 U.S.C. 2534; Section 8059 of the Defense Appropriations Act for Fiscal Year 2005 (Pub. L. 108–287); and Section 8003 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355; 41 U.S.C. 430). The proposed rule will apply to manufacturers of commercial bearings, and manufacturers of noncommercial products that incorporate commercial bearings. Manufacturers of domestic commercial bearings may face increased competition from foreign commercial bearing manufacturers, but manufacturers of noncommercial products incorporating bearings will be relieved of extensive administrative burdens in tracking the source of commercial bearings and requesting waivers from domestic source requirements. All entities will benefit from the increased simplicity and clarity of the regulations.

A copy of the analysis may be obtained from the point of contact specified herein. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D021.

C. Paperwork Reduction Act

The information collection and recordkeeping requirements of the clause at 252.225–7016, Restriction on Acquisition of Ball and Roller Bearings, are approved through March 31, 2007, under Office of Management and Budget Clearance 0704–0229. The proposed changes will reduce the estimated annual burden on contractors by 301,600 hours.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR Parts 225 and 252 as follows:

PART 225—FOREIGN ACQUISITION

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Sections 225.7009–1 through 225.7009–4 are revised to read as follows:

225.7009–1 Scope.

This section implements—

(a) 10 U.S.C. 2534; and

(b) Section 8064 of the Fiscal Year 2001 DoD Appropriations Act (Public Law 106–259) and similar sections in subsequent DoD appropriations acts.

225.7009–2 Restriction.

Do not acquire ball and roller bearings or bearing components unless the bearings and bearing components are manufactured in the United States or Canada.

225.7009–3 Exception.

The restriction in 225.7009–2 does not apply to contracts or subcontracts for the acquisition of commercial items, except for commercial ball and roller bearings acquired as end items.

225.7009–4 Waiver.

The Secretary of the department responsible for acquisition may waive the restriction in 225.7009–2, on a case-by-case basis, by certifying to the House and Senate Committees on Appropriations that—

(a) Adequate domestic supplies are not available to meet DoD requirements on a timely basis; and

(b) The acquisition must be made in order to acquire capability for national security purposes.

3. Section 225.7009–5 is added to read as follows:

225.7009–5 Contract clause.

Use the clause at 252.225–7016, Restriction on Acquisition of Ball and Roller Bearings, in solicitations and contracts, unless—

(a) The items being acquired are commercial items other than ball or roller bearings acquired as end items;

(b) The items being acquired do not contain ball and roller bearings; or

(c) A waiver has been granted in accordance with 225.7009–4.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.212–7001 [Amended]

4. Section 252.212–7001 is amended as follows:

a. By revising the clause date to read ''(XXX 2005)'';

b. In paragraph (b), in entry ''252.225–7016'', by removing ''(MAY 2004)'' and adding in its place ''(XXX 2005)''; and

c. In paragraph (b), in entry ''252.225–7016'', by removing ''(APR 2003)'' and adding in its place ''(XXX 2005)''.

5. Section 252.225–7016 is revised to read as follows:

252.225–7016 Restriction on Acquisition of Ball and Roller Bearings.

As prescribed in 225.7009–5, use the following clause:

Restriction on Acquisition of Ball and Roller Bearings (XXX 2005)

(a) *Definition. Bearing components,* as used in this clause, means the bearing element, retainer, inner race, or outer race.

(b) Except as provided in paragraph (c) of this clause, all ball and roller bearings and ball and roller bearing components delivered under this contract, either as end items or components of end items, shall be wholly manufactured in the United States or Canada. Unless otherwise specified, raw materials, such as preformed bar, tube, or rod stock and lubricants, need not be mined or produced in the United States or Canada.

(c) The restriction in paragraph (b) of this clause does not apply to ball or roller bearings that are acquired as components if—

(1) The end items or components containing ball or roller bearings are commercial items; or

(2) The ball or roller bearings are commercial components.

(d) The restriction in paragraph (b) of this clause may be waived upon request from the Contractor in accordance with subsection 225.7009–4 of the Defense Federal Acquisition Regulation Supplement.

(e) The Contractor shall insert the substance of this clause, including this paragraph (e), in all subcontracts, except those for—

(1) Commercial items; or

(2) Items that do not contain ball or roller bearings.

(End of clause)

[FR Doc. 05–3201 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 237

[DFARS Case 2003–D042]

Defense Federal Acquisition Regulation Supplement; Advisory and Assistance Services

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the acquisition of advisory and assistance services. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 25, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D042, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web Site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil.* Include DFARS Case 2003–D042 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Robin Schulze, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, (703) 602–0326.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

- Delete the definition of ''advisory and assistance services'' at DFARS 237.201. The definition is used primarily for budget reporting under 10 U.S.C. 2212, and is adequately addressed in financial management regulations.
- Delete obsolete text on contracting for engineering and technical services at DFARS 237.203. This text was based on DoD Directive 1130.2, Engineering and Technical Sevices—Management Control, which was cancelled in 1990.
- Delete a reference listing of DoD publications that govern the conduct of audits at DFARS 237.270. This list will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information, available at *http://www.acq.osd.mil/dpap/dars/pgi.*
- Delete obsolete text on management controls and requesting activity responsibilities at DFARS 237.271 and 237.272. This text was based on OMB Circular A–120, Guidelines for the Use of Advisory and Assistance Services, which was rescinded in 1993. OMB Circular A–120 was replaced by OFPP Policy Letter 93–1, Management Oversight of Service Contracting, which is implemented in FAR Subpart 37.5.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes no significant change to contracting policy. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D042.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 237

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR part 237 as follows:

PART 237—SERVICE CONTRACTING

1. The authority citation for 48 CFR part 237 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

237.201 and 237.203 [Removed]

2. Sections 237.201 and 237.203 are removed.

3. Section 237.270 is revised to read as follows:

237.270 Acquisition of audit services.

(a) *General policy.*

(1) Do not contract for audit services unless—

(i) The cognizant DoD audit organization determines that expertise required to perform the audit is not available within the DoD audit organization; or

(ii) Temporary audit assistance is required to meet audit reporting requirements mandated by law or DoD regulation.

(2) See PGI 237.270 for a list of DoD publications that govern the conduct of audits.

(b) *Contract period.* Except in unusual circumstances, award contracts for recurring audit services for a 1-year period with at least 2 option years.

(c) *Approvals.* Do not issue a solicitation for audit services unless the requiring activity provides evidence that the cognizant DoD audit organization has approved the statement of work. The requiring agency shall obtain the same evidence of approval for subsequent material changes to the statement of work.

(d) *Solicitation provisions and contract clauses.*

(1) Use the provision at 252.237–7000, Notice of Special Standards of Responsibility, in solicitations for audit services.

(2) Use the clause at 252.237–7001, Compliance with Audit Standards, in solicitations and contracts for audit services.

237.271 and 237.272 [Removed]

4. Sections 237.271 and 237.272 are removed.

[FR Doc. 05–3203 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Parts 237 and 252

[DFARS Case 2003–D041]

Defense Federal Acquisition Regulation Supplement; Specialized Service Contracting

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the acquisition of mortuary and laundry and dry cleaning services. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 25, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D041, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web Site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil.* Include DFARS Case 2003–D041 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Robin Schulze, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, (703) 602–0326.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

- Revise DFARS Subpart 237.70 to delete procedures for defining the geographic area to be covered by mortuary services contracts, and procedures for distribution of those contracts. These procedures will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information, available at *http://www.acq.osd.mil/dpap/dars/pgi.*
- Delete the clause at DFARS 252.237–7010 containing facility requirements for mortuary services, as these requirements are adequately addressed in State law.
- Revise DFARS Subpart 237.71 to delete unnecessary requirements relating to contracting for laundry and dry cleaning services.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes no significant change to contracting policy. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D041.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 237 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR parts 237 and 252 as follows:

PART 237—SERVICE CONTRACTING

1. The authority citation for 48 CFR parts 237 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Subpart 237.70 is revised to read as follows:

Subpart 237.70—Mortuary Services

Sec.
237.7000 Scope.
237.7001 Method of acquisition.
237.7002 Area of performance and distribution of contracts.
237.7003 Solicitation provisions and contract clauses.

237.7000 Scope.

This subpart—

(a) Applies to contracts for mortuary services (the care of remains) for military personnel within the United States; and

(b) May be used as guidance in areas outside the United States for mortuary services for deceased military and civilian personnel.

237.7001 Method of acquisition.

(a) *Requirements type contract.* By agreement among the military activities, one activity in each geographical area will contract for the estimated requirements for the care of remains for all military activities in the area. Use a requirements type contract (see FAR 16.503) when the estimated annual requirements for the activities in the area are ten or more.

(b) *Purchase order.* Where no contract exists, use DD Form 1155, Order for Supplies and Services/Request for Quotations, to obtain mortuary services.

237.7002 Area of performance and distribution of contracts.

Follow the procedures at PGI 237.7002 for—

(a) Defining the geographic area to be covered by the contract; and

(b) Distributing copies of the contract.

237.7003 Solicitation provisions and contract clauses.

(a) Use the provision at 252.237–7002, Award to Single Offeror, in all sealed bid solicitations for mortuary services. Use the basic provision with its Alternate I in all negotiated solicitations for mortuary services.

(b) Use the following clauses in all mortuary service solicitations and contracts, except do not use the clauses at 252.237–7004, Area of Performance, in solicitations or contracts that include port of entry requirements:

(1) 252.237–7003, Requirements, (insert activities authorized to place orders in paragraph (e) of the clause).

(2) 252.237–7004, Area of Performance.

(3) 252.237–7005, Performance and Delivery.

(4) 252.237–7006, Subcontracting.

(5) 252.237–7007, Termination for Default.

(6) 252.237–7008, Group Interment.

(7) 252.237–7009, Permits.

(8) 252.237–7011, Preparation History.

(c) Use the clause at FAR 52.245–4, Government-Furnished Property (Short Form), in solicitations and contracts that include port of entry requirements.

3. Section 237.7100 is revised to read as follows:

237.7100 Scope.

This subpart—

(a) Applies to contracts for laundry and dry cleaning services within the United States; and

(b) May be used as guidance in areas outside the United States.

237.7101 [Removed]

4. Section 237.7101 is removed.

237.7102 [Redesignated as 237.7101]

5. Section 237.7102 is redesignated as section 237.7101.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.237–7002 [Amended]

6. Section 252.237–7002 is amended in the introductory text, and in Alternate I in the introductory text, by removing ''237.7004'' and adding in its place ''237.7003.''

252.237–7003 through 252.237–7009 [Amended]

7. Sections 252.237–7003 through 252.237–7009 are amended in the introductory text by removing ''237.7004'' and adding in its place ''237.7003.''

252.237–7010 [Removed and Reserved]

8. Section 252.237–7010 is removed and reserved.

252.237–7011 [Amended]

9. Section 252.237–7011 is amended in the introductory text by removing ''237.7004'' and adding in its place ''237.7003.''

252.237–7012 through 252.237–7015 [Amended]

10. Sections 252.237–7012 through 252.237–7015 are amended in the introductory text by removing ''237.7102'' and adding in its place ''237.7101.''

252.237–7016 [Amended]

11. Section 252.237–7016 is amended in the introductory text, and in Alternates I and II in the introductory text, by removing ''237.7102'' and adding in its place ''237.7101.''

252.237–7017 and 252.237–7018 [Amended]

12. Sections 252.237–7017 and 252.237–7018 are amended in the introductory text by removing ''237.7102'' and adding in its place ''237.7101.''

[FR Doc. 05–3206 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 239

[DFARS Case 2003–D055]

Defense Federal Acquisition Regulation Supplement; Acquisition of Telecommunications Services

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the acquisition of telecommunications services. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 25, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D055, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Defense Acquisition Regulations Web Site: http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- *E-mail: dfars@osd.mil.* Include DFARS Case 2003-D055 in the subject line of the message.
- *Fax:* (703) 602–0350.
- *Mail:* Defense Acquisition Regulations Council, Attn: Mr. Bill Sain, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- *Hand Delivery/Courier:* Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Mr. Bill Sain, (703) 602–0293.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR

authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

• Amend DFARS 239.7401 to update terminology for consistency with the terminology used in the clause at DFARS 252.239–7016; and

• Revise DFARS 239.7405 to delete obsolete text and to add text addressing DoD's authority to enter into contracts for telecommunications services.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the proposed rule makes no significant change to policy for the acquisition of telecommunications services. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D055.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 239

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR part 239 as follows:

1. The authority citation for 48 CFR part 239 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 239—ACQUISITION OF INFORMATION TECHNOLOGY

239.7401 [Amended]

2. Section 239.7401 is amended in paragraph (e) by removing ''*Security,*'' and adding in its place ''*Securing,.*''

3. Section 239.7405 is revised to read as follows:

239.7405 Delegated authority for telecommunications resources.

The contracting officer may enter into a telecommunications service contract on a month-to-month basis or for any longer period or series of periods, not to exceed a total of 10 years. See PGI 239.7405 for documents relating to this contracting authority, which the General Services Administration has delegated to DoD.

[FR Doc. 05–3207 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 241

[DFARS Case 2003–D096]

Defense Federal Acquisition Regulation Supplement; Utility Rates Established by Regulatory Bodies

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to utility rates established by independent and nonindependent regulatory bodies. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 25, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D096, using any of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the instructions for submitting comments.

• *Defense Acquisition Regulations Web Site*: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. Follow the instructions for submitting comments.

• *E-mail: dfars@osd.mil*. Include DFARS Case 2003–D096 in the subject line of the message.

• *Fax:* (703) 602–0350.

• *Mail:* Defense Acquisition Regulations Council, Attn: Ms. Michele Peterson, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

• *Hand Delivery/Courier:* Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, (703) 602–0311.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

• Revise DFARS 241.201 to clarify that utility rates established by independent regulatory bodies may be relied upon as fair and reasonable; and

• Add DFARS 241.501 to clarify requirements for use of contract clauses addressing changes in rates for regulated and unregulated utility services.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the proposed rule contains clarifying amendments, with no significant change to contracting policy. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be

submitted separately and should cite DFARS Case 2003–D096.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 241

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR part 241 as follows:

1. The authority citation for 48 CFR part 241 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 241—ACQUISITION OF UTILITY SERVICES

2. Section 241.201 is revised to read as follows:

241.201 Policy.

(1) DoD, as a matter of comity, generally complies with the current regulations, practices and decisions of independent regulatory bodies. This policy does not extend to nonindependent regulatory bodies.

(2) Purchases of utility services outside the United States may use—

(i) Formats and technical provisions consistent with local practice; and

(ii) Dual language forms and contracts.

(3) Rates established by an independent regulatory body—

(i) Are considered ''prices set by law or regulation'';

(ii) Are sufficient to set prices without obtaining cost or pricing data (see FAR subpart 15.4); and

(iii) Are a valid basis on which prices can be determined fair and reasonable.

(4) Compliance with the regulations, practices, and decisions of independent regulatory bodies as a matter of comity is not a substitute for the procedures at FAR 41.202(a).

3. Section 241.501 is added to read as follows:

241.501 Solicitation provision and contract clauses.

(d)(1) Use a clause substantially the same as the clause at FAR 52.241–7, Change in Rates or Terms and Conditions of Service for Regulated Services, when the utility services to be provided are subject to an independent regulatory body.

(2) Use a clause substantially the same as the clause at FAR 52.241–8, Change in Rates or Terms and Conditions of Service for Unregulated Services, when the utility services to be provided are not subject to a regulatory body or are subject to a nonindependent regulatory body.

[FR Doc. 05–3196 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 241

[DFARS Case 2003–D069]

Defense Federal Acquisition Regulation Supplement; Acquisition of Utility Services

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the acquisition of utility services. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 25, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D069, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Defense Acquisition Regulations Web Site: http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- *E-mail: dfars@osd.mil.* Include DFARS Case 2003–D069 in the subject line of the message.
- *Fax:* (703) 602–0350.
- *Mail:* Defense Acquisition Regulations Council, Attn: Ms. Michele Peterson, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- *Hand Delivery/Courier:* Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, (703) 602–0311.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

- Delete text on use of competitive procedures and delegated authority to acquire utility services at DFARS 241.202 and 241.203, as these issues are adequately addressed in the Federal Acquisition Regulation;
- Delete obsolete text on preaward contract reviews at DFARS 241.270; and
- Delete procedures and corresponding definitions related to connection charges and award of separate contracts for utility services at DFARS 241.101, 241.202, and 241.205. Text on this subject will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.*

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule deletes DFARS text that is obsolete or duplicative of FAR policy or that addresses DoD procedural matters. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D069.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 241

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR part 241 as follows:

1. The authority citation for 48 CFR part 241 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR chapter 1.

PART 241—ACQUISITION OF UTILITY SERVICES

2. Section 241.101 is amended by removing the definitions of ''Definite term contract'', ''Dual service area'', and ''Indefinite term contract'', and by revising the definition of ''Service power procurement officer'' to read as follows:

241.101 Definitions.

* * * * *

Service power procurement officer means for the—

(1) Army, the Chief of Engineers;

(2) Navy, the Commander, Naval Facilities Engineering Command;

(3) Air Force, the head of a contracting activity; and

(4) Defense Logistics Agency, the head of a contracting activity.

3. Section 241.103 is revised to read as follows:

241.103 Statutory and delegated authority.

(1) The contracting officer may enter into a utility service contract related to the conveyance of a utility system for a period not to exceed 50 years (10 U.S.C. 2688(c)(3)).

(2) See PGI 241.103 for statutory authorities and maximum contract periods for utility and energy contracts.

4. Section 241.202 is revised to read as follows:

241.202 Procedures.

(1) *Connection and service charges.* The Government may pay a connection charge when required to cover the cost of the necessary connecting facilities. A connection charge based on the estimated labor cost of installing and removing the facility shall not include salvage cost. A lump-sum connection charge shall be no more than the agreed cost of the connecting facilities less net salvage. The order of precedence for contractual treatment of connection and service charges is—

(i) No connection charge.

(ii) Termination liability. Use when an obligation is necessary to secure the required services. The obligation must be not more than the agreed connection charge, less any net salvage material costs. Use of a termination liability instead of a connection charge requires the approval of the service power procurement officer or designee.

(iii) Connection charge, refundable. Use a refundable connection charge when the supplier refuses to provide the facilities based on lack of capital or published rules which prohibit providing up-front funding. The contract should provide for refund of the connection charge within five years unless a longer period or omission of the refund requirement is authorized by the service power procurement officer or designee.

(iv) Connection and service charges, nonrefundable. The Government may pay certain nonrefundable, nonrecurring charges including service initiation charges, a contribution in aid of construction, membership fees, and charges required by the supplier's rules and regulations to be paid by the customer. If possible, consider sharing with other than Government users the use of (and costs for) facilities when large nonrefundable charges are required.

(2) *Construction and labor requirements.* Follow the procedures at PGI 241.202(2) for construction and labor requirements associated with connection and service charges.

241.203 [Removed]

5. Section 241.203 is removed.

6. Section 241.205 is revised to read as follows:

241.205 Separate contracts.

Follow the procedures at PGI 241.205 when acquiring utility services by separate contract.

241.270 [Removed]

7. Section 241.270 is removed.

[FR Doc. 05–3198 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–08–P

Notices

Federal Register

Vol. 70, No. 34

Tuesday, February 22, 2005

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

DEPARTMENT OF AGRICULTURE

Forest Service

California Coast Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Provincial Advisory Committee (CCPAC) will meet on March 2–3, 2005, in Ukiah, California. The purpose of the meeting is to discuss issues relating to implementing the Northwest Forest Plan (NWFP).

DATES: The meeting will be held from 8:30 a.m. to 3:30 p.m. each day.

ADDRESSES: The meeting will be held at the Discovery Inn, Landmark Conference Room, 1340 No. State St., Ukiah.

FOR FURTHER INFORMATION CONTACT: Phebe Brown, Committee Coordinator, USDA, Mendocino National Forest, 825 N. Humboldt Avenue, Willows, CA 95988, (530) 934–1137; E-mail *pybrown@fs.fed.us*.

SUPPLEMENTARY INFORMATION: On March 2, the CCPAC will take a field trip to Covelo, CA, to tour the Mill Creek restoration project, and hazardous fuels reduction and timber management projects as guests of the Round Valley Tribes. On March 3, the business meeting agenda items to be covered include: (1) Regional Ecosystem Office (REO) update; (2) Presentation on Pacific Southwest Region Forest Service Off Highway Vehicle Route Designation Process; (3) Update on new forest Service planning rule; (4) Report and recommendations from the Work on the Ground Subcommittee; (5) NOAA-Fisheries presentation on salmonid critical habitat; (6) Update on transition from the Aquatic Conservation Strategy requirements to survey and manage certain species to management under the Sensitive Species Program; and (7) Public comment. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: February 7, 2004.

James D. Fenwood,

Designated Federal Official.

[FR Doc. 05–3235 Filed 2–18–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Lincoln County Resource advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Public Law 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393) the Kootenai National Forest's Lincoln County Resource Advisory Committee will meet on Wednesday March 2, 2005 at 6 p.m. at the Supervisor's Office in Libby Montana for a business meeting. The meeting is open to the public.

DATES: March 2, 2005.

ADDRESSES: Kootenai National Forest, Supervisor's Office, 1101 U.S. Hwy 2 West, Libby, Montana.

FOR FURTHER INFORMATION CONTACT: Barbara Edgmon, Committee Coordinator, Kootenai National Forest at (406) 293–6211, or email *bedgmon@fs.fed.us*.

SUPPLEMENTARY INFORMATION: Agenda topics include presentation on Forest Service contracts, Headwater Project funds, review priorities from last year and receiving public comment. If the meeting date or location is changed, notice will be posted in the local newspapers, including the Daily Interlake based in Kalispell, Montana.

Dated: February 14, 2005.

Bob Casteneda,

Forest Supervisor.

[FR Doc. 05–3269 Filed 2–18–05; 8:45 am]

BILLING CODE 3410–11–M

ANTITRUST MODERNIZATION COMMISSION

Public Meeting

AGENCY: Antitrust Modernization Commission.

ACTION: Notice of public meeting.

SUMMARY: The Antitrust Modernization Commission will hold a public meeting on March 24, 2005. The purpose of the meeting is for the Antitrust Modernization Commission to consider additional issues proposed for further Commission study, pursuant to its statutory mandate.

DATES: March 24, 2005, 10 a.m. to 12 p.m. Interested members of the public may attend. Registration is not required.

ADDRESSES: Federal Trade Commission, Conference Center Rooms A & B, 601 New Jersey Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Andrew J. Heimert, Executive Director & General Counsel, Antitrust Modernization Commission: telephone: (202) 233–0701; e-mail: *info@amc.gov*. Mr. Heimert is also the Designated Federal Officer (DFO) for the Antitrust Modernization Commission.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for the Antitrust Modernization Commission to consider additional issues for further Commission study pursuant to its statutory mandate, which were deferred at the Commission's meeting on January 13, 2005. Materials relating to the meeting will be made available on the Commission's Web site (*http://www.amc.gov*) in advance of the meeting.

The AMC has called this meeting pursuant to its authorizing statute and the Federal Advisory Committee Act. Antitrust Modernization Commission Act of 2002, Pub. L. 107–273, § 11058(f), 116 Stat. 1758, 1857; Federal Advisory Committee Act, 5 U.S.C. App., 10(a)(2); 41 CFR 102–3.150 (2004).

Dated: February 14, 2005.

By direction of Deborah A. Garza, Chair of the Antitrust Modernization Commission. Approved by Designated Federal Officer:

Andrew J. Heimert,

Executive Director & General Counsel, Antitrust Modernization Commission.

[FR Doc. 05–3244 Filed 2–18–05; 8:45 am]

BILLING CODE 6820–YM–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021505B]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

DATES: The Council and its advisory entities will meet March 7–11, 2005. The Council meeting will begin on Tuesday, March 8, at 8 a.m., reconvening each day through Friday. All meetings are open to the public, except a closed session will be held from 8 a.m. until 9 a.m. on Tuesday, March 8 to address litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: The meetings will be held at the DoubleTree Hotel Sacramento, 2001 Point West Way, Sacramento, CA 95815; telephone: (916) 929–8855.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 820–2280 or (866) 806–7204.

SUPPLEMENTARY INFORMATION: The following items are on the Council agenda, but not necessarily in this order:

A. Call to Order

1. Opening Remarks and Introductions
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

B. Administrative Matters

1. Approval of Council Meeting Minutes
2. Initial Consideration of April Council Meeting Agenda
3. Council Operating Procedures Document
4. Legislative Matters
5. Fiscal Matters
6. Appointments to Advisory Bodies, Standing Committees, and Other Forums
7. Draft April 2005 Council Meeting Agenda and Three Meeting Plan

C. Salmon Management

1. Review of 2004 Fisheries and Summary of 2005 Stock Abundance Estimates
2. Identification of Management Objectives and Preliminary Definition of 2005 Salmon Management Options
3. Council Recommendations for 2005 Management Option Analysis
4. Update on Essential Fish Habitat Review Process
5. Council Direction for 2005 Management Options (If Necessary)
6. Adoption of 2005 Management Options for Public Review
7. Appointment of Salmon Hearings Officers

D. Pacific Halibut Management

1. Groundfish Retention in the Columbia River Subarea Recreational Halibut Fishery
2. Report on International Pacific Halibut Commission Annual Meeting
3. Public Review Options for the 2005 Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries

E. Habitat

Current Habitat Issues

F. Groundfish Management

1. Inseason Management Response Policy
2. NMFS Report
3. Terms of Reference for Groundfish Rebuilding Plan Review
4. Mid-Term Optimum Yield Adjustments Policy
5. FMP Amendment 18 - Bycatch
6. Pacific Whiting Management
7. Consideration of Inseason Adjustments

G. Coastal Pelagic Species Management

1. NMFS Report
2. FMP Amendment - Krill Management Update

H. Marine Protected Areas

1. Federal Waters Portion of the Channel Islands National Marine Sanctuary (NMS)
2. Cordell Banks NMS
3. Monterey Bay NMS

I. Highly Migratory Species Management

Council Response to Bigeye Tuna Overfishing

SCHEDULE OF ANCILLARY MEETINGS

SUNDAY, MARCH 6, 2005		
Klamath Fishery Management Council	3 p.m.	California Salon 1
MONDAY, MARCH 7, 2005		
Council Secretariat	8 a.m.	American River Room
Groundfish Advisory Subpanel	8 a.m.	El Camino Room
Groundfish Management Team	8 a.m.	Del Paso Room
Klamath Fishery Management Council	8 a.m.	California Salon 1
Salmon Advisory Subpanel	8 a.m.	Terrace Room
Salmon Technical Team	8 a.m.	Garden Room
Scientific and Statistical Committee	8 a.m.	California Salon 2
Budget Committee	9:30 a.m.	Executive Boardroom
Legislative Committee	1:30 p.m.	Executive Boardroom
Tribal Policy Group	As necessary	Bear River Room
Tribal and Washington Technical Groups	As necessary	Feather River Room
Washington State Delegation	As necessary	Sacramento Room
TUESDAY, March 8, 2005		
Council Secretariat	7 a.m.	American River Room
California State Delegation	7 a.m.	Terrace Room
Oregon State Delegation	7 a.m.	El Camino Room
Groundfish Advisory Subpanel	8 a.m.	El Camino Room
Groundfish Management Team	8 a.m.	Del Paso Room
Salmon Advisory Subpanel	8 a.m.	Terrace Room
Salmon Technical Team	8 a.m.	Garden Room
Scientific and Statistical Committee	8 a.m.	California Salon 2

SCHEDULE OF ANCILLARY MEETINGS—Continued

Enforcement Consultants	Immediately following Council session	Executive Boardroom
Klamath Fishery Management Council	As necessary	California Salon 1
Tribal Policy Group	As necessary	Bear River Room
Tribal and Washington Technical Groups	As necessary	Feather River Board
Washington State Delegation	As necessary	Sacramento Room
WEDNESDAY, MARCH 9, 2005		
Council Secretariat	7 a.m.	American River Room
California State Delegation	7 a.m.	Terrace Room
Oregon State Delegation	7 a.m.	El Camino Room
Groundfish Advisory Subpanel	8 a.m.	El Camino Room
Groundfish Management Team	8 a.m.	Del Paso Room
Salmon Advisory Subpanel	8 a.m.	Terrace Room
Salmon Technical Team	8 a.m.	Garden Room
Enforcement Consultants	As necessary	Executive Boardroom
Klamath Fishery Management Council	As necessary	California Salon 1
Tribal Policy Group	As necessary	Bear River Room
Tribal and Washington Technical Groups	As necessary	Feather River Room
Washington State Delegation	As necessary	Sacramento Room
THURSDAY, MARCH 10, 2005		
Council Secretariat	7 a.m.	American River Room
California State Delegation	7 a.m.	Terrace Room
Oregon State Delegation	7 a.m.	El Camino Room
Groundfish Advisory Subpanel	8 a.m.	El Camino Room
Groundfish Management Team	8 a.m.	Del Paso Room
Salmon Advisory Subpanel	8 a.m.	Terrace Room
Salmon Technical Team	8 a.m.	Garden Room
Enforcement Consultants	As necessary	Executive Boardroom
Klamath Fishery Management Council	As necessary	El Camino Room
Tribal Policy Group Technical Groups	As necessary	Bear River Room
Tribal and Washington	As necessary	Feather River Room
Washington State Delegation	As necessary	Yuba River Room
FRIDAY, MARCH 11, 2005		
Council Secretariat	7 a.m.	American River Room
California State Delegation	7 a.m.	Terrace Room
Oregon State Delegation	7 a.m.	El Camino Room
Salmon Advisory Subpanel	8 a.m.	Terrace Room
Salmon Technical Team	8 a.m.	Garden Room
Enforcement Consultants	As necessary	Executive Boardroom
Klamath Fishery Management Council	As necessary	El Camino Room
Tribal Policy Group	As necessary	Bear River Room
Tribal and Washington Technical Groups	As necessary	Feather River Room
Washington State Delegation	As necessary	Yuba River Room

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at 503–820–2280 at least 5 days prior to the meeting date.

Dated: February 16, 2005.

Emily Menashes,

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

[FR Doc. E5–683 Filed 2–18–05; 8:45 am]

BILLING CODE 3510–22–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), has submitted a public information collection request (ICR) entitled Administrative, Program Development Assistance & Training, Disability Funds to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Ms. Kim Mansaray at (202) 606–5000, ext. 249. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. eastern time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Katherine Astrich, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in this **Federal Register:**

(1) By fax to: (202) 395–6974, Attention: Ms. Katherine Astrich, OMB

Desk Officer for the Corporation for National and Community Service; and

(2) Electronically by e-mail to: *Katherine_T._Astrich@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Propose ways to enhance the quality, utility, and clarity of the information to be collected; and
- Propose 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, *e.g.*, permitting electronic submissions of responses.

Comments

A 60-day public comment Notice was published in the **Federal Register** on December 3, 2004. This comment period ended February 1, 2005. No public comments were received from this notice.

Description: The Corporation is seeking approval of the document entitled Administrative, Program Development Assistance & Training, Disability Funds, currently approved through emergency clearance. These application instructions provide State Commissions with information necessary for completing applications for commission administrative funds, program development assistance and training (PDAT) funds, and disability placement funds.

Type of Review: New information collection; currently approved through emergency clearance.

Agency: Corporation for National and Community Service.

Title: Administrative, Program Development Assistance & Training, Disability Funds.

OMB Number: 3045–0099.

Agency Number: None.

Affected Public: State government and non-profit organizations that are eligible to apply to the Corporation for grant funds.

Total Respondents: 55 respondents annually.

Frequency: Once annually.

Average Time Per Response: 30 hours.

Estimated Total Burden Hours: 1,650 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: February 15, 2005.

Rosie K. Mauk,

Director of AmeriCorps.

[FR Doc. 05–3325 Filed 2–18–05; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection: Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Reserve Affairs, DoD.

ACTION: Notice.

In Compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, The Office of the Assistant Secretary of Defense (Reserve Affairs)(OASD/RA)), announces the following request of a public information collection and seeks public comment on the provisions thereof. 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 burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology. The Information Collection Request (ICR), which is abstracted below, describes the nature of the information collection and its estimated burden.

DATES: Comments regarding this information collection are best assured of having their full effect if received by April 25, 2005.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to The Office of the Assistant Secretary of Defense (Reserve Affairs)(OASD/RA), attention: COL James L.Scott, II, Director, Individual and Family Support Policy OASD/RA(M&P) at 1500 Defense Pentagon, Room 2E185, Washington, DC 20301–1500, by electronic mail to *James. Scott@osd.mil,* or by fax to (703) 695–3659. Please bear in mind that mail delivered to the Pentagon by the United States Postal Service (USPS) can take up to two weeks to pass through security. Therefore, if you prefer to send you comments via mail, we encourage using Express mail, *e.g.,* FedEx, UPS or USPS, at the following address: 1500 Defense Pentagon, Room 2D201, Washington, DC 20301–1500.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection, or to obtain copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden, please write to the above address, or call COL Scott directly at (703) 693–7487. Comments submitted in response to this notice will be summarized and included in the request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Title and OMB Control Number: Survey to Determine Economic Costs and Impact to Employers of Mobilized Reserve Component Members; OMB Number 0704–TBD.

Needs and Uses: The information collection requirement is necessary to obtain information from employers about the impact on their organizations when Guard or Reserve members are absent more than 30 days to serve in the military. Understanding the economic impact to employers when Guard or Reserve employees are absent from work to serve in the military is critical to gaining and maintaining employer support. The information collection process will be accomplished using a self-administered survey so that employers can accurately provide cost data, some of which may require consultation with record. The primary objectives of collection of information are: (a) To determine the economic impact on employers when Guard or Reserve members are absent from work to serve in the military; (b) to assess the impact on operations; and (c) to identify ways Department of Defense may be able to better support employers. The findings may provide valuable information concerning: (1) The economic impact when Guard or Reserve employees are absent for more than 30 days to serve in the military; (2) the operational impact and actual employer cost to operations when Guard or Reserve employees are absent to serve in the military; (3) the amount of notice received prior to employees leaving; and (4) employer adjustments made to sustain operations when Guard or Reserve members are absent from work to serve in the military.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, local, or tribal governments.

Annual Burden Hours: 759 hours.

Number of Respondents: 1938.

Responses Per Respondent: 1.

Average Burden Per Response: 23 minutes.

Frequency: One time.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The national survey of employers with Guard or Reserve members who are absent from work for more than 30 days to serve in the military will use a self-administered survey instrument delivered by mail. The survey will focus on the varying economic costs and impacts to employers' operations when Guard or Reserve members are absent to serve in the military. Survey questions are organized into two sections: Operations and Human Resources. Section One will collect information on the impact on operations and Section Two on the economic impact on human resources. Eligible employers will have employed Guard or Reserve members who were absent form work for more than 30 days to serve in the military at any time since 2002. Respondents will be the most knowledgeable person(s) about operations and human resources at each sampled employer. Therefore, it is anticipated that employers with greater than 30 employees may require two people from different departments, while smaller employers may require only one person to accurately respond to both sections.

Dated: February 10, 2005.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 05–3230 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: DoD, Office of the Assistant Secretary of Defense for Health Affairs, TRICARE Management Activity.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of Defense, Office of the Assistant Secretary of Defense for Health Affairs, TRICARE Management Activity announces a proposed public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 25, 2005.

ADDRESSES: Written comments should be submitted to: Office of the Assistant Secretary of Defense for Health Affairs, TRICARE Management Activity, Skyline Five, Suite 810, 5111 Leesburg Pike, Falls Church, VA 22041–3206.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposed and associated collection instruments, please write to the above address or call Capt. Deborah McKay, Office of the Assistant Secretary of Defense for Health Affairs, TRICARE Management Activity at (703) 681–0064.

Title and OMB Number: DoD Patient Safety Survey; OMB Number 0720–TBD.

Needs and Uses: The 2001 National Defense Authorization Act contains specific sections addressing patient safety in military and veteran's health care systems. This legislation states that the Secretary or Defense shall establish a patient care error reporting and management system to study occurrences of errors in patient care and that one of the purposes of the system should be ''To identify systemic factors that are associated with such occurrences'' and ''To provide for action to be taken to correct the identified systemic factors'' (Sec. 754, items b2 and b3). In addition, the legislation states that the Secretary shall ''Continue research and development investments to improve communication, coordination, and team work in the provision of health care'' (Sec. 754, item d4).

In its ongoing response to this legislation, DoD plans to implement a Web-based patient safety culture survey to a census of all staff working in Army, Navy, and Air Force Military Health System (MHS) facilities in the U.S. and internationally, including Military Treatment Facility (MTF) hospitals as well as ambulatory and dental services. The survey obtains MHS staff opinions on patient safety issues such as teamwork, communications, medical error occurrence and response, error reporting, and overall perceptions of patient safety. The purpose of the survey is to assess the current status of patient safety in MHS facilities as well as to provide baseline input for assessment of patient safety improvement over time. Survey results will be prepared at the facility and Service levels and MHS overall.

Affected Public: Federal government; individuals or households.

Annual Burden Hours: 2,384.

Number of Respondents: 14,022.

Responses Per Respondent: 1.

Average Burden Per Response: 10 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Collection

The survey to be implemented is the pilot-tested Agency for Healthcare Research and Quality (AHRQ) Survey on Patient Safety Culture that was publicly released in November 2004. The development and testing of this survey was funded by the AHRQ and sponsored by the Department of Defense as an agency member of the Quality Interagency Coordination Task Force (QuIC), along with ten other Federal agencies. The pilot of the AHRQ Survey on Patient Safety Culture was previously approved by OMB (No.: 0935–0115, Exp. Date: 01/31/2004). This survey was chosen because it measures a number of different dimensions pertaining to patient safety culture, has demonstrated reliability and validity, and the specificity of the items will provide the DoD with actionable information about MHS patient safety.

Data Collection Method

The proposed project will administer the patient safety culture survey as a web-based instrument to a census of all staff, both clinical and non-clinical, working in all U.S. and international MHS facilities. Due to the large number of staff to be surveyed across the Services, data collection will be phased beginning with the Army, followed by the Navy and Air Force. Standard survey procedures will be implemented. Potential respondents will receive a prenotification letter followed by an email survey notification containing an embedded hyperlink to the internet location where the survey can be completed. Two additional e-mail survey notifications will be sent, a week apart, so that the data collection field period will be four weeks for each Service. The survey takes about 10 minutes to complete. All survey

responses are voluntary and will be individually anonymous; only group-level results will be tabulated to protect individual anonymity.

There are a total of approximately 125,663 MHS staff in the United States and internationally (estimate on 12/16/04). Of these staff, approximately 18,696 staff (about 15%) are contractors, local nationals, volunteers or other MHS staff who are not direct employees of the DoD. Because OMB approval is required only for the non-DoD staff component, we provide estimates of the respondent burden for only these non-DoD MHS staff. Anticipating a 75% response rate, we anticipate responses from approximately 14,022 non-DoD MHS staff.

Dated: February 7, 2005.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 05–3231 Filed 2–18–05; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF EDUCATION

Office of Innovation and Improvement

Overview Information; School Leadership Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005

Catalog of Federal Domestic Assistance (CFDA) Number: 84.363A.

Dates

Applications Available: February 22, 2005.

Deadline for Notice of Intent to Apply: March 24, 2005.

Deadline for Transmittal of Applications: April 15, 2005.

Deadline for Intergovernmental Review: June 14, 2005.

Eligible Applicants: High-need local educational agencies (LEAs), consortia of high-need LEAs, or partnerships that consist of at least one high-need LEA and at least one nonprofit organization (which may be a community- or faith-based organization) or institution of higher education. (See section III. Eligibility Information, 3. *Other: Definition of "High-Need LEA" and other Eligibility Information*) in this notice.

Estimated Available Funds: $12 million.

Estimated Range of Awards: $250,000–$750,000.

Estimated Average Size of Awards: $500,000.

Estimated Number of Awards: 24.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The School Leadership program is designed to assist high-need LEAs in the development, enhancement, or expansion of innovative programs to recruit, train, and mentor principals (including assistant principals) to serve in high-need schools through such activities as:

- Providing financial incentives to aspiring new principals;
- Providing stipends to principals who mentor new principals;
- Carrying out professional development programs in instructional leadership and management; and
- Providing incentives that are appropriate for teachers or individuals from other fields who want to become principals and that are effective in retaining new principals.

Priorities: Under this competition we are particularly interested in applications that address the following priorities.

Invitational Priorities: For FY 2005 these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1—Commitment from the LEA. To successfully meet the purpose of this program and to develop institutional capacity and sustainability, projects need the full support of each participating high-need LEA. Therefore, the Secretary strongly encourages applicants to develop strategies for maximizing the involvement of each participating LEA in the project's design, development and implementation. These strategies, for example, might focus on ensuring that—

- The proposed project is part of an already well-defined and articulated district-wide strategy for improving student achievement in each participating high-need LEA;
- Each participating LEA's superintendent and his or her staff play key roles in identifying the competencies that program participants need to know and demonstrate, and use those competencies to implement and build the training program;
- Each participating LEA has established procedures for placing participants in part-time or full-time leadership positions or residencies in high-need schools as part of their training and preparation; and
- Each participating LEA is firmly committed to hiring successful program completers.

Invitational Priority 2—Innovative approaches to recruiting and preparing school leaders through alternative routes. Over the next five years the number of vacancies among principals and other school leaders is expected to grow by 20 percent; filling these positions will be particularly challenging for rural and urban districts, which tend to receive fewer applications for open positions.

Studies show that there is no overall shortage of candidates with the credentials that States require for school principals. However, those same studies indicate that most of these candidates typically acquired their credentials in order to obtain salary increases or attain an advanced degree, and not necessarily because of a strong personal commitment to becoming leaders of their schools and school communities.

The Department recognizes that some States have addressed the need to increase the pool of candidates who are committed to becoming school leaders in high-need LEAs and schools, in particular by making available alternative routes to meeting requirements for certification or licensure as a school principal or assistant principal. The Secretary strongly encourages eligible entities in States with these approved alternative routes to submit applications that propose to recruit individuals of diverse professional backgrounds who can take advantage of the alternative routes, and then create incentives for these individuals to participate in the program and to take leadership positions in high-need schools that face the greatest challenges.

Applicants may choose to address one or more of these invitational priorities within their responses to the selection criteria.

Program Authority: 20 U.S.C. 6651(b).

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 institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $12 million.

Estimated Range of Awards: $250,000–$750,000.

Estimated Average Size of Awards: $500,000.

Estimated Number of Awards: 24.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* High-need LEAs, consortia of high-need LEAs, or partnerships that consist of at least one high-need LEA and at least one nonprofit organization (which may be a community- or faith-based organization) or institution of higher education. Applicants are expected to identify and confirm in their applications that the participating LEA(s) meet the definition of ''high-need'' in section 2102(3) of the ESEA, as reauthorized by the No Child Left Behind Act 0f 2001. (See section III. Eligibility Information, 3. *Other*: *Definition of ''High-Need LEA'' and other Eligibility Information* of this notice for the definition of high-need LEA.)

2. *Cost Sharing or Matching:* This program does not involve cost sharing or matching.

3. *Other*: *Definition of ''High-Need LEA'' and other Eligibility Information.* An eligible application must propose a project that benefits one or more ''high-need LEAs.'' As defined in section 2102(3) of the ESEA, the term ''high-need LEA'' is an LEA—

(a)(1) That serves not fewer than 10,000 children from families with incomes below the poverty line, or (2) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line; and

(b) For which there is (1) a high percentage of teachers not teaching in the academic subjects or grade levels the teachers were trained to teach, or (2) a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

So that the Department may be able to confirm the eligibility of the LEAs that projects propose to serve, applicants are expected to include information in their applications that demonstrates that each participating LEA in the project is a high-need LEA, as defined in section 2102(3) of the ESEA. Generally, this information should be based on the most recent available data on the number of children from families with incomes below the poverty line that the LEA serves. In addition, when presenting evidence to support that each participating LEA meets the definition of a high-need LEA, an application should consider the following.

• The Department is not aware of any consistent available LEA data—other than data periodically gathered by the U.S. Census Bureau—that would show that an LEA serves the required number or percentage of children (individuals ages 5 through 17) from families below the poverty line (as defined in section 9101(33) of the ESEA).

Note: The data that many LEAs collect on the number of children eligible for free- and reduced-priced meal subsidies may not be used to satisfy the requirements under component (a) of the statutory definition of high-need LEA. Those data do not reflect children from families with incomes below the poverty line, as defined in section 9101(33) of the ESEA.

Therefore, absent a showing of alternative LEA data that reliably show the number of children from families with incomes below the poverty line that are served by the LEA, the Department would expect that the eligibility of an LEA as a ''high-need LEA'' under component (a) Would be determined on the basis of the most recent U.S. Census Bureau data. U.S. Census Bureau data are available for all school districts with geographic boundaries that existed when the U.S. Census Bureau collected its information. The link to the census data is: *http://www.census.gov/housing/saipe/sd02/.* (Applicants are encouraged to review the README file at the directory level, which provides a description of how the files are organized.) The Department also makes these data available at its Web site at: *http://www.ed.gov/programs/lsl/eligibility.html.* (Although the Department posted this listing specifically for the Improving Literacy through School Libraries program, these same data apply to the definition of a ''high-need LEA'' used for purposes of eligibility under the School Leadership program.)

• With regard to component (b)(1) of the definition of ''high-need LEA,'' the Department interprets the phrase ''a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach'' as being equivalent to ''a high percentage of teachers teaching out of field.'' The Department expects that LEAs that rely on component (b)(1) of the definition will demonstrate that they have a high percentage of teachers teaching out of field. The Department is not aware of any specific data that would demonstrate a ''high percentage'' of teachers teaching out of field. Accordingly, the Department will review this aspect of an LEA's proposed eligibility on a case-by-case basis. To decrease the level of uncertainty, an applicant might choose instead to demonstrate that each participating LEA meets the eligibility test for a high-need LEA under component (b)(2) of the definition.

• For component (b)(2) of the definition of ''high-need LEA,'' the data that LEAs likely will find most readily available on the percentage of teachers with emergency, provisional, or temporary certification or licensing are the data they provide to their States for inclusion in the reports on the quality of teacher preparation that the States provide to the Department in October of each year as required by section 207 of the Higher Education Act of 1965 (HEA). In these reports, States provide the percentage of teachers in their LEAs teaching on waivers of State certification, both on a statewide basis and in high-poverty LEAs. As reflected in the State reports the Department most recently received in October 2004, the national average percentage of teachers on waivers in high-poverty LEAs is 3.5 percent. Consistent with the methodology the Department used in the FY 2004 competition under the Transition to Teaching program, in which participating LEAs were required to be ''high-need LEAs'' (as defined in section 2102(3) of the ESEA), the Department would expect that an LEA with over 3.5 percent of its teachers having emergency, provisional, or temporary certification or licensing (*i.e.*, teachers on waivers) has a ''high percentage'' of its teachers in this category. We expect that an LEA that is not relying on the data it provides to the State for purposes of reporting required by section 207 of the HEA will provide other evidence that demonstrates that it meets the eligibility requirement under component (b)(2) of the statutory definition of ''high-need LEA.'' Moreover, should an LEA with a percentage of teachers on waivers of less than 3.5 percent believe it too has a ''high percentage'' of its teachers with emergency, provisional, or temporary certification or licensing, the Department will determine whether that LEA meets element (b)(2) of the definition of high-need LEA on a case-by-case basis.

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: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.363A.

You may also obtain the application package for the program via the Internet at the following address: *http://www.ed.gov/programs/leadership/applicant.html.*

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this notice under **FOR FURTHER INFORMATION CONTACT** (See section VII. Agency Contact).

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Notice of Intent to Apply: The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short e-mail message indicating the applicant's intent to submit an application for funding. The e-mail need not include information regarding the content of the proposed application, only the applicant's intent to submit it. This e-mail notification should be sent to Peggi Zelinko at: *SLP@ed.gov.*

Applicants that fail to provide this e-mail notification may still apply for funding.

Page Limit for Program Narrative: The program narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Applicants are strongly encouraged to limit Part III to the equivalent of no more than 50 single-sided, double-spaced pages printed in 12-font type or larger.

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, curriculum vitae, or bibliography of literature cited. However, you must include all of the program narrative in Part III.

3. *Submission Dates and Times:*

Applications Available: February 22, 2005.

Deadline for Notice of Intent to Apply: March 24, 2005.

Deadline for Transmittal of Applications: April 15, 2005.

Applications for grants under this program must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-Grants system. For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: June 14, 2005.

4. *Intergovernmental Review:* This competition 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:* Applications for grants under this program must be submitted electronically, unless you qualify for an exception to this requirement in accordance with the instructions in this section.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

a. *Electronic Submission of Applications.* Applications for grants under the School Leadership Program-CFDA Number 84.363A must be submitted electronically using e-Application available through the Department's e-Grants system, accessible through the e-Grants portal page at: *http://e-grants.ed.gov.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30 p.m., Washington, DC time, on the application deadline date. The e-Application system will not accept an application for this program after 4:30 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.
- The regular hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until midnight Saturday, Washington, DC time. Please note that the system is unavailable on Sundays, and between 7 p.m. on Wednesdays and 6 a.m. on Thursdays, Washington, DC time, for maintenance. Any modifications to these hours are posted on the e-Grants Web site.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- Any narrative sections of your application should be attached as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format.
- Your electronic application must comply with any page limit requirements described in this notice.
- Prior to submitting your electronic application, you may wish to print a copy of it for your records.
- After you electronically submit your application, you will receive an automatic acknowledgement that will include a PR/Award number (an identifying number unique to your application).
- Within three working days after submitting your electronic application, fax a signed copy of the ED 424 to the Application Control Center after following these steps:

(1) Print ED 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the ED 424.

(4) Fax the signed ED 424 to the Application Control Center at (202) 245–6272.

• We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of e-Application System Unavailability: If you are prevented from electronically submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if:

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2)(a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see section VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If the system is down and therefore the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of the Department's e-Application system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the e-Application system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Department's e-Application system; *and*

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Peggi Zelinko, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W226, Washington, DC 20202–4260. FAX: (202) 401–8466.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.363A), 400 Maryland Avenue, SW., Washington, DC 20202–4260.

or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center—Stop 4260, Attention: (CFDA Number 84.363A), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.363A), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The following selection criteria for this competition are from § 75.210 of EDGAR. The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion. The notes following each of the selection criteria are guidance to help applicants in preparing their applications and are not required by statute or regulations. The criteria are as follows:

A. *Need for project* (20 points). The Secretary considers the need for the project. In determining the need for the project the Secretary considers the following factors:

1. The magnitude or severity of the problem to be addressed by the proposed project.

2. The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

Note: The Secretary encourages applicants to address this criterion by discussing—

• The reasons the participating LEAs have need of the services proposed and why those needs are not met by current efforts, and

• Specific studies, surveys, or other sources that have yielded objective data to confirm the participating LEAs' needs.

B. *Quality of the project design* (25 points). The Secretary considers the quality of the design for the proposed project. In determining the quality of the design of the project, the Secretary considers the following factors:

1. The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

2. The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

3. The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

4. The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students. *Note:* The Secretary encourages applicants to address this criterion by discussing the overall project model, including such key elements as the project's—

• Research base;

• Proposed applicants;

• Recruitment and selection strategies;

• Plans for using incentives for teachers or individuals from other fields who want to become principals and assistant principals;

• Activities to prepare principals and assistant principals;

• Program delivery strategy(ies);

• Plans for implementing on-site or school-based work experiences;

• Activities for participant placement and follow-up support; and

• Retention strategies.

C. *Significance of the Project* (20 points). The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

1. The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

2. The extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population.

3. The importance or magnitude of the results or outcomes likely to be attained by the proposed project.

Note: The Secretary encourages applicants to address this criterion by describing such key factors as how the project—

• Will help the participating LEAs to achieve important results during the project period that the LEAs could not otherwise achieve;

• Is part of a long-term response to the participating LEA's (or LEAs') school leadership needs, and one that will be part of the LEA's (or LEAs') overall school improvement plan; and

• How this project will build or stimulate the capacity of the participating LEAs to continue this project after the grant period ends, including how and when the LEAs will identify resources to support this endeavor.

Moreover, in addressing ''[t]he extent to which the proposed project is likely to build local capacity to provide, improve, or expand services that address the needs of the target population,'' applicants also might consider including a letter of support or other information from each participating LEA that confirms both the LEA's interest in participating in this project and the results the LEA expects from it.

D. *Quality of the management plan* (15 points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

1. The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

2. The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

3. The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

Note: The Secretary encourages applicants to address this criterion by providing specific information such as—

• The name, title, and time commitment of each key person, and the responsibilities of each individual working to help implement the project's goals and objectives;

• A year-to-year timeline for undertaking important project activities, with benchmarks for determining whether the project is achieving its stated goals and objectives; and

• The strategies for monitoring whether or not the project is meeting its goals and objectives, and for making mid-course corrections, as appropriate.

E. *Quality of the project evaluation* (20 points). The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

1. The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

2. The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

Note: The Secretary encourages applicants to consider how this criterion may affect both their annual performance reports and the final evaluation submitted under 34 CFR 75.590. In addition, the Secretary encourages applicants to address this criterion by including proposed benchmarks for assessing both short- and long-term progress toward the specific project objectives and outcome measures they would use to assess the project's impact on teaching and learning or other important outcomes for project participants. (Specific performance measures established for the overall School Leadership program are discussed in the *Award Administration Information* section of this notice (section VI, item 4, *Performance Measures*.)

The Secretary also encourages applicants to identify the individual and/or organization that has agreed to serve as evaluator for the project and describe the qualifications of that evaluator as well as—

• The types of data that will be collected;

- When these various types of data will be collected;
- What methods of data collections will be used;
- What evaluation instruments will be developed and when;
- How the data will be analyzed;
- When reports of evaluation results and outcomes will be available; and
- How the applicant will use the information collected through the evaluation to monitor progress of the funded project and to provide accountability information both about the success at the initial site or sites and about effective strategies for replication in other settings.

Applicants are encouraged to devote an appropriate level of resources to project evaluation.

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*: In response to the Government Performance and Results Act (GPRA), the Department has established two overall performance indicators for assessing the effectiveness of the School Leadership program. We will collect the data for these indicators from the grantees using the measures indicated.

Performance Indicator 1: To recruit, prepare, and support teachers and individuals from other fields to become principals and assistant principals in high-need schools in high-need LEAs. We will track this indicator through the use of the following two performance measures:

Measure One: The percentage of those enrolled in the training program who become certified as principals and assistant principals.

Measure Two: The percentage of program completers earning certification as a principal or assistant principal and who are employed in those positions in high-need schools in high-need LEAs.

Performance Indicator 2: To provide professional development, coaching, mentoring, and other support activities to current, practicing principals and assistant principals in high-need schools in high-need LEAs. We will track this indicator through the use of the following performance measure:

Measure: The percentage of current, practicing principals and assistant principals serving in high-need schools in high-need LEAs and who participate in a structured, job-embedded program of professional development that includes mentoring, coaching, and other support activities.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Peggi Zelinko, U.S. Department of Education, 400 Maryland Avenue, SW., room 5E114, Washington, DC 20202–4260. Telephone: (202) 260–2614 or by e-mail: *SLP@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html*.

Dated: February 16, 2005.

Michael J. Petrilli,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. E5–694 Filed 2–18–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Regional Advisory Committees: Open Meetings

AGENCY: Office of Elementary and Secondary Education, Education.

ACTION: Notice of public meetings of regional advisory committees.

SUMMARY: This notice sets forth the schedule and agenda of the forthcoming public meetings of the Regional Advisory Committees (RACs). This notice contains a correction and supplement to the December 20, 2004 (Monday) notice [Vol. 69, No. 243] concerning meetings of the RACs originally scheduled for March 2005. The previous notice indicated that Meeting 3 of each of the ten RACs would be conducted online on several selected dates in march for the purposes of deliberating and finalizing the education needs assessment reports for their regions. The referenced online meetings have been canceled. Instead, the RACs will meet in person in Houston, TX on March 10 and 11, 2005 to deliberate and finalize their education needs assessment reports. The general public is welcome to attend.

Individuals who want to attend the meetings must send their name and contact information to the RAC Support Office at The CNA Corporation, 4825 Mark Center Drive, Alexandria, VA 22311, or at *http://www.rac@cna.org,* by no later than Monday, March 7, 2005. Space is limited and, therefore, individuals planning to attend are advised to pre-register. Registration will be accepted on a first-come, first-served basis up to the limits of the space available.

For additional information relating to the role and responsibilities of the RACs, and activities carried out by each of the ten RACs, see the RAC Web site: *http://www.rac-ed.org/*.

Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act accommodation. The meeting site is accessible to individuals with disabilities.

The purposes of the open meetings are to:

(1) Provide members of the (10) Regional Advisory Committees an extended amount of time together to review and discuss the reports that they will submit to the Secretary of Education on March 28, 2005.

(2) Provide an opportunity for the public to observe and listen to RAC discussions on the top challenges in each region for improving student achievement.

(3) Provide an opportunity for the public to observe and listen to RAC discussions on the top challenges to implementing the requirements of the No Child Left Behind Act in each region.

(4) Provide an opportunity for the public to observe and listen to RAC discussions on recommendations for the types of technical assistance that would help states, districts and schools successfully address the critical educational challenges identified by each of the RACs.

(5) Provide an opportunity for the public to observe and listen to discussions and recommendations from each of the ten RACs on the priorities for federally funded technical assistance in their region.

DATES: March 10, 2005, from 8:30 a.m. to 4 p.m. and March 11, 2005 from 8:30 a.m. to 2 p.m. **Note:** The Region 2 (Southwest), Regional Advisory Committee will meet only on Thursday, March 10, 2005 from 2 p.m. to 4 p.m.

ADDRESSES: George R. Brown Convention Center, 1001 Avenida de la Americas, Houston, TX 77010. Tel: 800–427–4697.

Minutes of the meetings will be available to the public online (*http://www.rac-ed.org*) within fourteen days of the meetings and for public inspection at the office of Georgette Joyner, The CNA Corporation, 4825 Mark Center Drive, Alexandria, VA 22311 between the hours of 9 a.m. to 5 p.m.

SUPPLEMENTARY INFORMATION: The Regional Advisory Committees are established under section 206 of the Educational Technical Assistance Act of 2002, (20 U.S.C. 9605). The RACs are to advise the Secretary by (1) conducting an educational needs assessment of each region described in section 174(b) of the Education Sciences Reform Act of 2002; and (2) submitting reports for each region based on the regional assessments no later than 4 months after the committees are first convened.

Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.,* interpreting services, assistive listening devices, materials in alternative format) should notify the RAC Support Office at The CNA Corporation by no later than Tuesday, March 1, 2005. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation.

FOR FURTHER INFORMATION CONTACT: Enid Simmons, (202) 708–9499 or at *enid.simmons@ed.gov.*

Dated: February 15, 2005.

Raymond Simon,

Assistant Secretary, Office of Elementary and Secondary Education, U.S. Department of Education.

[FR Doc. 05–3439 Filed 2–18–05; 8:45 am]

BILLING CODE 4000–01–M

ELECTION ASSISTANCE COMMISSION

Information Collection Activity; Proposed Collection; Comment Request

AGENCY: United States Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, EAC announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received on or before Friday, February 25, 2005.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Election Assistance Commission, 1225 New York Avenue, NW., Washington, DC 2005, ATTN: Mr. Brian Hancock or may be submitted by facsimile transmission at 202–566–3127.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Mr. Brian Hancock or Ms. Juliet Thompson at (202) 566–3100.

Title and OMB Number: Voter Registration Survey; OMB Number 3265–0NEW.

Needs and Uses: The information collection requirement is necessary to meet a requirement of the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg, *et seq.*). NVRA requires the EAC to collect information regarding voter registration following each Federal general election. In order to fulfill those requirements and to provide a complete report to Congress, EAC is seeking information relating to November 2, 2004 election.

Affected Public: State government.

Annual Burden Hours: 3,000 hours.

Number of Respondents: 55.

Responses Per Respondent: 1.

Average Burden Per Response: 54 hours.

Frequency: Biennially.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Help America Vote Act of 2002 (HAVA) created the Election Assistance Commission and enacted numerous provisions aimed at improving the administration of federal elections. In addition, HAVA gave EAC the responsibility for administering the NVRA. This survey seeks information relating to the November 2, 2004 election that will fulfill the requirements placed on EAC by the4 NVRA to collect and report on data related to voter registration. The following categories of information are requested on a county/local election jurisdiction and/or state-wide level:

Total Voter Registration

(a) Total number of registered voters (active and inactive) at the time of the close of registration for the 2002 Federal general election, (b) total number of registered voters (active and inactive) at the time of the close of polls for the 2004 Federal General Election (November 4, 2004), and (c) total number of registered voters (active and inactive) who were eligible to vote in the November 4, 2004 election.

Voter Registration Officials

(a) The local election official primarily responsible for registering voters, (b) all State or local government offices or agencies that conduct voter registration, (c) the location where voter registration forms are received, (d) total number of election jurisdictions conducting voter registration, and (e) total number of jurisdictions that provided information for this survey.

Voter Registration Applications

(a) Total number of voter registration applications received from all sources during the period from the close of registration for the November 2002 federal election until the close of registration for the November 2004 federal election, (b) total number of mail voter registration applications received during the period from the close of registration for the November 2002 federal election until the close of registration for the November 2004 federal election, (c) total number of voter registration applications received in person in the clerk or voter registrars' office during the period from the close of registration for the November 2002 federal election until the close of registration for the November 2004 federal election, (d) total number voter registration applications received from each voter registration agency during the period from the close of registration for the November 2002 federal election until the close of registration for the November 2004 Federal election, (e) total number of voter registration applications that were changes to address, name or party, (f) total number of voter registration applications that were duplicates of other valid voter registrations, (g) the manner in the which voter registration applications are transferred from other voter registration agencies to the official responsible for voter registration, and (h) which voter registration forms are accepted, including the Federal form, State form, and military applications as well as any restrictions on those applications such as paper weight, fax, electronic, etc.

Processing Voter Registration Applications

(a) How voter registration applications are maintained, (b) how the registration official checks for duplicate registrations, (c) the type of number used as a voter registration number, (d) whether applicants who are rejected are notified of the rejection and reason for rejection.

List Maintenance

(a) The number of removal notices (Section 8(d)(2) notices) sent between the close of registration for the November 2002 election and November 3, 2004, (b) the number of voters who were ultimately removed from the voter rolls between the close of registration for the November 2002 election and November 3, 2004, (c) the numbers of voters who were removed from the voter rolls between the close of registration for the November 2002 election and November 3, 2004 because of the death of the voter, (d) the number of voters who were removed from the voter rolls between the close of registration for the November 2002 election and November 3, 2004, due to failure to vote in two consecutive federal general elections, (e) the number of voters who were removed from the voter rolls between the close of registration for the November 2002 election and November 3, 2004 because the voter requested to be removed, (f) the number of voters who were removed from the voter rolls between the close of registration for the November 2002 election and November 3, 2004 for other reasons, (g) the number of confirmation notices that were mailed between the federal general election in 2002 and November 4, 2004, (h) the number of responses that were received to the confirmation notices, (i) the sources of data that are considered in performing list maintenance, (j) the process that is used to perform list maintenance, and (k) the way that each state treats voters who (1) have been convicted of a felony, (2) are serving a sentence of incarceration for conviction of a felony, and (3) are serving a term of probation following the conviction of a felony.

NVRA and HAVA Provisions

(a) Which states are subject to the National Voter Registration Act, (b) the number of states that have revised the state voter registration form to include the citizenship and age questions required by HAVA, (c) the manner in which each state treats applications where one or more of the HAVA required questions are not answered, (d) the number of states that have implemented the verification requirements of HAVA, (e) the manner in which each state verifies voter registration applications, and (f) the number of states that have implemented a statewide voter registration database.

Voter Registration Drives

(a) The number of states that allow outside groups to conduct voter registration drives and submit the voter registration applications and (b) how states that allow outside voter registration drives manage the number of applications given to the outside group and the number and timing of the return of those forms by the outside registration group.

Gracia M. Hillman,

Chair, U.S. Election Assistance Commission.

[FR Doc. 05–3309 Filed 2–18–05; 8:45 am]

BILLING CODE 6820–YN–M

DEPARTMENT OF ENERGY

[FE Docket No. PP–197]

Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement; Public Service Company of New Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of withdrawal.

SUMMARY: On February 12, 1999, the Department of Energy (DOE) announced its intent to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act of 1969 (NEPA) for the Public Service Company of New Mexico's (PNM) request for a Presidential permit for proposed international electric transmission lines. The proposed Federal action in this EIS was to grant PNM a Presidential permit for the construction, operation, maintenance, and connection of two 345,000-volt electric transmission lines originating at the switchyard of the Palo Verde Nuclear Generating Station (PVNGS) near Phoenix, Arizona, and extending approximately 160 miles to the south, crossing the United States border with Mexico in the vicinity of Nogales, Arizona. The EIS would have evaluated the potential environmental impacts associated with the proposed Federal action and reasonable alternatives.

In a letter dated November 16, 2004, PNM notified DOE that it no longer finds the proposed project viable and withdrew its application for a Presidential permit. Therefore, further preparation of an EIS is not necessary. The notice of intent to prepare an EIS is withdrawn and the NEPA process is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Ellen Russell, Office of Fossil Energy, FE–27, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone 202–586–9624; electronic mail: *ellen.russell@hq.doe.gov*.

For general information on the DOE NEPA process, please contact Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, Phone: 202–586–4600 or leave a message at 800–472–2756; facsimile: 202–586–7031.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign

country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On December 31, 1998, PNM, a regulated public utility, filed an application with the Office of Fossil Energy (FE) of DOE for a Presidential permit. PNM proposed to construct two high-voltage transmission circuits within a single right-of-way. Both circuits would have originated at the switchyard adjacent to the PVNGS located west of Phoenix, Arizona, and extended to the U.S.-Mexico border in one of three two-mile wide corridors preliminarily identified by PNM. From the U.S.-Mexico border, the proposed facilities would have extended approximately 60 miles into Mexico where they would have connected with complementary transmission facilities of the Comision Federal de Electricidad (CFE), the national electric utility of Mexico, at CFE's existing Santa Ana Substation.

Parts of the proposed transmission corridor identified by PNM were on Federal land managed by the U.S. Department of the Interior's Bureau of Land Management and the U.S. Department of Agriculture's U.S. Forest Service; both were cooperating agencies in preparation of the EIS. Activities by those agencies with respect to the EIS are also terminated.

Issued in Washington, DC on February 15, 2005.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Fossil Energy.

[FR Doc. 05–3326 Filed 2–18–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Temporary Waiver of Minimum Flows and Soliciting Comments, Motions To Intervene, and Protests

February 14, 2005.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Temporary waiver of minimum flows.

b. *Project No.:* 2426–196.

c. *Date Filed:* February 9, 2005.

d. *Applicant:* California Department of Water Resources and the City of Los Angeles.

e. *Name of Project:* California Aqueduct Project.

f. *Location:* The project is located on the California Aqueduct, in San Bernadino, Los Angeles, San Luis Obispo, Ventura, and Kern Counties, California. This project does not occupy any Federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact:* Dr. Eva Begley, California State Dept. of Water Resources, 1416 Ninth Street, Room 1115–9, Sacramento, CA 95814, (916) 653–5951.

i. *FERC Contacts:* Any questions on this notice should be addressed to Rebecca Martin at (202) 502–6012, or e-mail address: *rebecca.martin@ferc.gov.*

j. Deadline for filing comments and or motions: March 7, 2005.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–2426–196) on any comments or motions filed. 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. The Commission strongly encourages e-filings.

k. *Description of Request:* California Department of Water Resources (DWR) is seeking Commission approval for a temporary waiver of the minimum flow requirement for the Piru Creek below Pyramid Dam which is required under article 52 of its license. DWR requests this temporary variance to avoid an incidental take of the arroyo toad which is a listed species under the Endangered Species Act. By letter dated February 2, 2005, the U.S. Fish and Wildlife Service supports this request for more natural flows in order to not adversely affect the arroyo toad and its habitat.

l. *Location of the Application:* The filing is available for review at the Commission in the Public Reference Room , located at 888 First Street, NE., Room 2A, Washington, DC 20426, 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 (866) 208 3676 or TTY, contact (202) 502–8659.

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'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. 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.

q. 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 at *http://www.ferc.gov* under the ''e-Filing'' link.

Linda L. Mitry,

Deputy Secretary.

[FR Doc. E5–681 Filed 2–18–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OW–2003–0039, FRL–7875–5]

Agency Information Collection Activities: Proposed Collection; Comment Request; Reporting Requirements for BEACH Act Grants, EPA ICR Number 2048.01, OMB Control Number 2040–0244

AGENCY: Environmental Protection Agency.

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 continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request to renew an existing approved collection. This ICR is scheduled to expire on July 31, 2005. 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 April 25, 2005.

ADDRESSES: Submit your comments, referencing docket ID number OW–2003–0039, to EPA online using EDOCKET (our preferred method), by e-mail to *ow-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Water Docket (4101T), 1200 Pennsylvania Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Lars Wilcut, Standards and Health Protection Division, Office of Science and Technology (4305T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566–0447; fax number: (202) 566–0409; e-mail address: *wilcut.lars@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number OW–2003–0039, which is available for public viewing at the Water 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 the Water Docket is (202) 566–2422. 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 those coastal and Great Lakes state, local, and tribal governments which are eligible for BEACH Act grants. These are governments that develop and implement programs for monitoring and notification of coastal (marine and Great Lakes) recreation waters adjacent to beaches or similar points of access that are used by the public.

Title: Reporting Requirements for BEACH Act Grants.

Abstract: Congress passed the Beaches Environmental Assessment and Coastal Health (BEACH) Act in October 2000 to amend the Clean Water Act, in part by adding section 406, ''Coastal Recreation Water Monitoring and Notification.'' Section 406(b) authorizes EPA to make grants to States and local governments to develop and implement programs for monitoring and public notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public, if the State or local government satisfies the requirements of the BEACH Act.

Several of these requirements require a grant recipient to collect and submit information to EPA as a condition for receiving the grant. Section 406(b) requires a grant recipient to provide the factors that the state or local government uses to prioritize funds and a list of waters for which the grant funds will be used. Section 406(b) also requires that a grant recipient's program be consistent with the performance requirements set by EPA under section 406(a); EPA needs information from the grant recipients to determine if the monitoring and notification programs are consistent with these criteria. On July 19, 2002, EPA published the National Beach Guidance and Required Performance Criteria for Grants (67 FR 47540). Section 406(b) also requires that a grant recipient submit a report to EPA that describes the data collected as part of a monitoring and notification program and the actions taken to notify the public when water quality standards are exceeded. Section 406(c) requires a grant recipient to identify lists of coastal recreation waters, processes for States to delegate to local governments the responsibility for implementing a monitoring and notification program, and the content of the monitoring and notification program.

The information covered by this ICR is required of States and local governments that seek to obtain BEACH Act funding. It allows EPA to properly review State and local governments' monitoring and notification programs to determine if they are eligible for BEACH Act grant funding. This information also enables EPA to fulfill its obligations to make this information available to the public as required by sections 406(e) and (g).

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) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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 annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,993 hours per grant recipient per year. This burden represents a report and accompanying data which are submitted each year by the 35 eligible States and Territories. In

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

Dated: February 9, 2005.

Geoffrey H. Grubbs,

Director, Office of Science and Technology.

[FR Doc. 05–3356 Filed 2–18–05; 8:45 am]

BILLING CODE 6560–50–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Administration; Notice of Meeting of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

ACTION: Notice.

SUMMARY: The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (''Commission'') will meet in closed session on Wednesday, March 9, 2005, and Thursday, March 10, 2005, in its offices in Arlington, Virginia.

Executive Order 13328 established the Commission for the purpose of assessing whether the Intelligence Community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support the United States Government's efforts to respond to, the development of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century. This meeting will consist of briefings and discussions involving classified matters of national security, including classified briefings from representatives of agencies within the Intelligence Community; Commission discussions based upon the content of classified intelligence documents the Commission has received from agencies within the Intelligence Community; and presentations concerning the United States' intelligence capabilities that are based upon classified information. While the Commission does not concede that it is subject to the requirements of the Federal Advisory Committee Act (FACA), 5 United States Code Appendix 2, it has been determined that the March 9–10, 2005, meeting would fall within the scope of exceptions (c)(1) and (c)(9)(B) of the Sunshine Act, 5 United States Code, Sections 552b(c)(1) & (c)(9)(B), and thus could be closed to the public if FACA did apply to the Commission.

DATES: Wednesday, March 9, 2005 (9 a.m. to 5 p.m.), and Thursday, March 10, 2005 (9 a.m. to 2 p.m.).

ADDRESSES: Members of the public who wish to submit a written statement to the Commission are invited to do so by facsimile at (703) 414–1203, or by mail at the following address: Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Washington, D.C., 20503. Comments also may be sent to the Commission by e-mail at *comments@wmd.gov*.

FOR FURTHER INFORMATION CONTACT: Brett C. Gerry, Associate General Counsel, Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, by facsimile, or by telephone at (703) 414–1200.

Victor E. Bernson, Jr.,

Executive Office of the President, Office of Administration, General Counsel.

[FR Doc. 05–3275 Filed 2–18–05; 8:45 am]

BILLING CODE 3130–W5–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; correction.

SUMMARY: On January 21, 2005, the Commission published a notice inviting the general public and other Federal agencies to take the opportunity to comment on information collection(s) for OMB Control No. 3060–1061. On page 5446, columns 1 and 2, the Needs and Uses for the information collection were inaccurately described. This notice contains the correct description of the Needs and Uses for the Information Collection.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet at *Judith-B.Herman@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION: On February 2, 2005 (70 FR 5446), the Federal Communications Commission published a Notice requesting comments on Public Information Collection(s) Being Reviewed by the Federal Communications Commission. In the summary for OMB 3060–1061, the Needs and Uses section of the summary contained an inaccurate description of the decision of the Report and Order (R&O) titled, ''*In the Matter of Procedures to Govern the Use of Satellite Earth Stations on Board Vessels (ESV) in the 5925–6425 MHz/3700–4200 MHz Bands and 14.0–14.5 GHz/11.7–12.2 GHz Bands*,'' IB Docket No. 02–10, FCC 04–286. On page 5446, in the first and second column, the Needs and Uses section is corrected to read as follows:

Needs and Uses: The R&O includes the following new Paperwork Reduction Act (PRA) reporting requirements: (1) C- and Ku-band must collect and maintain vessel tracking data to assist the Commission and affected operators in identifying and resolving sources of interference; (2) C-band ESV operators that coordinate their use of the 5925–6425 MHz band with the Fixed Services (FS) shall file a notification of that coordination with the Commission to be placed on Public Notice; (3) Ku-band ESV operators that coordinate their use of the 14.0–14.2 GHz and 14.47–14.5 GHz bands through the National Telecommunications and Information Administration (NTIA) Interdepartment Radio Advisory Committee (IRAC) shall file a notification of that coordination with the Commission to be placed on Public Notice; and (4) C- and Ku-band ESV operators must have a contact that is available in the United States 24 hours a day, 7 days a week, to respond to Fixed Satellite Service (FSS) operators' requests. The name, telephone number, and other pertinent information of the contact will be posted on the Commission's Web site, *http://www.fcc.gov*.

The Commission established licensing and service rules to govern ESV operations and to prevent interference to existing users within the C- and Ku-

bands. ESV operators must submit applications (FCC Form 312) and exhibits (Schedule B) to the Commission to demonstrate that they comply with the Commission's legal and/or engineering rules. Additionally, the Commission requires a myriad of technical information such as, but not limited to, frequency of operation, off-axis effective isotropically radiated power spectral density, and the geographic area(s) in which the ESVs will operate to evaluate potential interference to existing users from ESVs. The purposes of this information collection are as follows: (1) Establish licensing and service rules for ESVs in the Ku-band and C-band; (2) prevent harmful interference to Fixed Services (FS), Fixed Satellite Service (FSS) and a limited number of Federal government facilities; (3) further the Commission's goals to manage spectrum efficiently; and (4) advance the provision of broadband telecommunications services that will benefit U.S. citizens on passenger, government (military and civilian), cargo and large recreational vessels. Without such information, the Commission would not be able to take the necessary measures to prevent harmful interference to existing users' operations from ESVs. Finally, the Commission would not be able to advance its goals of managing spectrum efficiently and promoting broadband technologies to benefit American consumers throughout the United States and abroad.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–3305 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

February 14, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction (PRA) comments should be submitted on or before April 25, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Cathy Williams at 202–418–2918 or via the Internet at *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0669.

Title: Section 76.946, Advertising of Rates.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 8,250.

Estimated Time per Response: 30 minutes (0.5 hours).

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement.

Total Annual Burden: 4,125 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: 47 CFR Section 76.946 states that cable operators that advertise for basic service and cable programming service tiers shall be required to advertise rates that include all costs and fees. Cable systems that cover multiple franchise areas having differing franchise fees or other franchise costs, different channel line-ups, or different rate structures, may advertise a complete range of fees without specific identification of the rate for each individual area. In such circumstances, the operator may advertise a ''fee plus'' rate that indicates the core rate plus the range of possible additions, depending upon the particular location of the subscriber. The Commission has set forth this disclosure requirement to ensure consumer awareness of all fees associated with basic service and cable programming service tier rates.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–3315 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

February 14, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before April 25, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of

time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all Paperwork Reduction Act (PRA) comments to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Cathy Williams at (202) 418–2918 or via the Internet at *Cathy.Williams@fcc.gov*.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0433.

Title: Basic Signal Leakage Performance Report.

Form Number: FCC Form 320.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 33,500.

Estimated Time per Response: 20 hours.

Frequency of Response: Recordkeeping requirement; Annual reporting requirement.

Total Annual Burden: 670,000 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Cable television system operators who use frequencies in the bands 108–137 and 225–400 MHz (aeronautical frequencies) are required to file a Cumulative Leakage Index (CLI) derived under 47 CFR 76.611(a)(1) or the results of airspace measurements derived under 47 CFR 76.611(a)(2). This filing must include a description of the method by which compliance with basic signal leakage criteria is achieved and the method of calibrating the measurement equipment. This yearly filing is done in accordance with 47 CFR 76.1803 with the use of FCC Form 320. The data collected on the FCC Form 320 is used by the Commission staff to ensure the safe operation of aeronautical and marine radio services, and to monitor for compliance of cable aeronautical usage in order to minimize future interference to these safety of life services.

In a Public Notice (DA–04–2117) dated July 14, 2004, the Commission informed Multichannel Video Programming Distributors (MVPDs) about the requirement that all Form 320 filings must be submitted electronically as of February 1, 2005.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–3317 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–10–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by the Office of Management and Budget

February 11, 2005.

SUMMARY: The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Public Law 96–511. As agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number.

FOR FURTHER INFORMATION CONTACT: For additional information or questions concerning the OMB control number and expiration date should be directed to Rita McDonald, Federal Communications Commission, Room 2–C225, 445 12th Street, SW., Washington, DC 20554, (202) 418–0668 or via the Internet to *Rita.McDonald@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0647.

OMB Approval Date: 02/03/05.

OMB Expiration Date: 02/29/08.

Title: Annual Survey of Cable Industry Prices.

Form Number: Not Applicable.

Respondents: Business or other for-profit entities; State, local or tribal government.

Number of Respondents: 720.

Estimated Time per Response: 6.5 hours.

Needs and Uses: Section 623(k) of the Cable Television Consumer Protection and Competition Act of 1992 requires the Commission to publish an annual statistical report on average rates for basic cable service, cable programming service and equipment. The report must compare the prices charged by cable systems subject to effective competition and those not subject to effective competition. The Annual Price Survey is used to collect the data needed to prepare this report.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–3318 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

February 4, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 24, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Cathy.Williams@fcc.gov* or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3087 or via the Internet at *Kristy_L._LaLonde@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copy of the

information collection(s) contact Cathy Williams at (202) 418–2918 or via the Internet at *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–XXXX.

Title: Section 73.1201, Station Identification.

Form Number: Not applicable.

Type of Review: New collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents: 1,700.

Estimated Time per Response: 2 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement.

Total Annual Burden: 3,400 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On August 4, 2004, the Commission adopted a Report and Order (R&O), In the Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television, MB Docket No. 03–15. With this R&O, the Commission requires digital television stations to follow the same rules for station identification as analog television stations. 47 CFR 73.1201(a) requires licensees to make broadcast station identification announcements at the beginning and ending of each time of operation, and hourly, as close to the hour as feasible, at a natural break in program offerings. Television and Class A television broadcast stations may make these announcements visually or aurally. 47 CFR 73.1201(b) requires the licensees' station identification to consist of the station's call letters immediately followed by the community or communities specified in its license as the station's location.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–3319 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 9, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 24, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments regarding this Paperwork Reduction Act submission to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0395.

Title: The ARMIS USOA Report (ARMIS Report 43–02); the ARMIS Service Quality Report (ARMIS Report 43–05); and the ARMIS Infrastructure Report (ARMIS Report 43–07).

Report Nos: FCC Reports 43–02, 43–05 and 43–07.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 50.

Estimated Time Per Response: 5.7—844 hours.

Frequency of Response: Annual reporting requirement and recordkeeping requirement.

Total Annual Burden: 20,754 hours.

Total Annual Cost: Not Applicable.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: FCC Report 43–02 contains company-wide data for each account specified in the Uniform System of Accounts (USOA). It provides the annual operating results of the carriers' activities for every account in the USOA. The Commission uses an indexed revenue threshold to determine which carriers are required to file the ARMIS reports. The revenue threshold for mid-sized carriers is currently $123 million. In this report, there are no changes to the report; however, we are adjusting the numbers of carriers filing this ARMIS report from 29 respondents to 28 to reflect one carrier that fell below the revenue threshold. ARMIS Report 43–05 collects data at the study level and holding company level and is designed to capture trends in service quality information in the areas of service quality under price cap regulation. It provides service quality information in the areas of interexchange access service installation and repair intervals, local service installation and repair intervals, trunk blockage, and total switch downtime for price cap companies. ARMIS Report 43–07 is designed to capture trends in telephone industry infrastructure development under price cap regulation. It provides switch deployment and capabilities data. There are no changes to ARMIS Reports 43–05 and 43–07.

OMB Control No.: 3060–0410.

Title: Forecast of Investment Usage Report and Actual Usage of Investment Report.

Report Nos: FCC Reports 495A and 495B.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 97 respondents; 194 responses.

Estimated Time Per Response: 40 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 7,760 hours.

Total Annual Cost: Not Applicable.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: The information in these two reports provides the necessary detail to enable the Commission to fulfill it regulatory responsibility. These reports ensure that the regulated operation of the carriers do not subsidize the nonregulated operations of those same carriers. The FCC Reports 495A and 495B are each filed once a year. The 495A Report provides the forecast and resulting investment

allocation incorporated in a carrier's cost support for its access tariff. The 495B Report enables the Commission's staff to monitor actual and forecasted investment use. This data are also a part of the data necessary to support the Commission's audit and other oversight functions. Subsequent submissions correcting previously filed data are to be filed as soon as the correction is identified.

OMB Control No.: 3060–0496.

Title: The ARMIS Operating Data Report.

Report No: FCC Report 43–08.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 56.

Estimated Time Per Response: 139 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 7,784 hours.

Total Annual Cost: Not Applicable.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: The ARMIS Report 43–08 collects network operating data in a consistent format. The report monitors network growth, usage, and reliability. The Commission uses an indexed revenue threshold to determine which carriers are required to file the ARMIS reports. The revenue threshold for mid-sized carriers is currently $123 million. In this collection, we are revising the number of carriers filing this ARMIS report from 55 to 56 to reflect two carriers that met the indexed revenue threshold and one carrier that fell below the threshold.

OMB Control No.: 3060–0511.

Title: ARMIS Access Report.

Report No: FCC Report 43–04.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 82.

Estimated Time Per Response: 153 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 12,546 hours.

Total Annual Cost: Not Applicable.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: The ARMIS 43–04 provides jurisdictional separations and access charge data by Part 36 category of the Commission's rules and regulations. The ARMIS Report 43–04 monitors revenue requirements, joint cost allocations, jurisdictional separations and access charges. The Commission uses an indexed revenue threshold to determine which carriers are required to file the ARMIS reports. The revenue threshold for mid-sized carriers is currently $123 million. In this collection, we are revising the number of carriers filing this ARMIS report from 84 to 82 to reflect two carriers that fell below the revenue threshold.

OMB Control No.: 3060–0512.

Title: The ARMIS Annual Summary Report.

Report No: FCC Report 43–01.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 124.

Estimated Time Per Response: 89 hours.

Frequency of Response: Annual reporting requirement.

Total Annual Burden: 11,036 hours.

Total Annual Cost: Not Applicable.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: ARMIS Report 43–01 facilitates the annual collection of the results of accounting, rate base, and cost allocation requirements prescribed in Parts 32, 36, 64, 65, and 69 of the Commission's rules and regulations. The revenue threshold for mid-sized carriers is currently $123 million. In this collection, four mid-sized carriers reached the revenue threshold, three new mid-sized carriers were added, as a result of a company merger, and two mid-sized carriers were eliminated because they fell below the revenue threshold.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–3320 Filed 2–18–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting; Sunshine Act

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 3:30 p.m. on Tuesday, February 22, 2005, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Conforming Changes to the Corporation's Bylaws Required by the Division of Information Resources Management's Name Change.

Memorandum and resolutions regarding Federal Service Recognition.

Discussion Agenda

Memorandum and resolution re: Notice of Proposed Rulemaking—Community Reinvestment Act Regulations.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (*e.g.*, sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2089 (Voice); or (202) 416–2007 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–7043.

Dated: February 15, 2005.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. E5–682 Filed 2–18–05; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in

writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 18, 2005.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. BNA Bancshares, Inc., New Albany, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of the Bank of New Albany, New Albany, Mississippi.

Board of Governors of the Federal Reserve System, February 15, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–3228 Filed 2–18–05; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 8, 2005.

A. Federal Reserve Bank of Chicago (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. First Eagle Bancshares, Inc., Hanover Park, Illinois; to engage *de novo* in making or extending loans or credit, pursuant to section 225.28(b)(1) of Regulation Y.

Board of Governors of the Federal Reserve System, February 15, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 05–3229 Filed 2–18–05; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

OMB Control No. 3090–0246

General Services Administration Regulation; Information Collection; Packing List Clause

AGENCY: Office of the Chief Acquisition Officer, GSA.

ACTION: Notice of request for comments regarding a renewal to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration has submitted to the Office of Management and Budget (OMB) a request to review and approve a renewal of a currently approved information collection requirement regarding the inclusion of the packing list clause. A request for public comments was published at 69 FR 69370, November 29, 2004. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: March 24, 2005.

FOR FURTHER INFORMATION CONTACT: Michael O. Jackson, Procurement Analyst, Office of the Deputy Chief Acquisition Officer, Room 4032, by telephone (202) 208–4949 or via email at *michaelo.jackson@gsa.gov*.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Ms. Jeanette Thornton, GSA Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy to the Regulatory Secretariat (VIR), General Services Administration, Room 4035, 1800 F Street, NW., Washington, DC 20405. Please cite OMB Control No. 3090–0246, Packing List Clause, in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

GSAR clause 552.211–77, Packing List, requires a contractor to include a packing list that verifies placement of an order and identifies the items shipped. In addition to information contractors would normally include on packing lists, the identification of cardholder name, telephone number and the term ''Credit Card'' is required.

B. Annual Reporting Burden

*Total Annual Responses:*931,219
*Estimated Annual Respondents:*4000
Responses Per Respondent: 233
Hours Per Response: .00833
Total Burden Hours: 7757
Obtaining Copies of Proposals:
Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 3090–0246, Packing List Clause, in all correspondence.

Dated: February 15, 2005

Julia Wise,

Deputy Director, Contract Policy Division.

[FR Doc. 05–3301 Filed 2–18–05; 8:45 am]

BILLING CODE 6820–61–S

GENERAL SERVICES ADMINISTRATION

OMB Control No. 3090–0086

General Services Administration Acquisition Regulation; Information Collection; GSA Form 1364, Proposal to Lease Space (Not Required by Regulation)

AGENCY: Office of the Chief Acquisition Officer, GSA.

ACTION: Notice of request for comments regarding a renewal to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration has submitted to the Office of Management and Budget (OMB) a request to review and approve a renewal of a currently approved information collection requirement regarding GSA Form 1364,proposal to lease space (not required by regulation). A request for public comments was published at 69 FR 69940, December 1, 2004. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: March 24, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald Zaffos, Procurement Analyst, Contract Policy Division, at telephone (202) 208–6091 or via e-mail to *jerry.zaffos@gsa.gov*.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Ms. Jeanette Thornton, GSA Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy to the Regulatory Secretariat (VIR), General Services Administration, Room 4035, 1800 F Street, NW., Washington, DC 20405. Please cite OMB Control No. 3090–0086, GSA Form 1364, Proposal to Lease Space (Not Required By Regulation), in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration (GSA) has various mission responsibilities related to the acquisition and provision of real property management, and disposal of real and personal property. These mission responsibilities generate requirements that are realized through the solicitation and award of leasing contracts. Individual solicitations and resulting contracts may impose unique information collection/reporting requirements on contractors, not required by regulation, but necessary to evaluate particular program accomplishments and measure success in meeting program objectives.

B. Annual Reporting Burden

Respondents: 5016
Responses Per Respondent: 1
Hours Per Response: 5.0205
Total Burden Hours: 25,183
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 3090–0086, GSA Form 1364, Proposal to Lease Space (Not Required By Regulation), in all correspondence.

Dated: February 15, 2005

Julia Wise,

Deputy Director, Contract Policy Division.

[FR Doc. 05–3302 Filed 2–18–05; 8:45 am]

BILLING CODE 6820–61–S

GENERAL SERVICES ADMINISTRATION

OMB Control No. 3090–0027

General Services Administration Acquisition Regulation; Information Collection; Contract Administration, Quality Assurance (GSAR Parts 542 and 546; GSA Form 1678, DD Form 250, and GSA Form 308)

AGENCY: Office of the Chief Acquisition Officer, GSA.

ACTION: Notice of request for comments regarding a renewal to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve a renewal of a currently approved information collection requirement regarding contract administration, and quality assurance.

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

DATES: Submit comments on or before: April 25, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Jeritta Parnell, Procurement Analyst, Contract Policy Division, at telephone (202) 501–4082 or via e-mail to *jeritta.parnell@gsa.gov*.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Regulatory Secretariat (VIR), General Services Administration, Room 4035, 1800 F Street, NW., Washington, DC 20405. Please cite OMB Control No. 3090–0027, Contract Administration, Quality Assurance (GSAR Parts 542 and 546; GSA Form 1678, DD Form 250, and GSA Form 308), in all correspondence.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration is requesting the Office of Management and Budget (OMB) to review and approve information collection 3090–0027, concerning GSAR part 542, contract administration, and part 546, quality assurance. Under certain contracts, because of reliance on contractor inspection in lieu of Government inspection, GSA's Federal Supply Service (FSS) requires documentation from its contractors to effectively monitor contractor performance and ensure that it will be able to take timely action should that performance be deficient.

B. Annual Reporting Burden

Respondents: 4,604
Total Responses: 116,869
Total Burden Hours: 7,830
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 208–7312. Please cite OMB Control No. 3090–0027, Contract Administration, Quality Assurance (GSAR Parts 542 and 546; GSA Form 1678, DD Form 250, and GSA Form 308), in all correspondence.

Dated: February 15, 2005

Julia Wise,

Deputy Director, Contract Policy Division.

[FR Doc. 05–3303 Filed 2–18–05; 8:45 am]

BILLING CODE 6820–61–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation for the Nomination of Candidates To Serve as Members of the National Vaccine Advisory Committee

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

Authority: 42 U.S.C. 300aa–5, Section 2105 of the Public Health Service (PHS) Act, as amended. The Committee is governed by the

provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The National Vaccine Program Office (NVPO), a program office within the Office of Public Health and Science, Department of Health and Human Services (DHHS), is soliciting nominations of qualified candidates to be considered for appointment as members to the National Vaccine Advisory Committee (NVAC). The activities of this Committee are governed by the Federal Advisory Committee Act (FACA).

Consistent with the National Vaccine Plan, the Committee advises and makes recommendations to the Assistant Secretary for Health in his/her capacity as the Director of the National Vaccine Program, on matters related to the Program's responsibilities.

Specifically, the Committee studies and recommends ways to encourage the availability of an adequate supply of safe and effective vaccination products in the United States; recommends research priorities and other measures to enhance the safety and efficacy of vaccines. The Committee also advises the Assistant Secretary for Health in the implementation of Sections 2102, 2103, and 2104 of the PHS Act; and identifies annually the most important areas of government and non-government cooperation that should be considered in implementing Sections 2102, 2103, and 2104 of the PHS Act.

DATES: Nominations for membership on the Committee must be received no later than 5 pm EST on March 25, 2005, at the address below.

ADDRESSES: Bruce G. Gellin, M.D., M.P.H., Executive Secretary, National Vaccine Advisory Committee, Office of Public Health and Science, Department of Health and Human Services, 200 Independence Avenue, SW., Room 725–Hubert H. Humphrey Building; Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Emma English, Program Analyst, National Vaccine Program Office, Department of Health and Human Services, Room 729–H Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201; (202) 690–5566; *nvac@osophs.dhhs.gov.*

A copy of the Committee charter and list of the current membership can be obtained by contacting Ms. English or by accessing the NVAC Web site at: *www.hhs.gov/nvpo/nvac.*

SUPPLEMENTARY INFORMATION:

Committee Function: Qualifications and Information Required: As part of an ongoing effort to enhance deliberations and discussions with the public on vaccine and immunization policy, nominations are being sought for interested individuals to serve on the Committee. Individuals selected for appointment to the Committee will serve as voting members. Individuals selected for appointment to the Committee can be invited to serve terms with periods of up to four years.

Nominations should be typewritten. The following information should be included in the package of material submitted for each individual being nominated for consideration: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.*, specific attributes which qualify the nominee for service in this capacity), and a statement that the nominee is willing to serve as a member of the Committee; (2) the nominator's name, address and daytime telephone number, and the home and/or work address, telephone number, and email address of the individual being nominated; and (3) a current copy of the nominee's curriculum vitae. Applications cannot be submitted by facsimile. The names of Federal employees should not be nominated for consideration of appointment to this Committee.

The Department makes every effort to ensure that the membership of DHHS Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made that a broad representation of geographic areas, gender, ethnic and minority groups, and the disabled are given consideration for membership on DHHS Federal advisory committees. Appointment to this Committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status.

Dated: February 14, 2005.

Sarah Landry,

Associate Director for Operations and Policy, National Vaccine Program Office.

[FR Doc. 05–3308 Filed 2–18–05; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Opportunity for Cosponsorship of the HealthierUS Fitness Festival

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

SUMMARY: The Office of the President's Council on Physical Fitness and Sports (PCPFS) announces the opportunity for both Federal and non-Federal public and private sector entities to cosponsor a fitness festival depicting activities to help all Americans get moving for health and fitness in celebration of May, National Physical Fitness and Sports Month. Potential cosponsors must have a demonstrated interest in physical activity/fitness and/or sports and be willing to participate substantively in the cosponsored activity.

DATES: To receive consideration, a request to participate as a cosponsor must be received by the close of business on March 30, 2005 at the address listed. Requests will meet the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date. Private metered postmarks will not be acceptable as proof of timely mailing. Hand-delivered requests must be received by 5 p.m. Requests that are received after the deadline date will be returned to the sender.

ADDRESSES: Notifications of interest in a cosponsorship should be sent to Christine Spain, Director of Research, Planning and Special Projects, Office of the President's Council on Physical Fitness and Sports, Hubert H. Humphrey Building, Room 738–H, 200 Independence Avenue, SW., Washington, DC 20201; Ph: (202) 690–5148, Fax: (202) 690–5211. Notifications may also be submitted by electronic mail to *cspain@osophs.dhhs.gov*.

FOR FURTHER INFORMATION CONTACT: Christine Spain, Director of Research, Planning and Special Projects, Office of the President's Council on Physical Fitness and Sports, Hubert H. Humphrey Building, Room 738–H, 200 Independence Avenue, SW., Washington, DC 20201; Ph: (202) 690–5148, Fax: (202) 690–5211, E-mail: *cspain@osophs.dhhs.gov*.

SUPPLEMENTARY INFORMATION:

Background

The PCPFS was established by the President of the United States and operates under Executive Order No. 13265, continued by Executive Order 13316, in accordance with the Federal Advisory Committee Act. Its purpose is to provide advice and recommendations to the President through the Secretary of HHS regarding actions to develop and coordinate a national program for physical activity/fitness and sports and, in part, inform the general public of the importance of exercise and the link

between regular physical activity and good health.

The Office of the PCPFS serves as a catalyst to promote the development and implementation of physical activity/fitness and sports programs for all Americans. The Office of the PCPFS has a long and productive history of working with public and private sponsors to bring opportunities to participate in activities at the grassroots level. Cosponsorship of this activity will help to further the promotion of physical activity/fitness and sports by the Office of the PCPFS.

The purpose of the HealthierUS Fitness Festival is to motivate individuals to begin and continue an active lifestyle leading to enhanced physical fitness by providing access to actual demonstrations and sound information on diverse organizations and activities. Over one thousand individuals participated in this event on June 16, 2004. The program will take place in Washington, DC on Monday, May 2, 2005 from 10 a.m. to 3 p.m. and will include ongoing interactive sports and fitness demonstrations. Health and fitness experts from a myriad of organizations will be on hand to share tips as well as health and fitness information. No registration fees will be charged for any participants. All cosponsors agree not to sell any educational materials/equipment pertaining to the event. There are no federal funds available for this event. Participation may be limited depending on the number of proposals received and the space available.

Requirements of Cosponsorship

The Office of the PCPFS is seeking a cosponsor(s) to partner in ways that accord with its particular circumstances. For example, an entity might offer to cosponsor the following proposed program activities with the Office of PCPFS:

(1) Participate in the development of the concept, planning of physical activity/fitness/sports demonstrations, and designation of professional organizations and experts in those specific activities;

(2) Participate in the review and approval of all materials produced to educate the public and promote the event;

(3) Participate in the review, development, and approval of all materials, signage, press releases, etc. that mention the cosponsorship;

(4) Participate in the coordination of logistical concerns; *e.g.*, U.S. Park Police, bonds, insurance, etc.

No discrete portion of the event may be sponsored independently.

Availability of Funds

There are no Federal funds available for this cosponsorship. All cosponsors agree to not use the event as a vehicle to sell or promote products or services. Any incidental promotional materials cannot imply that the PCPFS, Office of the PCPFS, or HHS endorses any products or services.

Eligibility for Cosponsorship

To be eligible, a requester must: (1) Have a demonstrated interest and understanding of physical fitness and/or sports; (2) participate substantively in the cosponsored activity (not just provide funding or logistical support); (3) have an organizational or corporate mission that is not inconsistent with the public health and safety mission of the Department; and (4) agree to sign a cosponsorship agreement with the Office of the PCPFS which will set forth the details of the cosponsored activity.

Content of Request for Cosponsorship

Each request for cosponsorship should contain a description of: (1) The entity or organization; (2) its background in promoting physical activity/fitness or sports; (3) its proposed involvement in the cosponsored activity; and (4) plan for implementation with timeline.

Evaluation Criteria

The cosponsor(s) will be selected by the Office of the PCPFS using the following evaluation criteria:

(1) Requester's qualifications and capability to fulfill cosponsorship responsibilities;

(2) Requester's creativity for enhancing the medium for program messages; and

(3) Requester's potential for reaching underserved/special populations.

Dated: February 15, 2005.

Melissa Johnson,

Executive Director, President's Council on Physical Fitness and Sports, Department of Health and Human Services.

[FR Doc. 05–3307 Filed 2–18–05; 8:45 am]

BILLING CODE 4150–35–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security (SSS).

Time and Date: February 18, 2005, 11 a.m.–1 p.m.

Place: Conference Call, *Leader:* Ms. Maria Friedman, USA Toll Free Number: 1–877–601–3547, Pass Code: NCVHS.

For security reasons, the pass code and the leader's name will be required to join your call.

Status: Open.

Purpose: The Subcommittee will review and finalize two separate letters. The first will cover recommendations to the HHS Secretary on e-signature requirements and other topics related to electronic prescribing for use in the Medicare drug benefit. The second letter will provide comments on HHS' notice of proposed rule making (NPRM) on e-prescribing foundation standards to be used by plans participating in the Medicare drug benefit.

Contact Person For More Information: Substantive program information as well as summaries of meetings and a roster of Committee members may be obtained from Maria Friedman, Health Insurance Specialist, Security and Standards Group, Centers for Medicare and Medicaid Services, MS: C5–24–04, 7500 Security Boulevard, Baltimore, MD 21244–1850, telephone: 410–786–6333 or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone: (301) 458–4245. Information also is available on the NCVHS home page of the HHS Web site: *http://www.ncvhs.hhs.gov/* where an agenda for the meeting will be posted when available.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (301) 458–4EEO (4336) as soon as possible.

Dated: February 8, 2005.

James Scanlon,

Acting Deputy Assistant Secretary for Science and Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 05–3265 Filed 2–18–05; 8:45 am]

BILLING CODE 4151–05

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–05BI]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic

summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–371–5976 or send comments to Sandi Gambescia, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

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. Written comments should be received within 60 days of this notice.

Proposed Project

Surveys of Past HIV Prevention Technology Transfer Efforts—New—National Center for HIV, STD and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC).

The purpose of these surveys is to study the effectiveness of providing HIV prevention agencies with packaged intervention, training, and technical assistance to ensure the agencies' maintenance of the intervention. The project's results will be used by CDC as they develop a national program for dissemination and support of packaged interventions that will increase the likelihood that agencies will conduct them with fidelity for several years. The population being surveyed will be staff members of 16 prevention agencies that implemented one of five unique, packaged interventions between 1997 and 2000 as part of CDC's ongoing Replicating Effective Programs (REP) project.

A survey will be administered over the telephone to Agency Administrators from the 16 prevention agencies that implemented an intervention packaged by the REP project. Additional surveys will be administered in-person to one Intervention Supervisor and two Intervention Facilitators at agencies that are continuing to implement the REP-packaged intervention. The objectives of the surveys include, but are not limited to (a) identification of factors associated with maintenance and termination of REP-packaged interventions; (b) determination of why and how agencies adapted the packaged interventions; (c) examination of the impact of elapsed time on maintenance of the intervention and fidelity to intervention protocols; (d) identification of any differences between the type of agency (*i.e.*, community-based organization, health department) on maintenance and fidelity; (e) identification of any difference between the type of original researcher (*i.e.*, academic, non-profit) on maintenance and fidelity; and (f) identification of perceived and actual benefits, as well as instrumental and conceptual utility, of REP-packaged interventions that can be used in marketing the intervention packages to other HIV prevention providers. Researchers administering the in-person surveys also will assess fidelity to intervention protocols by observing facilitators delivering the intervention and by recording their observations on a checklist designed for the particular intervention being observed.

Survey questionnaire data will be collected once from each respondent (*e.g.*, Agency Administrator, Intervention Supervisor, Intervention Facilitator). There are no costs to respondents for participation in the survey other than the time it takes them to participate. Respondents will receive an honorarium valued at no more than $25 in appreciation for their time. It is not known how many agencies are continuing to implement a REP-packaged intervention (at least one agency is known to have terminated implementation); therefore, the calculations below reflect the maximum number of Intervention Supervisors and Intervention Facilitators that could be surveyed. This submission is requesting approval for a 1-year clearance for data collection. There are no costs to respondents except for their time.

ANNUALIZED BURDEN

Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden hours
Agency Administrators from all agencies that implemented a REP-packaged intervention (content review)	16	1	20/60	5
Agency Administrators from all agencies that implemented a REP-packaged intervention (questionnaire)	16	1	1.5	24
Intervention Supervisors from the agencies that are maintaining a REP-packaged intervention	15	1	1.5	23
Intervention Facilitators from the agencies that are maintaining a REP-packaged intervention	30	1	1.75	53
Total				105

Dated: February 15, 2005.

Betsey Dunaway,

Acting Reports Clearance Officer, Office of the Chief Science Officer, Centers for Disease Control and Prevention.

[FR Doc. 05–3272 Filed 2–18–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–05–0026)

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–371–5976 or send comments to Sandi Gambescia, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

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. Written comments should be received within 60 days of this notice.

Proposed Project

Report of Verified Case of Tuberculosis (RVCT), OMB No. 0920–0026—Extension—Centers for Disease Control and Prevention (CDC), National Center for HIV, STD, and TB Prevention (NCHSTP). CDC is requesting OMB approval for another 3-year extension of the Report of Verified Case of Tuberculosis (RVCT) data collection.

CDC maintains the national TB surveillance system to support CDC's goal of eliminating tuberculosis (TB) in the United States. Previous modifications to the data collection have improved the ability of CDC to monitor important aspects of TB epidemiology in the United States, including drug resistance, TB risk factors, HIV coinfection, and treatment. The system also enables CDC to monitor the recovery of the nation from the recent resurgence of TB and to determine if current TB epidemiology supports the renewed national goal of TB elimination. To measure progress in achieving this goal, as well as continue to monitor TB trends and potential TB outbreaks, identify high risk populations for TB, and gauge program performance, CDC is requesting approval to extend the use of the RVCT.

Data are collected by 60 Reporting Areas (50 states, the District of Columbia, New York City, Puerto Rico, and 7 jurisdictions in the Pacific and Caribbean) using the RVCT. There are no changes to the forms previously approved in 2002. An RVCT is completed for each reported TB case and contains demographic, clinical, and laboratory information.

A comprehensive software package, the Tuberculosis Information Management System (TIMS) is currently used for RVCT data entry and electronic transmission of reports to CDC. TIMS provides reports, query functions, and export functions to assist in analysis of the data. However, electronic transmission of TB case reports to CDC is in a transition phase with the development of the web-based National Electronic Disease Surveillance System (NEDSS) and Public Health Information Network (PHIN). Following the transition, many respondents will implement a PHIN compatible information system to collect and report TB surveillance data via the PHIN Messaging System. The remaining respondents will employ the NEDSS base system. These respondents will be able to use either the associated TB Program Area Module or their own TB surveillance application to collect and report RVCT data to CDC.

CDC publishes an annual report summarizing national TB statistics and also periodically conducts special analyses for publication in peer-reviewed scientific journals to further describe and interpret national TB data. These data assist public health officials and policy makers in program planning, evaluation, and resource allocation. Reporting Areas also review and analyze their RVCT data to monitor local TB trends, evaluate program success, and assist in focusing resources to eliminate TB.

No other Federal agency collects this type of national TB data. In addition to providing technical assistance on the use of RVCT, CDC also provides Reporting Areas with technical support for the TIMS software. In this request, CDC is requesting approval for approximately 7,560 burden hours, an estimated decrease of 778 hours. This decrease is due to a decrease in the total number of tuberculosis cases. There is no cost to respondents except for their time.

ANNUALIZED BURDEN TABLE

Respondents	Number of respondents	Number of responses per respondents	Average burden per response (in hours)	Total burden (in hours)
Local, state, territorial health departments	60	252	30/60	7,560
Total				7,560

Dated: February 15, 2005.

Betsey Dunaway,

Acting Reports Clearance Officer, Office of the Chief Science Officer, Centers for Disease Control and Prevention.

[FR Doc. 05–3274 Filed 2–18–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegations of Authority

Notice is hereby given that under the authority vested in the Assistant Secretary for Children and Families by the memorandum dated October 1, 2003 from the Assistant Secretary for Administration and Management, I hereby redelegate to the Deputy Assistant Secretary for Administration, the following authority:

Authority Delegated

The authority to issue formal grievance decisions on matters under the line of supervision where the Assistant Secretary is the second level supervisor, except in cases where the Deputy Assistant Secretary for Administration is the first level supervisor.

Conditions and Limitations

This delegation excludes those authorities specifically reserved to or by the Secretary in the memorandum dated October 11, 2001.

This authority is to be exercised in accordance with the policies of the Department and the Administration for Children and Families.

Effective Date

This redelegation is effective on the date of signature. I hereby ratify any actions the Deputy Assistant Secretary for Administration may have taken pursuant to this authority prior to the effective date of this redelegation.

Effect on Existing Delegations

None.

Dated: February 10, 2005.

Wade F. Horn, PhD.,

Assistant Secretary for Children and Families.

[FR Doc. 05–3365 Filed 2–18–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Survey of NIGMS Minority Opportunities in Research (MORE) Division Institutional Program Directors

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of General Medical Sciences (NIGMS), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: Survey of NIGMS Minority Opportunities in Research (MORE) Division Institutional Program Directors. *Type of Information Collection Request:* New collection. *Need and Use of Information Collection:* NIGMS provides research and research training support in the basic biomedical sciences through a variety of programs and grant mechanisms. Several of these programs are targeted toward support of underrepresented minority students at various educational levels and research faculty at minority-serving institutions. Although significant resources are dedicated to funding these programs, there is a lack of quantitative information on program outcomes. With this submission, NIGMS seeks to obtain OMB's approval to conduct a survey of the institutional program directors in the following programs: Minority Access to Research Careers Undergraduate Student Training in Academic Research (U*STAR), Minority Biomedical Research Support Initiative for Minority Student Development (IMSD), and Minority Biomedical Research Support Research Initiative for Scientific Enhancement (RISE). Information collected in the survey will include data on student enrollment and highest degree received.

This proposed one-time survey is part of a larger study that will provide NIGMS with the high-quality data needed to evaluate the educational outcomes and research activity of students and faculty who are supported by NIGMS training and research support programs. Other data will be collected from existing sources, including grant records and Medline databases. Taken together, the data will be used as a baseline for future assessments, as well to further develop current programs and in the creation of proposals for new initiatives in minority recruitment and training. These results will be reported to the National Advisory General Medical Sciences Council (NAGMSC) and shared with the community of NIGMS grantees. The survey is planned to launch in July 2005 and to be in the field for two months. *Frequency of Response:* Once. *Affected Public:* Individuals or households; Not-for-profits. *Type of Respondents:* Training grant program directors.

The annual reporting burden is as follows:

Type and number of respondents	Estimated number of responses per respondent	Estimated total responses	Average burden hours per responses	Estimated total annual burden hours requested
Training Grant Program Directors 150	1	150	20 minutes	50

Total Number of Respondents: 150.

Total Number of Responses: 150.

Total Hours: 50.

The annualized cost to respondents is estimated at: $1,650.

There are no capital costs, operating costs, and/or maintenance costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function 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, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. James Onken, NIGMS, NIH, Natcher Building, Room 2AN–32F, 45 Center Drive, MSC 6200, Bethesda, MD 20892–6200, or call non-toll-free number 301–594–2762 or e-mail your request, including your address to: *OnkenJ@nigms.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

Dated: February 10, 2005.

Martha Pine,

Associate Director for Administration and Operations, National Institute of General Medical Sciences, National Institutes of Health.

[FR Doc. 05–3353 Filed 2–18–05; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 05–52, Review R13s.

Date: March 7, 2005.

Time: 3:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sooyoun (Sonia) Kim, MS, Associate SRA, Scientific Review Branch, Division of Extramural Research, National Inst. of Dental & Craniofacial Research, National Institute of Health, Bethesda, MD 20892, (301) 594–4827.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 05–30, Review RFA DE–05–007.

Date: March 24, 2005.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Betehsda, MD 20814.

Contact Person: Peter Zelazowski, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Activities, National Inst. of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892–6402, 301–594–4861.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 05–49, Review R13s.

Date: April 8, 2005.

Time: 11 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Sooyoun (Sonia) Kim, MS, Associate SRA, Scientific Review Branch, Division of Extramural Research, National Inst. of Dental & Craniofacial Research, National Institute of Health, Bethesda, MD 20892, (301) 594–4827.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 05–51, Review K23s.

Date: April 11, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lynn M. King, PhD, Scientific Review Administrator, Scientific Review Branch, 45 Center Dr., Rm 4AN–38K, National Institute of Dental & Craniofacial Research, National Institutes of Health, Bethesda, MD 20892–6402, 301–594–5006.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS).

Dated: February 14, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3348 Filed 2–18–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group, Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: March 16–18, 2005.

Open: March 16, 2005, 6 p.m. to 6:30 p.m.

Agenda: To review procedures and discuss policies.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: March 16, 2005, 6:30 p.m. to 11 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: March 17, 2005, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: March 18, 2005, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Neal A. Musto, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 751, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7798, *muston@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group, Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: March 16–18, 2005.

Open: March 16, 2005, 6 p.m. to 6:30 p.m.

Agenda: To review procedures and discuss policies.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: March 16, 2005, 6:30 p.m. to 11 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: March 17, 2005, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: March 18, 2005, 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: John F. Connaughton, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 757, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–7797. *connaughtonj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group, Digestive Diseases and Nutrition C Subcommittee.

Date: March 17–18, 2005.

Open: March 17, 2005, 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policies.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: March 17, 2005, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Closed: March 18, 2005, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, Executive Meeting Center Rockville, 1750 Rocville Pike, Rockville, MD 20852.

Contact Person: Paul A. Rushing, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452. (301) 594–8895. *rushingp@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 14, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3350 Filed 2–18–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel Polarized Epithelia.

Date: March 23, 2005.

Time: 10 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Hotel, Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Neal A. Musto, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 751, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7798, *muston@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Digestive Diseases Research Core Centers.

Date: April 10–11, 2005.

Time: 3 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Hotel, Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Maria E. Davila-Bloom, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7637, *davila-bloomm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 14, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3351 Filed 2–18–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Epithelial Cell Oscillatory Calcium Signaling.

Date: March 28, 2005.

Time: 7:45 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Michael W. Edwards, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8886, *edwardsm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Glomerulonephritis.

Date: April 14, 2005.

Time: 7:45 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Michael W. Edwards, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8886, *edwardsm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition

Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 14, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3352 Filed 2–18–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to he public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bridges to the Future.

Date: February 22–23, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Cathleen L. Cooper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892. 301–435–3566. *cooper@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hyperaccelerated Award/Mechanisms in Immunodulation Trials.

Date: March 1, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Samuel C. Edwards, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892. 301–435–1152. *edwardss@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Development Outcomes in High Risk Children.

Date: March 4, 2005.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Mariela Shirley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892. 301–435–0913. *shirleym@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cancer Diagnostic and Treatment.

Date: March 10–11, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Hungyi Shau, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892. 301–435–1720. *shauhung@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, B Cell Tolerance and Leukemogenesis.

Date: March 10, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Cathleen L. Cooper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892. 301–435–3566. *cooperc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIR Member Conflict.

Date: March 10, 2005.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Rene Etcheberrigaray, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5196, MSC 7846, Bethesda, MD 20892. 301–435–1246. *etcheber@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Timing Deficits in Psychopathology and Aging.

Date: March 11, 2005.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)

Contact Person: Mariela Shirley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892. 301–435–0913. *shirleym@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Somatosensory and Chemosensory Systems Study Section.

Date: March 14–15, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Poco Diablo Resort, 1752 South Highway 179, Sedona, AZ 86336.

Contact Person: Daniel R Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892. 301–435–1255. *kenshalod@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflicts: CIGP, GCMB and GMBP.

Date: March 14–15, 2005.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesea, MD 20814.

Contact Person: Patricia Greenwel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2174, MSC 7818, Bethesda, MD 20892. (301) 435–1169. *greenwep@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clinical/Integrative CV.

Date: March 14–15, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892. (301) 435–1169. *dowellr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Delivery Systems and Nanotechnology.

Date: March 14, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Steven J. Zullo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7849, Bethesda, MD 20892. (301) 435–2810. *zullost@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Busienss and Technique Driven R Mechanisms.
Date: March 14, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Marcia Steinberg, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5130, MSC 7840, Bethesda, MD 20892. (301) 435–1023. *steinbem@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, Behavioral and Social Science Approaches to Preventing HIV/AIDS Study Section.
Date: March 14–15, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jose H. Guerrier, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892. (301) 435–1137. *querriej@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group, AIDS Clinical Studies and Epidemiology Study Section.
Date: March 14–15, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.
Contact Person: Hilary D. Sigmon, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, (301) 594–6377. *sigmonh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Minority/Disability Predoctoral Fellowships for DCPS.
Date: March 14–15, 2005.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.
Contact Person: Seetha Bhagavan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3022D, MSC 7846, Bethesda, MD 20892, (301) 435–1211. *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 ONC–R (11B): Radiotherapy and Radiation Biology SBIRs.
Date: March 14, 2005.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.
Contact Person: Bo Hong, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, (301) 435–5879. *hongb@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cognition, Perception and Language Fellowships.
Date: March 14–15, 2005.
Time: 8:30 a.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: Georgetown Suites,1111 30th Street, NW., Washington, DC 20007.
Contact Person: Lynn T Nielsen-Bohlman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089F, MSC 7848, Bethesda, MD 20892, (301) 594–5287. *nielsenl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Grant Applications: Immunology.
Date: March 14–15, 2005.
Time: 8:30 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: George Washington University Inn, 824 New Hampshire Ave., NW., Washington, DC 20037.
Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, (301) 435–1222. *nigidas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIB 20: Fellowships: Bioengineering.
Date: March 14, 2005.
Time: 10 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: Hector Lopez, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435–2392. *lopezh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Neurobiology of Attachment.
Date: March 14, 2005.
Time: 10 a.m. to 11:30 a.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call.)
Contact Person: Maribeth Champoux, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3146, MSC 7759, Bethesda, MD 20892. 301 594–3163. *champoum@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Behavioral Epidemiology.
Date: March 14, 2005.
Time: 11:30 a.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call.)
Contact Person: Ann Hardy, DRPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892. (301) 435–0695. *hardyan@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Muscle.
Date: March 14, 2005.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call.)
Contact Person: Aftab A. Ansari, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892. 301–594–6376. *ansaria@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Respiratory Sciences Member Conflict.
Date: March 14, 2005.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call.)
Contact Person: George M Barnas, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892. 301–435–0696. *barnasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBIB 12: Small Business Medical Imaging: Ultrasound.
Date: March 14, 2005.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: Hector Lopez, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892. 301–435–2392. *lopezh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships (F31/F32); CVS, Toxicology, MOSS.
Date: March 14–15, 2005.
Time: 8 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Najma Begum, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2175, MSC 7818, Bethesda, MD 20892. 301–435–1243. *begumn@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SBIB L 40P: Center: Image Guided Therapy.

Date: March 15, 2005.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.
Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892. 301–435–1171. *rosenl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, SBMI 10: Small Business Medical Imaging: PET/MRI/X-ray.
Date: March 15, 2005.
Time: 8 am. to 6 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.
Contact Person: Robert J. Nordstrom, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892. 301–435–1175. *nordstrr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hormones and Aging.
Date: March 15, 2005.
Time: 1 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone conference call.)
Contact Person: Neelakanta Ravindranath, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7843, Bethesda, MD 20892. 301–435–1034. *ravindm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 ONC–J(02)M: Molecular Biology of Prostate Cancer.
Date: March 15, 2005.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone conference call.)
Contact Person: Martin L. Padarathsingh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6212, MSC 7804, Bethesda, MD 20892. 301–435–1717. *padaratm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Atherosclerosis Protection.
Date: March 15, 2005.
Time: 3 p.m. to 4:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone conference call).
Contact Person: Joyce C. Gibson, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808, Bethesda, MD 20892. 301–435–4522. *gibsonj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, 2–Component Regulatory Systems.
Date: March 15, 2005.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference call.)
Contact Person: Rolf Menzel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7803, Bethesda, MD 20892. 301–435–0952. *menzelro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Assays and Methods Develpment.
Date: March 15–16, 2005.
Time: 6 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Ping Fan, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892. 301–435–1740. *fanp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Sensory Integration.
Date: March 15, 2005.
Time: 12 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone conference call.)
Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892. 301–435–1242. *driscolb@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS.)

Dated: February 14, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–3349 Filed 2–18–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Cross-Site Accountability Assessment of the Residential Treatment for Pregnant and Postpartum Women and Their Minor Children Program (PPW)—New

The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Treatment (CSAT), has funded the Cross-Site Accountability Assessment of the Residential Treatment for Pregnant and Postpartum Women and Their Minor Children Program (PPW). In addition to assessing project activities, the purpose of the PPW is to expand the availability of comprehensive, high quality residential treatment services for pregnant and postpartum women who suffer from alcohol and other drug use problems, and for their infants and children impacted by the perinatal and environmental effects of maternal substance use and abuse.

Section 508 [290bb–1] (o) of the Public Health Service Act mandates the evaluation and dissemination of findings of residential treatment programs for pregnant and postpartum women. This cross-site accountability assessment will assess project activities implemented for these services.

With input from multiple experts in the field of women and children's treatment programs, the projects selected, by consensus, a common core of data collection instruments that will be used for program and treatment planning, local evaluations, and for this cross-site accountability evaluation. For mothers, five different interview instruments will be used: (1) Child Data Collection Tool, Part 1 (personal background) and Part 2 (infant and child background); (2) Child Well-Being Scale #24 (brief observation of mother/child interaction), (3) Ferrans and Powers Quality of Life Index; (4) BASIS 32 (behavioral health assessment); and (5) Allen's Barriers to Treatment. For children of all ages, program staff will collect information from observation, interview, and records review. Children's data collection tools include: (1) Child Well-Being Scales (all children), (2) Denver Developmental Screening Inventory II (ages 1m–6y), (3) Middle Childhood Developmental Assessment Guide (ages 7–10), (4) Adolescent Development Assessment Guide (ages 11–17), and (5) the CRAFFT substance abuse screening instrument (ages 14–17). Additional records review will be conducted by program staff on all program participants at discharge.

All data will be collected using a combination of observation, records review, and computer-based personal interviews. CSAT will use this data for this accountability assessment to influence public policy, research, and programming as they relate to the provision of women's services. Data produced by this study will provide direction to the type of technical assistance that will be required by service providers of women's programming. In addition, the data will be used by individual grantees to support progress report efforts.

Tables A–1 through A–4 below show the estimated annual response burden for this collection.

TABLE A–1.—COST BURDEN FOR WOMEN'S INTERVIEWS BY STAFF

Form name	Respondent	Estimated number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
Child Data Collection Tool [1]	Mother interview	414	3.23	1,337	.83	1,110
Child Well-Being Scale #24 [2].	Mother observation	414	4	1,656	.03	50
Allen's Barriers to Treatment [3].	Mother interview	414	3	1,242	.33	410
Ferrans and Powers Quality of Life Index [3].	Mother interview	414	3	1,242	.50	621
BASIS 32 [3]	Mother interview	414	3	1,242	.25	311
Total for Women:	Mother	414		6,719		2,502

[1] Based on admission interviews of 414 mothers regarding self plus each of her estimated 2.23 children.
[2] Based on observations of 414 mothers using one scale item at admission, 3 months, 6 months, and at the 12 month followup.
[3] Based on 414 mothers at admission, 6 months, and 12 months.

TABLE A–2.—COST BURDEN FOR INFANT AND MINOR CHILD OBSERVATIONS AND INTERVIEWS BY PROJECT STAFF

Form name	Respondent	Estimated number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
Child Well-Being Scales (ages 0 through 17) [4].	Child observation and records.	924	4	3,696	.33	1,220
Denver Developmental Screening Inventory II (ages 1 month through 6 years) [5].	Child interview and observation.	462	3	1,386	.33	457
Middle Childhood Developmental Assessment Guide (ages 7 through 10) [6].	Child interview and observation.	168	3	504	.33	166
Adolescent Development Assessment Guide (ages 11 through 17) [7].	Child interview and observation.	294	3	882	.33	291
CRAFFT (ages 14 through 17) [8].	Child interview	168	3	504	.08	40
Total for Minor children/Staff:.		924		6,972		2,174

[4] Based on 924 minor children at intake, 3 months, 6 months, and at the 12 month followup.
[5] Based on all minor children aged 1 month through 6 years at admission, 3 months, and 6 months.
[6] Based on all minor children ages 7 through 10 years at admission, 3 months, and 6 months.
[7] Based on all minor children ages 11 through 17 at admission, 3 months, and 6 months.
[8] Based on all minor children ages 14 through 17 at admission, 3 months, and 6 months.

TABLE A–3.—COST BURDEN FOR RECORDS REVIEW BY STAFF

Form name	Respondent	Estimated number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
Women's Discharge Tool [9]	Records review	414	1	414	.25	104
Children's Discharge Tool [10]	Records review	924	1	924	.25	231
Total for Staff:		1,338		1,338		335

[9] Based on treatment records review on all mothers at discharge. The discharge instrument will be completed for all women who entered treatment regardless of treatment completion rate.
[10] Based on treatment records review on all infants and minor children at discharge. The discharge instrument will be completed for all minor children who entered treatment regardless of treatment completion rate.

TABLE A–4.—TOTAL COST BURDEN

Form name	Respondent	Estimated number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
Total for Women		414		6,719		2,502
Total for Minor Children/ Staff.		924		6,972		2,174
Total for Staff		1,338		1,338		335
Total		2,676		15,029		5,011

Written comments and recommendations concerning the proposed information collection should be sent by March 24, 2005, to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–6974.

Dated: January 24, 2005.

Anna Marsh,

Executive Officer, SAMHSA.

[FR Doc. 05–3290 Filed 2–18–05; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2005–20401]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of meetings.

SUMMARY: A working group of the Merchant Marine Personnel Advisory Committee (MERPAC) will meet to discuss task statement #47 concerning Recommendations on knowledge and practical qualifications for engineers at the operational and management levels to serve on steam propelled vessels, and task statement #49 concerning Recommendations for use of a model sea course project in conjunction with an approved program for officer in charge of an engineering watch coming up through the hawse pipe. MERPAC advises the Secretary of Homeland Security on matters relating to the training, qualifications, licensing, certification, and fitness of seamen serving in the U.S. merchant marine. These meetings will be open to the public.

DATES: The MERPAC working group will meet on Monday, March 21, 2005 from 8:30 a.m. to 4 p.m. (local), and Tuesday, March 22, 2005, from 8:30 a.m. to 4 p.m. These meetings may adjourn early if all business is finished. Requests to make oral presentations should reach the Coast Guard on or before March 8, 2005. Written material and requests to have a copy of your material distributed to each member of the working group should reach the Coast Guard on or before March 8, 2005.

ADDRESSES: The working group of MERPAC will meet in Room 1303 of Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593. Send written material and requests to make oral presentations to Mr. Mark Gould, Commandant (G–MSO–1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at *http://dms.dot.gov* under Docket [USCG–2005–20401].

FOR FURTHER INFORMATION CONTACT: For questions on this notice, contact Mr. Gould, Assistant to the Executive Director, telephone 202–267–6890, fax 202–267–4570, or e-mail *mgould@comdt.uscg.mil.* Further directions regarding the location of Coast Guard Headquarters may be obtained by contacting Mr. Gould at the above numbers.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of March 21–22, 2005 Meeting

The working group will meet to discuss Task Statement #47, ''Recommendations on knowledge and practical qualifications for engineers at the operational and management levels to serve on steam propelled vessels,'' and Task Statement #49, ''Recommendations for use of a model sea course project in conjunction with an approved program for officer in charge of an engineering watch coming up through the hawse pipe.'' Both of these task statements are available in Docket [USCG–2005–20401]. With regard to task statement #47, the working group will develop a portion of a training program containing the minimum requirements for a Certificate as engineer at the operational and management levels to serve on steam propelled vessels under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), as amended. The training program will be in a table format similar to Section A of the STCW Code available for purchase from the International Maritime Organization, 4 Albert Embankment, London SE1 7SR, England. With regard to task statement #49, the working group will develop a model sea course project to be used in conjunction with an approved program for officer in charge of an engineering watch coming up through the hawse pipe under the STCW, as amended. At the end of the meetings, the working group will re-cap its discussions and prepare their programs for the full committee to consider at its next meeting.

Procedural

These meetings are open to the public. Please note that the meetings may adjourn early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at the meetings, please notify Mr. Gould no later than March 8, 2005. Written material for distribution at the meetings should reach the Coast Guard no later than March 8, 2005. If you would like a copy of your material distributed to each member of the committee or working group in advance of the meetings, please submit 10 copies to Mr. Gould no later than March 8, 2005.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact Mr. Gould at the number listed in **FOR FURTHER INFORMATION CONTACT** as soon as possible.

Dated: February 14, 2005.

David L. Scott,

Acting Director of Standards, Marine Safety, Security and Environmental Protection.

[FR Doc. 05–3380 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Reports, Forms, and Recordkeeping Requirements: Agency Information Collection Activity Under OMB Review; Airport Access Control Pilot Program (AACPP); Satisfaction and Effectiveness Measurement Data Collection Instruments

AGENCY: Transportation Security Administration (TSA), DHS.

ACTION: Notice.

SUMMARY: This notice announces that TSA has forwarded the Information Collection Request (ICR) abstracted below to the Office of Management and Budget (OMB) for review and clearance of an extension of the currently approved collection under the Paperwork Reduction Act. The ICR describes the nature of the information collection and its expected burden. TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on October 14, 2004, 69 FR 61036.

DATES: Send your comments by March 24, 2005. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Comments may be faxed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: DHS–TSA Desk Officer, at (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Katrina Wawer, Information Collection Specialist, Office of Transportation Security Policy, TSA–9, Transportation Security Administration, 601 South 12th Street, Arlington, VA 22202–4220; telephone (571) 227–1995; facsimile (571) 227–2594.

SUPPLEMENTARY INFORMATION:

Transportation Security Administration (TSA)

Title: Airport Access Control Pilot Program (AACPP); Satisfaction and Effectiveness Measurement Data Collection Instruments.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0020.

Form(s): Enrollment and Satisfaction Surveys.

Affected Public: Select group of volunteer airport users at 22 airports in the United States.

Abstract: The currently approved satisfaction and effectiveness data collection instruments will continue to gather user information about user attitudes, experiences, and acceptance of the use of biometrics and other evolving technologies in controlling access to various restricted areas of airports.

Number of Respondents: 2620.

Estimated Annual Burden Hours: An estimated 780 hours annually.

Estimated Annual Cost Burden: $0.00.

TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Issued in Arlington, Virginia, on February 14, 2005.

Lisa Dean,

Privacy Officer.

[FR Doc. 05–3243 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Low Effect Habitat Conservation Plan for Michigan Electric Transmission Company, LLC

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Michigan Electric Transmission Company, LLC (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for a 5-year incidental take permit for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The application addresses the potential for ''take'' of the endangered Karner blue butterfly (*Lycaeides melissa samuelis*) associated with reconductoring a 4.07-mile segment of electric power transmission line within this right-of-way segment running from east-central Muskegon County into the southwest corner of Newaygo County, Michigan. A conservation program to mitigate for the project activities would be implemented as described in the proposed Cobb to Brickyard Reconductoring Low Effect Habitat Conservation Plan (proposed Plan), which would be implemented by the Applicant. We are requesting comments on the permit application and on the preliminary determination that the proposed Plan qualifies as a ''Low-Effect'' Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended.

DATES: Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received on or before March 24, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Fasbender, (612) 713–5343.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the application and proposed Plan should contact the Service by telephone at (612) 713–5343 or by letter to the U.S. Fish and Wildlife Office (see **DATES**). Copies of the proposed Plan also are available for public inspection during regular business hours at the U.S. Fish and Wildlife Office (see **DATES**) or at the Service's Regional Web site at: *http://midwest.fws.gov/NEPA*.

Background

Section 9 of the Act and its implementing Federal regulations prohibit the take of animal species listed as endangered or threatened. The definition of take under the Act includes the following activities: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a) of the Act, the Service may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for endangered species are found in the Code of Federal Regulations at 50 CFR 17.22.

The Applicant is seeking a permit for take of the Karner blue butterfly during the life of the permit. The project encompasses reconductoring a 4.07-mile

segment of electric power transmission line within the right-of-way segment. All construction activities will take place within the existing 66-foot-wide utility right-of-way. The reconductoring requires the applicant to replace existing metal towers with new wooden utility poles and hang new power lines on insulators. There are 40 towers spaced between 300 and 400 feet apart that will be replaced with wooden poles. Construction activities are scheduled to occur during winter 2005 and to be completed by early spring. Incidental take will occur within the right-of-way as a result of temporary disturbance to Karner blue butterfly habitat by truck and heavy equipment traffic, cutting and removal of existing towers, boring holes for transmission line support poles, and installation of new poles. The project site does not contain any other rare, threatened, or endangered species or habitat. Critical habitat does not occur for any listed species on the project site.

The Applicant proposes to mitigate the effects to the Karner blue butterfly associated with the covered activities by fully implementing the Plan. The purpose of the proposed Plan's conservation program is to promote the biological conservation of the Karner blue butterfly. The Applicant proposes to mitigate the impacts of taking by creating an additional 1.4 acres of habitat by planting wild lupine and other nectar plants.

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed Plan, which includes measures to mitigate impacts of the project on the Karner blue butterfly. Two alternatives to the taking of the listed species under the Proposed Action are considered in the proposed Plan. Under the No Action Alternative, no permit would be issued, and no construction would occur. Under the Alternate Route Alternative, incidental take of the Karner blue butterfly would be authorized, and the applicant would reduce the area of impact but eliminate maintenance. By eliminating maintenance of the corridor, the quality and extent of the existing Karner blue butterfly habitat would diminish through normal ecological succession.

The Service has made a preliminary determination that approval of the proposed Plan qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 6, appendix 1, section 1.4C(2)) and as a ''low-effect'' plan as defined by the Habitat Conservation Planning Handbook (November 1996). Determination of Low-effect Habitat Conservation Plans is based on the following three criteria: (1) Implementation of the proposed Plan would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) implementation of the proposed Plan would result in minor or negligible effects on other environmental values or resources; and (3) impacts of the proposed Plan, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result in cumulative effects to environmental values or resources which would be considered significant.

Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

This notice is provided pursuant to section 10(c) of the Act. We will evaluate the permit application, the proposed Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If the requirements are met, we will issue a permit to Michigan Electric Transmission Company, LLC for the incidental take of the Karner blue butterfly from reconductoring of the Applicant's right-of-way in Muskegon and Newaygo Counties, Michigan.

Dated: January 14, 2005.

T.J. Miller,

Acting Assistant Regional Director, Ecological Services, Region 3.

[FR Doc. 05–3270 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for the Florida Scrub-Jay Resulting From the Proposed Construction of a Single-Family Home in Charlotte County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Mr. and Mrs. Glen A. Van Brunt (Applicants) request an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicants anticipate taking about 1.0 acre of occupied Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) nesting, foraging, and sheltering habitat, incidental to land clearing of their 5.5-acre lot and subsequent residential construction of a single-family home and supporting infrastructure in Charlotte County, Florida (Project).

The Applicants' Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project on the Florida scrub-jay. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The U.S. Fish and Wildlife Service (Service) announces the availability of the HCP and the Environmental Assessment for the ITP application. Copies of the HCP may be obtained by making a request to the Service's Southeast Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice is provided pursuant to Section 10 of the Endangered Species Act and National Environmental Policy Act (NEPA) regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the Federal action. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's permit issuance criteria found in 50 CFR Parts 13 and 17.

DATES: Written comments on the ITP application, supporting documentation, EA, and HCP should be sent to the Service's Southeast Regional Office (see **ADDRESSES**) and should be received on or before April 25, 2005.

ADDRESSES: Persons wishing to review the application, supporting documentation, EA, and HCP may obtain a copy by writing the Service's Southeast Regional Office at the address below. Please reference permit number TE095181–0 in such requests. Documents will also be available for public inspection by appointment during normal business hours at the Southeast Regional Office, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or the Service's South Florida Ecological Services Office, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida, 32960–3559 (Attn: Field Supervisor). Written data or comments concerning the application, supporting documentation, EA, or HCP should be submitted to the Southeast Regional Office. Requests for documentation must be in writing to be processed. Comments must be submitted in writing to be adequately considered in the Service's decision-making process. Please reference permit number

TE095181–0 in such comments, or in requests of the documents discussed above.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional HCP Coordinator, Southeast Regional Office (see **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081; or George Dennis, Fish and Wildlife Biologist, South Florida Ecological Services Office, Vero Beach, Florida (see **ADDRESSES** above), telephone: 772/562–3909, ext. 309.

SUPPLEMENTARY INFORMATION: If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Southeast Regional Office (see **ADDRESSES**). You may also comment via the Internet to *david_dell@fws.gov.* Please submit comments over the Internet as an ASCII file, avoiding the use of special characters and any form of encryption. Please also include your name and return address in your Internet message. If you do not receive a confirmation from the Service that we have received your Internet message, contact us directly at either telephone number listed above (see **FURTHER INFORMATION**). Finally, you may hand-deliver comments to either Service office listed above (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

The Florida scrub-jay (scrub-jay) is geographically isolated from other species of scrub-jays found in Mexico and the western United States. The scrub-jay is found exclusively in peninsular Florida and is restricted to xeric uplands (mostly consisting of oak-dominated scrub). Increasing urban and agricultural development has resulted in habitat loss and fragmentation, which has adversely affected the distribution and numbers of scrub-jays. The total estimated population is between 7,000 and 11,000 individuals. The decline in the number and distribution of scrub-jays in Florida has been exacerbated by tremendous urban growth in the past 50 years.

Xeric upland vegetative communities in southwestern Florida are restricted primarily to ancient coastal dunes which are typically much dryer and less susceptible to flooding due to their deep, well-drained soils. Historically, these areas extended in a nearly continuous, narrow band along the western mainland portions of northern Charlotte to southern Hillsborough County. However, the same physical attributes that resulted in the evolution of xeric vegetation on these sandy dunes also provided sites for both agriculture and urban development. Over the past 50 years, these ancient dunes have served as the backbone of residential and commercial growth in southwestern Florida. The Project area is under tremendous development pressure, as is much of Charlotte County. Much of the remaining scrub-jay habitat is now relatively small and isolated. What remains is largely degraded due to interruption of the natural fire regime, which is needed to maintain xeric uplands in conditions suitable for scrub-jays.

Florida scrub-jays using the Project area were documented on several occasions by researchers collecting data on scrub-jays in the subdivision and surrounding areas. Based on preliminary information, it appears that a family of scrub-jays, of up to five individuals maintains a territory that includes the Project area. It is not known whether these families of scrub-jays previously nested on the subject lot, though the birds apparently use the scrub vegetation on site for foraging and shelter. Scrub-jays using the Project site are part of a metapopulation of scrub-jays in Charlotte County that occurs east of the Peace River and Punta Gorda. The continued survival and recovery of scrub-jays in this area may be dependent on the maintenance of suitable habitat and the restoration of unsuitable habitat.

Scrub-jays in urban areas are particularly vulnerable and typically do not successfully produce young that survive to adulthood. Persistent urban growth in the Project area will likely result in further reductions in the amount of suitable habitat for scrub-jays. Increasing urban pressures are also likely to result in the continued degradation of scrub-jay habitat as exclusion of the natural fire regime slowly results in vegetative overgrowth. Thus, over the long term, scrub-jays are unlikely to persist in urban settings, and conservation efforts for this species should target acquisition and management of large parcels of land outside the direct influence of urbanization.

Construction of the Project's infrastructure and facilities will result in harm to scrub-jays, incidental to the carrying out of these otherwise lawful activities. Habitat alteration associated with the proposed residential construction will reduce the availability of nesting, foraging, and sheltering habitat for a family of scrub-jays. The Applicants propose to minimize take of scrub-jays by preserving 4.5 acres of scrub-jay habitat on their 5.5-acre lot in perpetuity. This is a 4.5:1 mitigation ratio.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, the ITP will be issued for incidental take of the Florida scrub-jay. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: February 9, 2005.

Noreen Walsh,

Acting Regional Director, Southeast Region.

[FR Doc. 05–3278 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Environmental Impact Report/ Environmental Impact Statement and Receipt of an Application for an Incidental Take Permit for the Coachella Valley Multiple Species Habitat Conservation Plan, Riverside County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; reopening of public comment period.

SUMMARY: The Fish and Wildlife Service (Service) is reopening the public comment period on the Draft Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP), Draft Implementing Agreement, and Draft Environmental Impact Report/ Environmental Impact Statement (EIR/

EIS) for an incidental take permit for 27 species in Riverside County, California.

DATES: To ensure consideration of comments, they must be received on or before March 7, 2005.

ADDRESSES: Comments should be sent to Mr. Jim Bartel, Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009. You may also submit comments by facsimile to (760) 431–9624.

Information, comments, and/or questions related to the EIR and the California Environmental Quality Act should be submitted to Mr. Jim Sullivan at Coachella Valley Association of Governments, 73710 Fred Waring Drive, Suite 200, Palm Desert, California 92260; facsimile (760) 340–5949.

FOR FURTHER INFORMATION CONTACT: Ms. Therese O'Rourke, Assistant Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office (see **ADDRESSES**); telephone (760) 431–9440; or Mr. Jim Sullivan, Coachella Valley Association of Governments (see **ADDRESSES**), telephone (760) 346–1127.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Documents available for public review include the permit applications, the Public Review Draft MSHCP and Appendices I (the Technical Appendix) and II (the Planning Agreement), the accompanying Draft Implementing Agreement, and the Draft EIR/EIS.

Individuals wishing copies of the documents should contact the Service by telephone at (760) 431–9440 or by letter to the Carlsbad Fish and Wildlife Office (see **ADDRESSES**). Copies of the MSHCP, Draft EIR/EIS, and Draft Implementing Agreement also are available for public review, by appointment, during regular business hours, at the Carlsbad Fish and Wildlife Office or at the Coachella Valley Association of Governments (see **ADDRESSES**). Copies are also available for viewing in each of the Applicant cities, in the Applicants public libraries, the Riverside County Planning Departments, and on the World Wide Web at *http://www.cvmshcp.org.*

Background

The Coachella Valley Association of Governments, Coachella Valley Conservation Commission (to be formed prior to a permit decision), County of Riverside, Riverside County Flood Control and Water Conservation District, Riverside County Parks and Open Space District, Riverside County Waste Management District, Coachella Valley Water District, Imperial Irrigation District, California Department of Transportation, California Department of Parks and Recreation, Coachella Valley Mountains Conservancy, and the cities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage (Applicants) have applied to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicants seek a permit to incidentally take 22 animal species and assurances for 5 plant species, including 17 unlisted species should any of them become listed, under the Act during the term of the proposed 75-year permit. The permit is needed to authorize take of listed animal species (including harm, injury, and harassment) during development in the approximately 1.1 million-acre (1,719-square-mile) Plan Area in the Coachella Valley of Riverside County, California.

On November 5, 2004, we published a ''Notice of Availability of a Draft Environmental Impact Report/ Environmental Impact Statement and Receipt of an Application for an Incidental Take Permit for the Coachella Valley Multiple Species Habitat Conservation Plan, Riverside County, CA'' (69 FR 64581). In that notice, we requested public comment on the Draft MSHCP, Draft Implementing Agreement, and Draft EIR/EIS. The Draft Environmental Impact Statement is the Federal portion of the Draft EIR/EIS prepared jointly by the Service and Coachella Valley Association of Governments to analyze the impacts of the MSHCP. The analyses provided in the Draft EIR/EIS are intended to inform the public of the proposed action, alternatives, and associated impacts; address public comments received during the scoping period for the Draft EIR/EIS; disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives; and indicate any irreversible commitment of resources that would result from implementation of the proposed action.

The comment period for the November 5, 2004, notice closed on February 3, 2005. We are now reopening the comment period until March 7, 2005. Comments on the Draft MSHCP, Draft Implementing Agreement, and Draft EIR/EIS need not be resubmitted, as they will be fully considered in the final decision documents.

Authority: This notice is provided pursuant to section 10(a) of the Act as amended (16 U.S.C. 1531 *et seq.*), and the Service regulations (40 CFR 1506.6) for implementing the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Dated: February 15, 2005.

Ken McDermond,

Deputy Manager, Region 1, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 05–3276 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Fish and Wildlife Service

Long-Term Environmental Water Account, San Francisco Bay/ Sacramento-San Joaquin Delta, CA

AGENCY: Bureau of Reclamation and Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an environmental impact statement/ environmental impact report (EIS/EIR) and notice of public scoping meetings.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation), the Fish and Wildlife Service (FWS), and the California Department of Water Resources (DWR) intend to prepare an EIS/EIR for implementing the Long-Term Environmental Water Account (EWA). Reclamation and the FWS are the joint lead Federal agencies and NOAA Fisheries is a cooperating agency. DWR is the lead State agency and the Department of Fish and Game (DFG) is the responsible agency and trustee agency. A Draft EIS/EIR is expected to be available December 2005.

The EWA has been established to provide water for the protection and recovery of fish beyond water available through existing regulatory actions related to the Central Valley Project/ State Water Project (Project) operations. The EWA is a cooperative management program whose purpose is to provide protection to the fish of the Bay-Delta estuary through environmentally beneficial changes in project operations. This approach to fish protection requires the acquisition of alternative sources of Project water supply, called ''assets,'' which will be used to augment streamflows and Delta outflows, modify exports to provide fishery benefits, and repay the Project contractors whose supplies have been interrupted by actions taken to benefit fish. The period of analysis for the purposes of the EIS/ EIR is through 2030.

DATES: A series of public scoping meetings will be held to solicit public input on alternatives, concerns, and issues to be addressed in the Long-Term EWA EIS/EIR as follows:

- Wednesday, March 9, 2005, 10 a.m., Sacramento, CA
- Thursday, March 10, 2005, 6 p.m. Fresno, CA
- Monday, March 14, 2005, 6 p.m. Red Bluff, CA
- Tuesday, March 15, 2005, 6 p.m. Tracy, CA
- Wednesday, March 23, 2005, 4 p.m. Los Angeles CA

Written comments on the scope of the EIS/EIR should be mailed to Reclamation at the address below by 30 days after the date of the last scoping meeting.

ADDRESSES: The public scoping meeting locations are:

- Sacramento at the Best Western Inn, 1413 Howe Avenue, Expo Room
- Fresno at the Fresno Radisson, 2233 Ventura Street, Salon D–2
- Red Bluff at the Red Bluff Community Center, 1500 Jackson Road, West Wing, Red Bluff
- Tracy at Anthony's Steak House and Banquet Room/VFW Hall, 430 West Grant Line Road
- Los Angeles at Metropolitan Water District, 700 N. Alameda Street, Room 1–102

Written comments on the scope of the EIS/EIR should be sent to Ms. Sammie Cervantes, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Ms. Cervantes at the above address or 916–978–5104, TDD 916–978–5608; or Ms. Delores Brown, Department of Water Resources, 3251 S Street, Sacramento, CA 95816 or 916–227–2407.

SUPPLEMENTARY INFORMATION: The CALFED Bay Delta Program is a long-term comprehensive plan to restore ecological health and improve water management for beneficial uses in the San Francisco Bay/Sacramento-San Joaquin Delta (Bay-Delta) estuary system. The agencies that signed the Record of Decision (ROD) for the Final Programmatic EIS/EIR on August 20, 2000, committed to implement the CALFED Bay-Delta Program. The EWA is one component of the long-term comprehensive plan adopted in the CALFED Bay-Delta Program ROD.

To achieve the program purpose, the long-term plan addresses problems of the Bay-Delta system within each of four resource categories: ecosystem quality, water quality, water supply reliability, and levee system integrity. CALFED agencies identified a need in the ROD for additional fisheries protection measures above and beyond the existing baseline regulatory measures to speed recovery of listed fish species. The establishment of the EWA was a key component of this additional protection.

The EWA is a cooperative management program involving five CALFED agencies that have responsibility for implementing the EWA. The FWS, NOAA Fisheries, and DFG, collectively referred to as the Management Agencies, have the primary responsibility for determining how to manage the EWA assets to benefit long-term survival of fish species, including those listed under State and Federal Endangered Species Acts. Reclamation and DWR, collectively referred to as the Project Agencies, work with the Management Agencies in administering the EWA, and are responsible for the following actions that may include, but are not limited to, acquiring, banking, borrowing, transferring, making operational changes, and arranging for the conveyance of EWA assets.

Current Activities

Reclamation, DWR, FWS, NOAA Fisheries, and DFG, collectively referred to as the EWA Agencies, completed the Final EWA EIS/EIR for the Short-Term EWA in January 2004. The March 2004 ROD and Notice of Determination for the Short-Term EIS/EIR documented the decision to implement the preferred alternative termed the Flexible Purchase Alternative. The Flexible Purchase Alternative allows the EWA Agencies to purchase up to 600,000 acre-feet of water to use for fish actions through the following acquisition and management methods: (1) Delta operations: altering Delta Project operations, when environmental conditions allow, to export additional water (also called variable assets); (2) Water purchases: purchasing water from willing sellers both upstream from the Delta and within the Export Service Area; (3) Water storage: purchasing stored water from the Export Service Area sources to be used as collateral for borrowing (released only when all other assets have been expended), and to function as long-term storage space after the water has been released; (4) Source shifting: delaying delivery of water to a Project contractor, who would use water from an alternative source until the water is paid back; and (5) Exchanges: the Project Agencies may exchange EWA assets for assets of character, such as location, seasonality, or year-type, more suitable to EWA purposes. The September 2004 ROD and March 2004 Notice of Determination for the Short-Term EIS/EIR documented the decision to implement the Flexible Purchase Alternative through December 31, 2007.

Alternative Measures

The Long-Term EWA EIS/EIR will focus on alternative strategies for obtaining assets through 2030. The asset acquisition and management tools described in the Short-Term EWA EIS/EIR will be expanded in the Long-Term EWA EIS/EIR to include source shifting and purchase of stored reservoir water from additional reservoirs, groundwater substitution and banking in additional counties, crop idling in additional counties, as well as idling different crops. The alternative formulation process will also include evaluating permanent land idling, conservation, recycled water, and desalination as methods for acquiring assets.

If special assistance is required at the scoping meetings, contact Ms. Sammie Cervantes, Reclamation, at 916–989–5104. Please notify Ms. Cervantes as far in advance of the meetings as possible to enable Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified. A telephone device for the hearing impaired (TDD) is available at 916–978–5608.

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.

Dated: February 15, 2005.

Michael Nepstad,

Deputy Regional Environmental Officer, Mid-Pacific Region, Bureau of Reclamation.

Dated: February 15, 2005.

Wayne White,

Field Supervisor, Sacramento Fish and Wildlife Office, Fish and Wildlife Service.

[FR Doc. 05–3277 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Moapa Cement Plant, Limestone Quarry and Associated Facilities, Moapa Indian Reservation, Clark County, NV

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), in cooperation with the Moapa Band of Paiute Indians (Tribe), Bureau of Land Management (BLM), U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (ACOE), and Ash Grove Cement Company (Ash Grove), will be gathering information needed for the preparation of an Environmental Impact Statement (EIS) and permits that may be issued by individual regulatory agencies. The information included in the EIS will be used to support the approval of multiple leases, right-of-way easements, special use permits, and/or other agreements between the Tribe and Ash Grove for the construction, operation, and maintenance of a proposed cement plant, a limestone quarry, other raw material extraction site(s) and infrastructure on the Moapa River Indian Reservation (Reservation) in Clark County, Nevada. The purpose and need for this proposed project is to provide an economic development opportunity for the Tribe, to provide a new source of cement in the southwestern United States, and to address the growing demand for cement in the United States. This notice also announces public scoping meetings to identify potential issues and alternatives for inclusion in the EIS.

DATES: Written comments on the scope and implementation of this proposal must arrive by March 23, 2005. The public scoping meetings will be held March 9 and 10, 2005, from 6 p.m. to 8 p.m.

ADDRESSES: You may mail, hand carry or telefax written comments to (1) Amy L. Heuslein, Regional Environmental Protection Officer, Bureau of Indian Affairs, Western Regional Office, P.O. Box 10, Phoenix, Arizona 85001, 400 North Fifth Street, Phoenix, Arizona 85004, Telefax (602) 379–3833; or (2) Kellie Youngbear, Agency Superintendent, Bureau of Indian Affairs, Southern Paiute Agency, 180 North 200 East, St. George, Utah 84771, Telefax (435) 674–9714.

The March 9, 2005, public scoping meeting will be held at the Moapa Tribal Hall, Number 1 Lincoln Street, Moapa River Indian Reservation, Moapa, Nevada. The March 10, 2005, meeting will be held at the BLM Field Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada.

FOR FURTHER INFORMATION CONTACT: Amy Heuslein, (602) 379–6750, or Paul Schlafly, (435) 674–9720.

SUPPLEMENTARY INFORMATION: The EIS will assess the environmental consequences of BIA, BLM, EPA, ACOE and Tribal approval of the proposed long-term leases, right-of-way easements, special use permits and/or other agreements collectively involved in the development of a maximum of 2,200 acres of Reservation lands, encompassing all of the proposed project components described below. The proposed project area is located in the southern portion of the Reservation, in Township 16 South, Range 64 East and Township 16 South, Range 65 East in Clark County, approximately 35 miles northeast of Las Vegas, Nevada. Ash Grove intends to construct, operate, and maintain the proposed project on the Reservation for a period of 75 years.

The proposed cement plant would be constructed within a footprint encompassing approximately 160 acres (''plant site''), and have a production capacity of approximately 1.5 to 2.0 million tons of cement per year. Components of the cement production process include a quarry, grinding mills, unloading and storage areas, a kiln feed system, a 500 foot tall pre-heater tower, and a clinker and cement cooling system. A core building on the proposed plant site would include a control room, offices, maintenance shops and an equipment fueling station. The proposed quarry location would include a small office, a maintenance shop building and an equipment fueling station.

Fuel for plant components would principally be coal, possibly augmented by natural gas, oil/used oil, tire derived fuel and/or petroleum coke. Fuel would be shipped to the site via rail or truck. Natural gas would be supplied by buried pipeline from the existing Kern River Gas transmission pipeline, which is located in the Utility Right-of-Way through the Reservation. Coal, liquid fuels, raw materials, in-process materials and final product would be stored on the proposed plant site in silos, aboveground storage tanks or other enclosed structures. Electricity for the plant would be supplied by an overhead power line that would be constructed from either the Crystal Substation located approximately one-half mile to the south of the Reservation boundary, the Tortoise Substation located near the Reid Gardner power plant, or other source(s).

A total of approximately 500 acre-feet per year of water would be used in the manufacturing process and for dust control in the proposed project. The water would be supplied from the Tribe's groundwater or surface water rights, or if sufficient tribal water is not available, acquired from yet to be identified non-tribal sources off of the Reservation. Water would be transported by construction of a new pipeline to the proposed plant site, quarry, and/or other locations as required for dust control, and stored in aboveground tanks.

A new paved service road and railroad underpass would be constructed to provide access from the plant site to one of three Interstate 15 interchanges: the Crystal—Interstate 15 Interchange; the Apex—Interstate 15 Interchange; or the Ute—Interstate 15 Interchange. A railroad siding and loop track would be constructed to provide access to the Union Pacific railroad line. The various Portland cement products manufactured in this proposed plant would be loaded in trucks and rail cars on the plant site for shipment to customers via Interstate 15 and the Union Pacific Railroad.

The quarry where drilling and blasting for limestone would occur would be developed in the Arrow Canyon Range on Reservation lands, involving approximately 1,300 acres in Sections 5, 6, 7, and 8 of Township 16 South, Range 64 East. The quarried limestone would be crushed and delivered to the proposed cement plant site by belt conveyor, where it would be stored in an enclosed structure. Other additives or materials used in the cement manufacturing process would be delivered to the proposed plant site by truck or railroad and stored in enclosed structures. These materials mainly include coal, iron, silica, clay, alumina source and gypsum. Some additives or materials may be extracted from areas located on the Reservation, but if so, would be subject to separate leases or special use permits.

The proposed cement plant is expected to generate limited amounts of hazardous waste per month from maintenance and laboratory activity, thus would be classified as a Conditionally Exempt Small Quantity Generator. Any hazardous wastes generated would be inventoried and disposed of appropriately at an approved off-reservation hazardous waste recycling or disposal facility. In

this and in all other respects, the proposed cement plant project would meet or exceed all federal, state and/or tribal criteria under applicable law.

Significant issues to be addressed in the EIS include, but are not limited to air quality, geology and soils, surface and groundwater resources, biological resources including threatened and endangered species, cultural resources, socioeconomic conditions, land use, aesthetics or visual resources, environmental justice, and Indian trust resources. The range of issues and alternatives to be addressed in the EIS may be expanded or reduced, based on comments received in response to this notice and at the public scoping meetings.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by the law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Authority

This notice is published in accordance with section 1503.1 of the Council of Environmental Quality Regulations (40 CFR Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 *et seq.*), Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Principal Deputy Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: February 10, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–3238 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal—State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of the Tribal—State Compact between the Winnebago Tribe of Nebraska and the State of Iowa.

EFFECTIVE DATE: February 22, 2005.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This Compact authorizes gaming conducted in accordance with IGRA and Iowa State law and clarifies the regulatory scheme.

Dated: February 9, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05–3227 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–100–04–1990–00]

Emergency Route Restriction Order Within the Upper Hughes Creek Allotment (#4410), Moffat County, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of emergency closure.

SUMMARY: This order closes two unauthorized construction routes on public lands to motorized use in the areas within the Upper Hughes Creek Allotment, Moffat County, Colorado. This order does not modify the current Off Highway Vehicle (OHV) classification of ''open'' in this area. The order is an emergency measure that prohibits the use of any motorized wheeled vehicles on the identified routes.

EFFECTIVE DATE: February 22, 2005.

ADDRESSES: Maps of the trespass roads will be available at the Little Snake Field Office, 455 Emerson Street, Craig, Colorado.

FOR FURTHER INFORMATION CONTACT: John E. Husband, Field Manager, Little Snake Field Office, 455 Emerson Street, Craig, Colorado 81625; Telephone (970) 826–5000.

SUPPLEMENTARY INFORMATION: This order is issued under the authority of 43 CFR 8341.2, 43 CFR 8364.1, and 43 CFR 9268.3(d)(1) as an emergency measure. This action qualifies as a Categorical Exclusion under 516 DM 6, Appendix 5.4, Number: _G_.(_3_) and has been considered in Categorical Exclusion CO–100–2005–001CX, which was signed on December 9, 2004. Further investigation is proceeding and plans for reclamation of damaged resources are being developed.

This order affects public lands in Moffat County, Colorado, thus described:

(1) Public Lands within: T.4N., R.96W., Sections 15 and 22, Sixth Principal Meridian;

(2) Approximately: 3 acres of public lands.

This restriction order shall be effective on February 22, 2005, and shall remain in effect until resource reclamation objectives have been achieved and the order is then rescinded by the Authorized Officer.

During the summer of 2004, an unknown person used heavy construction equipment to widen an existing trail and build a new route on public lands that accommodates full size pickup truck vehicle use. Use of these routes by wheeled motorized vehicles has the potential to cause considerable adverse effects to soil, water, and cultural resources.

The designated area affected by this order will be posted with appropriate regulatory signs. Persons who are exempt from restriction contained in this notice include:

1. Any Federal, State, or local officers engaged in fire, emergency, and law enforcement activities.

2. Persons or agencies holding a special use permit or right-of-way for access to exercise their permit within the restricted area, for purposes related to access for maintenance and operation of authorized facilities, and provided such motorized use is limited to the routes specifically identified in the special use permit or right-of-way.

3. Grazing permittees holding a valid grazing permit for the restricted area. Such permittees will contact the Authorized Officer, when possible, prior to motorized vehicle use of the route(s)

for grazing situations. The Authorized Officer will issue verbal instructions as needed to avoid the areas of concern within the designated area. All verbal instructions will be followed by the grazing permittee. Emergency situations (*e.g.* recovery of sick or injured animal(s) or emergency facility maintenance) will be completed with as little resource damage as possible. If prior notification is not possible, grazing permittees will notify the Authorized Officer, within 10 working days, of actions taken in a letter describing the location and reason for the action. BLM mitigation measures related to the soil, water, and/or cultural resource will be developed to address any damages caused by the emergency situation.

Penalties: Violations of this restriction order are punishable by fines as specified in 43 CFR 8360.0–7, and 18 U.S.C. 3571 of no more than $100,000 and/or imprisonment not to exceed 12 months.

John E. Husband,

Field Manager, Little Snake Field Office.

[FR Doc. 05–3300 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–921–04–1320–EL–P; MTM 94066]

Notice of Invitation—Coal Exploration License Application MTM 94066

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Members of the public are hereby invited to participate with Western Energy Company in a program for the exploration of coal deposits owned by the United States of America in lands located in Rosebud County, Montana, encompassing 228.17 acres.

FOR FURTHER INFORMATION CONTACT: Robert Giovanini, Mining Engineer, or Connie Schaff, Land Law Examiner, Branch of Solid Minerals (MT–921), Bureau of Land Management (BLM), Montana State Office, P.O. Box 36800, Billings, Montana 59107–6800, telephone (406) 896–5084 or (406) 896–5060, respectively.

SUPPLEMENTARY INFORMATION: The lands to be explored for coal deposits are described as follows:

T. 1 N., R. 39 E., P.M.M.
Sec. 4: NW¼NW¼, NW¼NE¼, NE¼NE¼
T. 2 N., R. 39 E., P.M.M.
Sec. 34: NW¼SW¼, SW¼SW¼

Any party electing to participate in this exploration program shall notify, *in writing,* both the State Director, BLM, P.O. Box 36800, Billings, Montana 59107–6800, and Western Energy Company, P.O. Box 99, Colstrip, Montana 59323. Such written notice must refer to serial number MTM 94066 and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of this Notice in the *Miles City Star* newspaper, whichever is later. This Notice will be published once a week for two (2) consecutive weeks in the *Miles City Star,* Miles City, Montana.

The proposed exploration program is fully described, and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. The exploration plan, as submitted by Western Energy Company, is available for public inspection at the BLM, 5001 Southgate Drive, Billings, Montana, during regular business hours (9 a.m. to 4 p.m.), Monday through Friday.

Dated: December 22, 2004.

Randy D. Heuscher,

Chief, Branch of Solid Minerals.

[FR Doc. 05–3294 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–922–05–1320–EL; OKNM 104763, OKNM 107920, OKNM 108097]

Notice of Public Hearing and Request for Written Comments on Fair Market Value and Maximum Economic Recovery; Coal Lease By Applications OKNM 104763, OKNM 107920 and OKNM 108097

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) will hold a public hearing and requests written comments on the fair market value (FMV) and maximum economic recovery (MER) of certain coal resources it proposes to offer for competitive lease sale. The coal in the tracts would be mined by either surface, underground or auger mining methods.

The Oklahoma Field Office, BLM has completed the Oklahoma Resource Management Plan Amendment (RMPA) and Decision Record for competitive coal lease applications OKNM 104763, OKNM 107920 and OKNM 108097 in Haskell, Latimer and LeFlore Counties, Oklahoma. The Decision Record was signed by the New Mexico BLM State Director on September 29, 2004. The decision is to implement the BLM's preferred alternative, which will result in offering for lease, the three lease application areas with stipulations, and mitigations as described in the RMPA.

The Liberty West tract, OKNM 104763 is located in Haskell County, Oklahoma, and encompasses 640 acres. Estimated recoverable Federal reserves of bituminous coal from the Stigler seam is 2.366 million tons; 2.322 million tons recoverable by surface mining methods, and 44,000 tons recoverable by auger mining. The proximate analysis of the coal on a received basis averages 14,087 BTU/lb., with 2.2% moisture, 1.4% sulfur, 6.7% ash, 64.2% fixed carbon, and 26.7% volatile matter.

The Bull Hill tract, OKNM 107920 is located in Latimer and LeFlore Counties, Oklahoma, and encompasses 3,863.17 acres. Estimated recoverable Federal reserves of bituminous coal from two splits of the Lower Hartshorne seam is 8.993 million tons; 4.107 million tons recoverable by surface mining methods, 2.724 million tons recoverable by auger mining, and 2.162 million tons recoverable by underground mining methods. The proximate analysis of the coal on a received basis averages 13,450–14,000 BTU/lb., with 2.9–4.7% moisture, 0.8–1.4% sulfur, 5.6–7.1% ash, 53.5–72.3% fixed carbon, and 17.8–35.9% volatile matter.

The McCurtain tract, OKNM 108097 is located in Haskell County, Oklahoma, and encompasses 2,380 acres. Estimated recoverable Federal reserves of bituminous coal from the Hartshorne seam is 6.538 million tons recoverable by underground mining methods. The proximate analysis of the coal on a received basis averages 13,960 BTU/lb., with 3.1% moisture, 0.9% sulfur, 6.7% ash, 68.2% fixed carbon, and 22.0% volatile matter.

The public is invited to submit written comments on the FMV and MER of the tracts proposed to be offered for lease and on factors that may affect FMV and MER.

A public hearing will be held to accept testimony on FMV and MER of the proposed lease tracts at 1 p.m., on Tuesday, March 1, 2005, at the BLM Oklahoma Field Office in Tulsa, Oklahoma.

DATES: Written comments must be post-marked by March 24, 2005.

ADDRESSES: Mail written comments to John Mehlhoff, Field Manager, BLM, Oklahoma Field Office, 7906 East 33rd St., Suite 101, Tulsa, OK 74145.

Electronic Mail: You may send comments through the Internet to BLM at: *John_Mehlhoff@blm.gov.* The public hearing will also be held at this address.

FOR FURTHER INFORMATION CONTACT: John Mehlhoff, Oklahoma Field Manager, BLM, Tulsa, OK at (918) 621–4102.

SUPPLEMENTARY INFORMATION: Procedures for leasing Federal coal are provided by 43 CFR 1600 and 3400. This notice to solicit public comments and have a public hearing on FMV and MER is required by 43 CFR 3422.1 and 43 CFR 3425.3. As provided by 43 CFR 3422.1(a), proprietary data marked as confidential may be provided in response to this solicitation of public comments. Data so marked shall be treated in accordance with the laws and regulations governing the confidentiality of such information. A copy of the comments submitted by the public on FMV and MER, except those portions identified as proprietary and meeting exemptions stated in the Freedom of Information Act (FOIA), will be available for public inspection at the BLM office noted above.

Comments on FMV and MER should address, but are not limited to the following factors:

1. The method of mining to be employed in order to obtain MER including specification of seams to be mined and the most desirable timing and rate of production;
2. The method of determining FMV for the coal to be offered;
3. The quality and quantity of the coal resource;
4. If this resource is likely to be mined as part of an existing mine or should it be evaluated as a portion of a new potential mine and that mine's configuration;
5. Restrictions to mining which may affect coal recovery;
6. The price that the mined coal would bring when sold; and
7. Documented information on the terms and conditions of recent and similar coal land transactions and comparable sales data in the lease sale area.

The values given above may or may not change as a result of comments received from the public and changes in market conditions between now and when final economic evaluations are completed.

If you wish to withhold your name or address from public review or from disclosure under the FOIA, you must state this prominently at the beginning of your written comments.

Such requests will be honored to the extent allowed by the FOIA. All submissions from organizations, businesses and individuals identifying themselves as representatives or officials of organizations or businesses will be available for public inspection in its entirety.

Dated: November 10, 2004.

Dennis R. Stenger,

Deputy State Director, Minerals and Lands, New Mexico State Office.

[FR Doc. 05–3288 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–933–5420–PN–D034, GPO–05–0005; IDI–34908]

Disclaimer of Interest in Lands, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: An application has been filed by Dana L. Hofstetter, Attorney at Law on behalf of Ray and Dorolene Obendorf and prospective purchaser, Jim Scarrow, for a recordable disclaimer of interest from the United States.

DATES: Comments or protests to this action should be received by May 23, 2005.

ADDRESSES: Comments or protests must be filed with: State Director (ID933), Bureau of Land Management, 1387 S. Vinnell Way, Boise, ID 83709.

FOR FURTHER INFORMATION CONTACT: Cathie Foster, BLM, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, (208) 373–3863 or Effie Schultsmeier, BLM, Four Rivers Field Office, 3948 Development Avenue, Boise, Idaho 83705, (208) 384–3357.

SUPPLEMENTARY INFORMATION: Pursuant to Section 315 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745), Dana L. Hofstetter has filed an application requesting the United States issue a recordable disclaimer of interest. The disclaimer of interest has been requested to disclaim and release all interest that the United States might have to Warnicks Reservoir and access thereto, as reserved in Patent No. 1235737 dated April 16, 1964, to wit:

> This patent is issued subject to a reservation to the United States for the Warnicks Reservoir, Bureau of Land Management Project No. 896 in the SW¼SW¼SW¼NE¼ said Section 23, (T. 6 N., R. 5 W., B.M.), together with the right of egress and ingress from the adjacent public lands of the United States, and for public use as described in the Consent to Reservation, dated October 5, 1961, filed in case record Idaho 011357.

Based on a field exam and report prepared by the BLM's Four Rivers Field Office, there is no longer a reservoir in the SW¼SW¼SW¼NE¼ of Section 23, T. 6 N., R. 5 W. The subject land is currently being farmed with the adjoining fields. A 1992 photograph shows no evidence of a reservoir at this location and it appears that the area has been farmed for many years. In addition, there are no public lands adjacent to the subject lands and as the original reservation reserved the right of egress and ingress from the adjacent public lands of the United States, there is no need to retain the reservation for access. Therefore it has been determined that there is no known public interest in the reservoir or access thereto, as the reservoir no longer exists. Therefore, the application by Dana Hofstetter for a disclaimer for the Warnicks Reservoir reservation in Patent No. 1235737 from the United States will be approved if no valid objection is received. This action will clear a cloud on the title of Ray and Dorolene Obendorf's, or prospective purchaser, Jim Scarrow's, land.

Comments, including names and street addresses of respondents will be available for public review at the Idaho State Office, Bureau of Land Management, 1387 S. Vinnell Way, Boise, Idaho during regular business hours 9 a.m. to 4 p.m. Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public inspection in their entirety.

Dated: January 24, 2005.

Jimmie Buxton,

Chief, Branch of Lands, Minerals and Water Rights, Resource Services Division.

[FR Doc. 05–3299 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–05–010–1430–EU]

Notice of Intent To Prepare an Environmental Impact Statement, Westside Irrigation District Land Conveyance Project, Big Horn and Washakie Counties, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and to conduct public scoping for the Westside Irrigation District Land Conveyance Project, Big Horn and Washakie Counties, Wyoming.

SUMMARY: Public Law 106–485 (November 9, 2000; 114 Stat. 2199) directs the Secretary of the Interior, acting through the Bureau of Land Management (BLM), to convey all right, title, and interest (excluding mineral interest) in a parcel of public land in Big Horn County and Washakie County, Wyoming. The parcel of land to be conveyed comprises approximately 16,500 acres. Conveyance is to be made to the Westside Irrigation District at appraised value.

The sale to the District is to take place after ''completion of an environmental analysis under the National Environmental Policy Act'' (NEPA) by the BLM. Under the provisions of Section 102(2)(C) of the National Environmental Policy Act (NEPA), the BLM announces its intentions to prepare an EIS and to solicit public comments regarding issues and resource information.

DATES: This notice extends the scoping process initiated July 23, 2004, with a mailing of a scoping notice to Federal, State, and local government agencies; interested organizations; and news media. The BLM can best use public input if comments and resource information are submitted within 30 days of publication of this notice in the **Federal Register**. An updated scoping notice advising of the extended scoping period will be distributed by mail on, or about, the date of the publication of this notice.

The BLM conducted public meetings in Basin and Worland, Wyoming on August 3–4, 2004, at which members of the public were provided information on the project and the opportunity to submit comments. The BLM will announce public meetings and other opportunities to submit comments on this project at least 15 days prior to the event. Announcements will be made through local news media and the Worland Field Office's Web site: *http://www.wy.blm.gov/wfo/info.htm.*

ADDRESSES: Please send written comments, or questions, to BLM Worland Field Office, P.O. Box 119, Worland, Wyoming 82401. Written comments or resource information may also be hand-delivered to BLM Worland Field Office, 101 S. 23rd, Worland, Wyoming 82401. Comments, or questions, may also be sent electronically to *wymail_westside@blm.gov.* The scoping notice and other information regarding this project are posted on the Wyoming BLM Web site, at *http://www.wy.blm.gov/nepa/wfodocs/westside.* Members of the public may examine documents pertinent to this proposal by visiting the Worland Field Office during its business hours (8 a.m. to 4:30 p.m.), Monday through Friday, except holidays.

Your response is important and will be considered in the environmental analysis process. If you do respond, we will keep you informed of the availability of environmental documents that address impacts that occur from this proposal. Please note that comments and information submitted regarding this project including names, e-mail addresses, and street addresses of the respondents will be available for public review and disclosure at the above address. Individual respondents may request confidentiality. If you wish to withhold your name, email address, or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by the law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Don Ogaard, Project Manager, BLM, Worland Field Office, P.O. Box 119, Worland, Wyoming 82401. Mr. Ogaard may also be reached by telephone at 307–347–5160.

SUPPLEMENTARY INFORMATION: The Westside Irrigation District Land Conveyance Project area is located in southern Big Horn County and northern Washakie County. The southern end of the project area is approximately 5 miles northwest of Worland, Wyoming. The area comprises 16,500 acres, in Townships 92 W., 92½ W., and 93 W.; Ranges 48 N. and 49 N.

Following the conveyance of public lands to the District, the BLM anticipates that the land would be re-sold to private individuals for agricultural purposes in parcels no less than 160 acres per individual. Individuals qualifying for purchase of the lands from the District would be selected through a lottery. Successful individuals and the lands they acquire would become members of the District. Lands would be selected that are irrigable and that avoid impacts to wildlife, recreation, sensitive environmental areas, and other land uses. The District would make sufficient modifications in their irrigation infrastructure to allow for irrigation of the selected parcels.

The law authorizing transfer of the land specifies that acreage may be added to, or subtracted from, the original 16,500 acres to satisfy any mitigation requirements resulting from the NEPA analysis. The law further provides that proceeds from the sale are to be used ''for the acquisition of land and interests in land in the Worland District of the Bureau of Land Management that will benefit public recreation, public access, fish and wildlife habitat, or cultural resources.''

The Wyoming Water Development Commission (WWDC) will be a co-lead agency in the preparation of this EIS. The WWDC will use the document in support of any future funding decisions should the Westside Irrigation District file an application with the Commission for water supply development assistance. Cooperating agencies identified to date include the U.S. Army Corps of Engineers, and Big Horn and Washakie Counties, through their respective boards of county commissioners.

BLM personnel, other agencies, and individuals have preliminarily identified the following issues that will be addressed in the EIS: Federally-listed Threatened, Endangered, Candidate and Sensitive Species and their habitats; surface water resources; prehistoric and historic cultural resources; social and economic effects to the local communities; wildlife habitat and fisheries; nesting raptors; wetlands and riparian areas; and recreation activities and opportunities, such as hunting and fishing.

Dated: November 9, 2004.

Robert A. Bennett,

State Director.

[FR Doc. 05–3297 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–070–05–1990–EX]

Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Proposed ''M'' Pit Mine Expansion at Montana Tunnels Mine

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: The Bureau of Land Management (BLM), Butte Field Office, and the Montana Department of Environmental Quality (DEQ) intend to prepare an Environmental Impact Statement for the ''M'' Pit Mine Expansion at Montana Tunnels Mine. The BLM and DEQ will announce a public scoping meeting to identify relevant issues in advance through BLM's and DEQ's web sites and in local news media at least 15 days prior to the event.

DATES: The scoping comment period will start with the publication of this notice. Comments should be received by March 24, 2005 at the address listed below.

ADDRESSES: You may submit comments by any of the following methods:

- Email: *ghallsten@state.mt.us.*
- Mail: Send written comments to ''M'' Pit Mine Expansion at Montana Tunnels Mine EIS, Greg Hallsten, Montana Department of Environmental Quality, Director's Office, PO Box 200901, Helena, MT 59620–0901.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact: Greg Hallsten, (406) 444–3276, Montana Department of Environmental Quality, Director's Office, PO Box 200901, Helena, MT 59620–0901, *ghallsten@state.mt.us* or David Williams, (406) 533–7655, Bureau of Land Management, Butte Field Office, 106 N. Parkmont, Butte, MT 597701, *david_r_williams @blm.gov.* Documents related to this EIS will be posted on the Montana DEQ Web site (*www.deq.state.mt.us*).

SUPPLEMENTARY INFORMATION: This document provides notice that the Butte Field Office, Montana intends to prepare an Environmental Impact Statement for the ''M'' Pit Mine Expansion at Montana Tunnels Mine in cooperation with the State of Montana, Department of Environmental Quality.

The mine area is located approximately five miles west of Jefferson City, Jefferson County, Montana. Montana Tunnels has mined and processed ore from a polymetallic mineral deposit since 1986 producing lead, zinc, gold and silver. It encompasses approximately 150 acres of public land. The EIS will fulfill the needs and obligations set forth by the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), and BLM management policies. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis and EIS alternatives. Comments on issues can be submitted as indicated above. To be most helpful, formal scoping comments should be submitted within 15 days after the public meeting, although comments will be accepted throughout the preparation of the EIS. The list of attendees and information gathered at each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views expressed. Individual respondents may request confidentiality. If you wish to withhold your name and/or address from public review or disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

The BLM and DEQ are seeking comments from individuals, organizations, tribal governments, and Federal, State, and local agencies that are interested or may be affected by the proposed action. While public participation is welcome at any time, comments received within 30 days of the publication of this notice will be especially useful in the preparation of the EIS. To assist the BLM and DEQ in identifying and considering issues and concerns on the proposed action, comments on the proposed EIS should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations that implement the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

An application for mine expansion from Montana Tunnels necessitates the additional environmental analysis. Preliminary issues and management concerns have been identified by BLM and Montana DEQ personnel, other agencies, and in meetings with individuals and user groups. They represent the agencies' knowledge to date on existing issues and concerns. An interdisciplinary approach will be used to develop the EIS in order to consider the variety of resource issues and concerns identified. Disciplines involved in the planning process will include specialists with expertise in: minerals and geology, wildlife, hydrology, soils, sociology and economics.

Dated: November 15, 2004.

Steven Hartmann,

Assistant Field Manager.

[FR Doc. 05–3293 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–038–1220–AL 042H; HAG 05–0074]

Notice of Meeting; National Historic Oregon Trail Interpretive Center

AGENCY: Bureau of Land Management (BLM), Vale District, Interior.

ACTION: Meeting Notice for the National Historic Oregon Trail Interpretive Center (NHOTIC) Advisory Board.

SUMMARY: The National Historic Oregon Trail Interpretive Center Advisory Board will meet in a conference room at the Best Western Sunridge Inn (541–523–6444), One Sunridge Way in Baker City, OR from 8 a.m. to 12 p.m., (Pacific Time PT) on Thursday, March 31, 2005.

The meeting topics may include; reports from the Standing Committees (Economic Development, Visitation, Education and Community Liaison), a roundtable to allow members to introduce new issues to the board, and other matters as may reasonably come before the Board. The entire meeting is open to the public. For a copy of the information to be distributed to the Board members, please submit a written request to the Vale District Office 10 days prior to the meeting. Public comment is scheduled for 10 a.m. to 10:15 a.m., Pacific Time (PT).

FOR FURTHER INFORMATION CONTACT: Additional information concerning the NHOTIC Advisory Board may be obtained from Debra Lyons, Public Affairs, Vale District Office, 100 Oregon

Street, Vale, OR 97918 (541) 473–3144, or email *Debra_Lyons@or.blm.gov.*

Dated: February 15, 2005.

Larry Frazier,

Associate District Manager.

[FR Doc. 05–3287 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UTU76767]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease, Utah

January 18, 2005.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with section 31 (d) and (e) of the Mineral Leasing Act of 1920, a petition for reinstatement of oil and gas lease UTU76767 for lands in Uintah County, Utah, was timely filed and required rentals accruing from October 1, 2004, the date of termination, have been paid.

FOR FURTHER INFORMATION CONTACT: Teresa Catlin, Acting Chief, Branch of Fluid Minerals at (801) 539–4122.

SUPPLEMENTARY INFORMATION: The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16–2/3 percent, respectively. The $500 administrative fee for the lease has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease UTU76767, effective October 1, 2004, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Teresa Catlin,

Acting Chief, Branch of Fluid Minerals.

[FR Doc. 05–3289 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW155783]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease WYW155783 for lands in Carbon County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Pamela J. Lewis, Chief, Fluid Minerals Adjudication, at (307) 775–6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $166 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW155783 effective September 1, 2004, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Pamela J. Lewis,

Chief, Fluid Minerals Adjudication.

[FR Doc. 05–3295 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1310–01; WYW121452]

Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease WYW121452 for lands in Sublette County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Theresa M. Stevens, Land Law Examiner, Fluid Minerals Adjudication, at (307) 775–6167.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $166 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW121452 effective October 1, 2003, under the original terms and conditions of the lease and the increased rental and royalty rates cited above. BLM has not issued a valid lease affecting the lands.

Theresa M. Stevens,

Land Law Examiner, Fluid Minerals Adjudication.

[FR Doc. 05–3298 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–5853–ES; N–78101]

Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes, Las Vegas, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: Bureau of Land Management (BLM) has determined that land located in Clark County, Nevada is suitable for classification for lease/conveyance to the City of Las Vegas.

DATES: Interested parties may submit comments regarding the proposed lease/conveyance for classification until 45 days after the date of publication of this notice in the **Federal Register**.

ADDRESS: Please mail your comments to the Las Vegas Field Manager, Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130–2301.

FOR FURTHER INFORMATION CONTACT: Anna Wharton, Supervisory Realty Specialist, (702) 515–5095.

SUPPLEMENTARY INFORMATION: The following described public land in Las

Vegas, Clark County, Nevada has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*).

N–78101—The City of Las Vegas proposes to use the land for a public park.

Mount Diablo Meridian

T. 19S., R. 60E., Sec. 7
Government Lot 5 (E½E½).
Consist of 10 acres.

The land is not required for any federal purpose. Lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/ conveyance, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. All valid and existing rights.

2. Those rights for public utility purposes which have been granted to the Las Vegas Valley Water District by permit No. N–62751 under Title V of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

3. Those rights for public utility purposes which have been granted to the Las Vegas Valley Water District by permit No. N–76984 under Title V of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

4. Those rights for roadway, sewer and drainage purposes which have been granted to the City of Las Vegas by permit No. N–76109, under Title V of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

5. Those rights for public utility purposes which have been granted to Nevada Power Company by permit No. N–75702, under Title V of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

6. Those rights for public utility purposes which have been granted to Southwest Gas Company by permit No. N–76691, under Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

7. Those rights for public utility purposes which have been granted to Southwest Gas Company by permit No. N–76705, under Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

8. Those rights for public utility purposes which have been granted to Central Telephone Company by permit No. N–76618, under Title V of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA).

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office at the address listed above.

On February 22, 2005, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act, leasing under the mineral leasing laws and disposals under the mineral material disposal laws.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a public park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a public park facility. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, these realty actions will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective on date 60 days from the date of publication of this notice in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: October 18, 2004.

Sharon DiPinto,

Assistant Field Manager, Division of Lands, Las Vegas, NV.

[FR Doc. 05–3296 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of a revision of a currently approved information collection (OMB Control Number 1010–0095).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR 206. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements. We changed the title of this ICR to clarify the regulatory language we are covering under 30 CFR 206. The previous title of this ICR was ''Request to Exceed Regulatory Allowance Limitation.'' The new title of this ICR is ''30 CFR 206—Product Valuation, Subpart B—Indian Oil, § 206.54; Subpart C—Federal Oil, § 206.109; Subpart D—Federal Gas, §§ 206.156 and 206.158; and Subpart E—Indian Gas, § 206.177 (Form MMS–4393, Request to Exceed Regulatory Allowance Limitation).''

DATES: Submit written comments on or before March 24, 2005.

ADDRESSES: Submit written comments by either FAX (202) 395–6566 or e-mail (*OIRA_Docket@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (OMB Control Number 1010–0095). Mail or hand-carry a copy of your comments to Sharron L. Gebhardt, Lead Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225. You may also e-mail your comments to us at *mrm.comments@mms.gov.* Include the title of the information collection and the OMB Control Number in the ''Attention'' line of your comment. Also include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that

we have received your e-mail, contact Ms. Gebhardt at (303) 231–3211.

FOR FURTHER INFORMATION CONTACT: Sharron L. Gebhardt, telephone (303) 231–3211, FAX (303) 231–3781, e-mail *Sharron.Gebhardt@mms.gov.* You may also contact Sharron Gebhardt to obtain a copy at no cost of the form and regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 206—Product Valuation, Subpart B—Indian Oil, § 206.54; Subpart C—Federal Oil, § 206.109; Subpart D—Federal Gas, §§ 206.156 and 206.158; and Subpart E—Indian Gas, § 206.177 (Form MMS–4393, Request to Exceed Regulatory Allowance Limitation).

OMB Control Number: 1010–0095.

Bureau Form Number: Form MMS–4393, Request to Exceed Regulatory Allowance Limitation.

Abstract: The Secretary of the U.S. Department of the Interior is responsible for matters relevant to mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary under the Mineral Leasing Act (30 U.S.C. 1923) and the Outer Continental Shelf Lands Act (43 U.S.C. 1353) is responsible for managing the production of minerals from Federal and Indian lands and the OCS, collecting royalties from lessees who produce minerals, and distributing the funds collected in accordance with applicable laws.

The Secretary has an Indian trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the royalty management functions and assists the Secretary in carrying out the Department's Indian trust responsibility. Applicable citations of the laws pertaining to mineral leases include 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396a *et seq.* and 2101 *et seq.*; 30 U.S.C. 185, 351 *et seq.*, 1001 *et seq.*, and 1701 *et seq.*; 31 U.S.C. 9701; and 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*, and 1801 *et seq.*

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share (royalty) of the value received from production from the leased lands. The lease creates a business relationship between the lessor and the lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data reported to private and public mineral interest owners and is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling such minerals. The information collected includes data necessary to ensure that the royalties are paid appropriately.

Proprietary information submitted to MMS under this collection is protected, and no items of a sensitive nature are collected. A response is required to obtain the benefit of exceeding a regulatory allowance limitation.

Under certain circumstances, lessees are authorized to claim a transportation allowance for the reasonable actual costs of transporting the royalty portion of produced oil and gas from the lease to a processing or sales point not in the immediate lease area. In addition, when gas is processed for the recovery of gas plant products, lessees may claim a processing allowance. Transportation and processing allowances are a part of the product valuation process that MMS uses to determine if the lessee is reporting and paying the proper royalty amount.

The regulations establish a limit on transportation allowance deductions for oil and gas at 50 percent of the value of the oil and gas at the point of sale. The MMS may approve a transportation allowance in excess of 50 percent upon proper application from the lessee. Similarly, the regulations establish a limit of 66⅔ percent of the value of each gas plant product as an allowable gas processing deduction. The MMS may also approve a processing allowance in excess of 66⅔ percent upon proper application from the lessee.

To request permission to exceed a regulatory allowance limit, lessees must write a letter to MMS explaining why a higher allowance limit is necessary and provide supporting documentation. The MMS developed Form MMS–4393, Request to Exceed Regulatory Allowance Limitation, to accompany the lessee's letter requesting approval to exceed the regulatory allowance limit. This form provides MMS with the data necessary to make a decision and track deductions on royalty reports. Data reported on the form is also subject to subsequent audit and adjustment.

The MMS is requesting OMB's approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge his/her duties and may also result in loss of royalty payments.

Frequency: Annually.

Estimated Number and Description of Respondents: 26 lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 121 hours.

Through customer contact and analysis of historical data, we obtained more accurate estimates of the number of respondents and the time required to provide the information requested, and we adjusted the burden hours accordingly. We also included 30 CFR 206.158 (d)(2)(i) and 206.177 (c)(2), which were not included in the previous renewal. We do not include in our estimates certain requirements performed in the normal course of business and considered usual and customary. The following chart shows the estimated burden hours by CFR section and paragraph:

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

30 CFR section	Reporting requirement	Burden hours per response	Annual number of responses	Annual burden hours
	Subpart B—Indian Oil			
	§ 206.54 Transportation allowances—general.			
206.54(b)(2)	Upon request of a lessee, MMS may approve a transportation allowance deduction in excess of the limitation prescribed by paragraph (b)(1) of this section. * * * An application for exception (using Form MMS–4393, Request to Exceed Regulatory Allowance Limitation) shall contain all relevant and supporting documentation necessary for MMS to make a determination. * * *	4.25	1	4.25

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

30 CFR section	Reporting requirement	Burden hours per response	Annual number of responses	Annual burden hours
Subpart C—Federal Oil § 206.109 When may I take a transportation allowance in determining value?				
206.109(c)(2)	(c) Limits on transportation allowances. * * * (2) You may ask MMS to approve a transportation allowance in excess of the limitation in paragraph (c)(1) of this section. * * * Your application for exception (using Form MMS–4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation for MMS to make a determination. * * *	4.25	1	4.25
Subpart D—Federal Gas § 206.156 Transportation allowances—general.				
206.156(c)(3)	Upon request of a lessee, MMS may approve a transportation allowance deduction in excess of the limitation prescribed by paragraphs (c)(1) and (c)(2) of this section. * * * An application for exception (using Form MMS–4393, Request to Exceed Regulatory Allowance Limitation) shall contain all relevant and supporting documentation necessary for MMS to make a determination. * * *	4.25	2	8.5
Subpart D—Federal Gas § 206.158 Processing allowances—general.				
206.158(c)(3)	Upon request of a lessee, MMS may approve a processing allowance in excess of the limitation prescribed by paragraph (c)(2) of this section. * * * An application for exception (using Form MMS–4393, Request to Exceed Regulatory Allowance Limitation) shall contain all relevant and supporting documentation for MMS to make a determination. * * *	4.25	19	80.75
206.158(d)(2)(i)	If the lessee incurs extraordinary costs for processing gas production from a gas production operation, it may apply to MMS for an allowance for those costs which shall be in addition to any other processing allowance. * * *.	9.5	2	19
Subpart E—Indian Gas § 206.177 What general requirements regarding transportation allowances apply to me?				
206.177(c)(2) and (c)(3)	(c)(2)If you ask MMS, MMS may approve a transportation allowance deduction in excess of the limitations in paragraph (c)(1) of this section. * * * (c)(3) Your application for exception (using Form MMS–4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation necessary for MMS to make a determination.	4.25	1	4.25
Total Burden			26	121

Estimated Annual Reporting and Recordkeeping ''Non-hour'' Cost Burden: We have identified no ''non-hour'' cost burdens.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that 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.

Comments: Section 3506(c)(2)(A) of the PRA requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a notice in the **Federal Register** on August 18, 2004 (69 FR 51321), announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. We received no comments in response to the notice.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by March 24, 2005.

Public Comment Policy: We will post all comments in response to this notice on our Web site at *http://www.mrm.mms.gov/Laws_R_D/InfoColl/InfoColCom.htm.* We will also make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Upon request, we will withhold an individual respondent's home address from the public record, as allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state your request prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: December 9, 2004.

Janice Bigelow,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. 05–3239 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010–0149).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the rulemaking for regulations under 30 CFR 250, subparts J, H, and I, Fixed and Floating Platforms and Structures. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by March 24, 2005.

ADDRESSES: You may submit comments either by fax (202) 395–6566 or e-mail (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0149). Mail or hand carry a copy of your comments to the Department of the Interior, Minerals Management Service, Attention: Rules Processing Team, Mail Stop 4024, 381 Elden Street, Herndon, Virginia 20170–4817. Interested parties may submit a copy of their comments online to MMS, the address is: *https://ocsconnect.mms.gov.* From the Public Connect ''Welcome'' screen, you will be able to either search for Information Collection 1010–0149 or select it from the ''Projects Open for Comment'' menu.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Rules Processing Team, (703) 787–1600. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, subparts J, H, and I, Fixed and Floating Platforms and Structures.

OMB Control Number: 1010–0149.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 43 U.S.C. 1356 requires the issuance of ''* * * regulations which require that any vessel, rig, platform, or other vehicle or structure * * * (2) which is used for activities pursuant to this subchapter, comply * * * with such minimum standards of design, construction, alteration, and repair as the Secretary * * * establishes * * *.'' Section 43 U.S.C. 1332(6) also states, ''operations in the [O]uter Continental Shelf should be conducted in a safe manner * * * to prevent or minimize the likelihood of * * * physical obstruction to other users of the water or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.'' These authorities and responsibilities are among those delegated to the MMS to ensure that operations in the OCS will meet statutory requirements; provide for safety and protection of the environment; and result in diligent exploration, development, and production of OCS leases.

On December 27, 2001, a Notice of Proposed Rulemaking (NPR) (66 FR 66851), provided the initial 60-day review and comment process. This notice is a renewal of the information requirements for the rulemaking and for what we expect to be in our final rulemaking.

The industry standards incorporated into our regulations through this rulemaking:

- Result in a complete rewrite and re-titling of our current regulations at 30 CFR part 250, subpart I, Platforms and Structures. The currently approved information collection for this subpart (1010–0058) will be superseded by this collection when final regulations take effect.
- Revise regulations at 30 CFR part 250, subpart H, Oil and Gas Production Safety Systems (1010–0059); and subpart J, Pipelines and Pipeline Rights-of-Way (1010–0050). When final regulations take effect, we will add the new requirements and hour burdens to the respective information collections currently approved for these subparts.
- Make changes to definitions, documents incorporated by reference, and other minor revisions to regulations at 30 CFR part 250, subpart A, General (1010–0114); and subpart B, Exploration and Development and Production Plans (1010–0049). However, the proposed changes do not add any new information collection requirements, nor affect those currently approved.

MMS will use the information collected and records maintained under subpart I to determine the structural integrity of all offshore platforms and floating production facilities and to ensure that such integrity will be maintained throughout the useful life of these structures. The information is necessary to determine that fixed and floating platforms and structures are sound and safe for their intended purpose and for the safety of personnel and pollution prevention. MMS will use the information collected under subparts H and J to ensure proper construction of production safety systems and pipelines.

Although the revised regulations would specifically cover floating

production facilities as well as platforms, this is not a new category of information collection. MMS has always permitted these facilities on a case-by-case basis. Incorporating the new documents provides industry with specific standards by which we will hold them accountable in the design, fabrication, and installation of platforms and floating production facilities offshore. Making mandatory these now voluntary standards would dictate that respondents comply with the requirements in the incorporated documents. This includes certified verification agent (CVA) review for some areas that current regulations do not require, but the voluntary standards recommend. The revised regulations will increase the number of CVA nominations and reports associated with the facilities and require hazards analysis documentation for new floating production facilities.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.196, ''Data and information to be made available to the public.'' No items of a sensitive nature are collected. Responses are mandatory.

Frequency: On occasion, annual; and results of situations encountered.

Estimated Number and Description of Respondents: Approximately 136 Federal OCS oil and gas or sulphur lessees.

Estimated Reporting and Recordkeeping ''Hour'' Burden: The estimated annual ''hour'' burden for this information collection is a total of 48,500 hours. During the interim period between proposed and final rules, OMB approved the renewal of the information collection burden in the current subpart I regulations (1010–0058). After consultations with respondents, we revised the estimates of the hour burdens and the annual number of responses. We have incorporated those updated burden adjustments in this renewal. Therefore we are requesting an ''adjustment'' increase of 11,306 hours for 1010–0159. The following chart details the current individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN BREAKDOWN

Proposed rule section(s)	Reporting or recordkeeping requirement	Hour burden per response/record	Annual number of responses	Annual burden hours
New Subpart H Requirements				
800(b)	Submit CVA documentation under API RP 2RD.	50 hours	60 submissions	3,000
803(b)(2)(iii)	Submit CVA documentation under API RP 17J.	50 hours	6 submissions	300
Subpart I				
900(a); 901(b); 902; 903; 905; 906; 907.	Submit application to install new platform or floating production facility or significant changes to approved applications, including use of alternative codes, rules, or standards; and Platform Verification Program plan for design, fabrication and installation of new, fixed, bottom-founded, pile-supported, or concrete-gravity platforms and new floating platforms. Consult as required with MMS and/or USCG. Re/Submit application for major modification(s) to any platform..	30 hours	331 applications	9,930
900(a)(4)	Notify MMS within 24 hours of damage and emergency repairs and request approval of repairs..	16 hours	9 notices/requests	144
900(a)(5)	Submit application for conversion of the use of an existing mobile offshore drilling unit..	24 hours	30 applications	720
901(a)(6), (a)(7), (a)(8)	Submit CVA documentation under API RP 2RD, API RP 2SK, and API RP 2SM..	100 hours	6 submissions	600
901(a)(10)	Submit hazards analysis documentation under API RP 14J..	600 hours	6 submissions	3,600
904(c); 908	Submit nomination and qualification statement for CVA..	16 hours	21 nominations	336
910(c), (d)	Submit interim and final CVA reports and recommendations on design phase..	200 hours	31 reports	6,200
911(d), (e), (f)	Submit interim and final CVA reports and recommendations on fabrication phase, including notice of fabrication procedure changes or design specification modifications.	100 hours	6 submissions	600
912(c), (d), (e)	Submit interim and final CVA reports and recommendations on installation phase..	60 hours	6 submissions	360
914; 918	Record original and relevant material test results of all primary structural materials; retain records during all stages of construction. Compile, retain, and make available to MMS for the functional life of platform, the as-built drawings, design assumptions/analyses, summary of nondestructive examination records, and inspection results.	100 hours	136 lessees	13,600

BURDEN BREAKDOWN—Continued

Proposed rule section(s)	Reporting or recordkeeping requirement	Hour burden per response/record	Annual number of responses	Annual burden hours
916	Develop in-service inspection plan and submit annual (November 1 of each year) report on inspection of platforms or floating production facilities, including summary of testing results.	GOM Region 45 hours POCS Region 80 hours	130 lessees 6 operators	5,850 480
900 thru 918	General departure and alternative compliance requests not specifically covered elsewhere in Subpart I regulations.	8 hours	10 requests	80
New Subpart J Requirements				
1002(b)(4); 1007(a)(4)	Submit CVA documentation under API RP 17J	150 hours	12 submissions	1,800
1002(b)(5)	Submit CVA documentation under API RP 2RD	75 hours	12 submissions	900
Total Hour Burden			818	48,500

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no paperwork ''non-hour cost'' burdens associated with the collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on August 10, 2004, we published a **Federal Register** notice (69 FR 48518) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control number for the information collection requirements imposed by the 30 CFR 250 regulations and forms. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by March 24, 2005.

Public Comment Policy: MMS's practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. MMS will honor the request to the extent allowable by the law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Arlene Bajusz, (202) 208–7744.

Dated: November 1, 2004.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 05–3240 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010–0150).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in Form MMS–144, ''Rig Movement Notification Report.'' This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by March 24, 2005.

ADDRESSES: You may submit comments on this information collection directly to the Office of Management and Budget (OMB) either by e-mail (*OIRA_DOCKET@omb.eop.gov*) or by fax (202) 395–6566, directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0150).

Submit a copy of your comments to the Department of the Interior, MMS, via:

- MMS's Public Connect online commenting system, *https://ocsconnect.mms.gov.* Follow the instructions on the Web site for submitting comments.
- E-mail MMS at *rules.comments@mms.gov.* Use the Information Collection Number in the subject line.

• Fax: 703–787–1093. Identify with Information Collection Number.

• Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team (RPT); 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference ''Information Collection 1010–0150'' in your comments.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Rules Processing Team, (703) 787–1600. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulation and the form that requires the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: Form MMS–144, Rig Movement Notification Report.

OMB Control Number: 1010–0150.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition. Section 1332(6) of the Act requires that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well-trained personnel using technology, precautions, and techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstruction to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property, or endanger life or health.''

This ICR concerns the regulations in 30 CFR part 250 Subparts D, E, and F, specifically §§ 403(c), 502, and 602, on the movement of drilling, completion, and workover rigs and related equipment on and off an offshore platform or from well to well on the same offshore platform. The requirement for operators to notify MMS of rig movements is only specifically stated in § 250.403(c). Since MMS is mandated to perform timely inspections on rigs and platforms, we must have accurate information with regard to their location on the OCS. We use this information in scheduling inspections with regard to priority and cost effectiveness.

However, because of the increased volume of activity in the Gulf of Mexico Region (GOMR), it is now standard MMS procedure to require this notification as a condition of approval for well workover, recompletion, or abandonment operations. Because of this we have included the rig movement notification with the other general information collection requirements of these regulations under OMB control numbers 1010–0141, 1010–0067, and 1010–0043 (30 CFR part 250, subparts D, E, and F, respectively). The MMS District Offices use the information reported to ascertain the precise arrival and departure of all rigs in OCS waters. The accurate location of these rigs is necessary to better facilitate the scheduling of inspections by MMS personnel.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.196, ''Data and information to be made available to the public.'' No items of a sensitive nature are collected. Responses are mandatory.

Frequency: The frequency is on occasion.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas lessees.

Estimated Reporting and Recordkeeping ''Hour'' Burden: We estimate respondents will average 6 minutes to fill out and complete Form MMS–144. The total annual estimate is 180 burden hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no cost burdens associated for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) requires each agency '' * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

To comply with the public consultation process, on September 28, 2004, we published a **Federal Register** notice (69 FR 57960) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control number for the information collection requirements imposed by form MMS–144. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by March 24, 2005.

Public Comment Procedure: MMS's practice is to make comments, including names and addresses of respondents, available for public review. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. MMS will honor the request to the extent allowable by the law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Arlene Bajusz, (202) 208–7744.

Dated: December 8, 2004.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 05–3241 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension and revision of an information collection (1010–0141).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), MMS is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements in the regulations under 30 CFR 250, Subpart D, ''Oil and Gas Drilling Operations,'' and forms MMS–123, MMS–123S, MMS–124, MMS–125, MMS–133 and MMS–133S. The current OMB approval of these forms expires in October 2005. MMS has revised the forms, so that the paper forms and eWell submitted information will be compatible; we will submit these revisions to OMB for approval.

DATES: Submit written comments by April 25, 2005.

ADDRESSES: You may submit comments on the burden by any of the following methods listed below. Please use OMB Control Number 1010–0141 as an identifier in your message.

- MMS's Public Connect on-line commenting system, *https://ocsconnect.mms.gov*. Follow the instructions on the website for submitting comments.
- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions on the website for submitting comments.
- E-mail MMS at *rules.comments@mms.gov*. Use 1010–0141 in the subject line.
- Fax: 703–787–1093. Identify with 1010–0141.
- Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team (RPT); 381 Elden Street, MS–4024; Herndon, Virginia 20170–4817. Please reference Information Collection 1010–0141 in your comments and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Rules Processing Team at (703) 787–1600. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulation and any forms that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 250, Subpart D, Oil and Gas Drilling Operations.

OMB Control Number: 1010–0141.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner which is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 1332(6) states that ''operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health.'' This authority and responsibility are among those delegated to the MMS. To carry out these responsibilities, MMS issues regulations governing oil and gas and sulphur operations in the OCS. This notice pertains to the information collection requirements of subpart D and the MMS forms that are used to submit information required pursuant to 30 CFR 250, Subpart D, Oil and Gas Drilling Operations. These requirements and burdens for the forms are being consolidated into the primary collection for subpart D, OMB Control Number 1010–0141.

The MMS OCS Regions use the information collected to ensure that requirements are carried out for oil and gas drilling operations; that operators are required to take necessary precautions to keep wells under control at all times using the best available and safest drilling technology to monitor and evaluate well conditions; and that operators must use and maintain equipment and materials necessary to ensure the safety and protection of personnel, equipment, natural resources, and the environment.

In addition, MMS also issues various Notices to Lessees (NTLs) and Operators to clarify and provide additional guidance on some aspect of the regulations, as well as various forms to capture the data and information. The current subpart D regulations specify the use of forms MMS–123 (Application for Permit to Drill, OMB Control Number 1010–0044, expiration 10/31/05), MMS–123S (Supplemental APD Information Sheet, OMB Control Number 1010–0131, expiration 10/31/05), MMS–124 (Application for Permit to Modify, OMB Control Number 1010–0045, expiration 10/31/05), MMS–125 (End of Operations Report, OMB Control Number 1010–0046, expiration 10/31/05), and MMS–133 (Well Activity Report, OMB Control Number 1010–0132, expiration 10/31/05), which were approved individually by OMB and assigned separate control numbers. The requirements and burdens for these forms are being merged into the main collection for subpart D, OMB Control Number 1010–0141. One of the forms has been broken out into two separate forms, MMS–133 and MMS–133S, for submission to separate offices.

Previous Office of Management and Budget (OMB) approvals associated with the forms relating to the subpart D collection of information attached a term of clearance specifying ''* * * future submissions will provide an update to efforts currently underway to accommodate the electronic submission of data and how these efforts are reducing burden.'' For Forms MMS–123S and MMS–133, another term of clearance was requested specifying ''* * * include in its estimate the number of hours needed to collect information submitted in the form.'' To implement the Government Paperwork Elimination Act and to streamline data collection, MMS has been developing systems to provide electronic options for lessees and operators to use in submitting information and requesting approvals. An electronic system entitled eWell has been up and running, operators who wished to be involved were trained from June through August 2004, and the system is being used in the Gulf of Mexico (GOM) Region. Out of all the GOM respondents, 45 percent of all submissions are now done electronically. At this time, neither the Pacific nor the Alaska Regions have the electronic eWell system. Until the time that the transition process from paper forms to submitting information via the eWell system is not an issue, some of the regions will have respondents submitting paper forms. With this

submission, forms are being revised so that paper submittal and eWell submittal information is compatible. Some of the paper forms have been revamped and the data fields may be renumbered. We have eliminated some data fields that were either duplicative or no longer needed, renamed some sections and data fields, relocated data fields from one form to another, and added some data fields in a different format to make responses quicker for the respondent. It should be noted that the added data fields should not impose any additional burden on respondents, and are not actually new information.

The following explains how we use the information collected on each form.

• *Form MMS–123, Application for Permit to Drill and Form MMS–123S, Supplemental APD Information Sheet (Casing Design)*: MMS uses the information from these forms to determine the conditions of a drilling site to avoid hazards inherent in drilling operations. Specifically, the appropriate MMS District Office uses the information to evaluate the adequacy of a lessee's drilling, well-completion, well-workover, and well-abandonment plans and equipment to determine if the proposed operations will be conducted in an operationally safe manner that provides adequate protection for the environment. The District Office also reviews the information to ensure conformance with specific provisions of the lease.

• *Form MMS–124, Application for Permit to Modify*: MMS uses the information on this form to evaluate the adequacy of the equipment, materials, and/or procedures that the lessee plans to use during well drilling, completion, workover, and production operations. This includes deepening, plugging back, and well-abandonment operations, including temporary abandonments where the wellbore will be re-entered and completed or permanently plugged.

• *Form MMS–125, End of Operations Report*: MMS uses this information to ensure that they have accurate and up-to-date data and information on wells and leasehold activities under their jurisdiction and to ensure compliance with approved plans and any conditions placed upon a suspension or temporary prohibition. It is also used to evaluate the remedial action in the event of well equipment failure or well control loss. The information keeps us aware of the status of drilling operations.

• *Form MMS–133, Well Activity Report and Form MMS–133S, Open Hole Data Report (Supplement to the Well Activity Report)*: MMS uses this information to monitor the conditions of a well and status of drilling operations. Specifically, the drilling engineer in the District Supervisor reviews the information to be aware of the well conditions and current drilling activity (*i.e.*, well depth, drilling fluid weight, casing types and setting depths, completed well logs, and recent safety equipment tests and drills). The engineer uses this information to determine how accurately the lessee anticipated well conditions and if the lessee is following the approved Application for Permit to Drill (form MMS–123) and its companion form (MMS–123S). The MMS engineer and District Manager also use the information in their review of an Application for Permit to Modify (form MMS–124). With the information collected on forms MMS–133 and MMS–133S available, the reviewers can analyze the proposed revisions (*i.e.*, revised grade of casing or deeper casing setting depth) and make a quick and informed decision on the request. This was originally one form; it has now been broken out in paper format into two separate forms so that the information can be released to separate MMS District offices. There are new items that were previously submitted in report format that are now put on the forms to facilitate the eWell process; we anticipate no change in the burden hours.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 250.196, ''Data and information to be made available to the public,'' and 30 CFR part 252, ''OCS Oil and Gas Information Program.''

No items of a sensitive nature are collected. Responses are mandatory.

Frequency: On occasion, weekly, monthly, semi-annually, annually, and varies by section.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS permittees, notice filers, or respondents.

Estimated Reporting and Recordkeeping ''Hour'' Burden: The currently approved annual reporting burden for the collections of subpart D and associated forms is 146,663 hours combined. The following chart details the individual components and respective hour burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR Part 250 Subpart D and NTL(s)	Reporting and recordkeeping requirement	Hour burden
402(b)	Request approval to use blind or blind-shear ram or pipe rams and inside BOP	.25
403	Notify MMS of drilling rig movement on or off drilling location	.1
	In Gulf of Mexico OCS Region, rig movements reported on form MMS–144—burden covered under 1010–0150.	
408, 409	Apply for use of alternative procedures and/or departures not requested in MMS forms (including discussions with MMS or oral approvals).	1
408, 409; 410–418, plus various other references in subpart D.	Apply for permit to drill and requests for various approvals required in subpart D (including §§250.423, 424, 442(c), 451(g), 456(f)) and obtained via forms MMS–123 (Application for Permit to Drill) and MMS–123S (Supplemental APD Information Sheet), and supporting information and notices to MMS.	Form 123, 1.5
		Form 123S, 2.5
410(a)(3), 417(b)	Reference to Exploration Plan, Development and Production Plan, Development Operations Coordination Document (30 CFR 250, subpart B)—burden covered under 1010-0049.	
417(a), (b)	Collect and report additional information on case-by-case basis if sufficient information is not available.	4
417(c)	Submit 3rd party review of drilling unit according to 30 CFR 250, subpart I—burden covered under 1010–0058.	
418(e)	Submit welding and burning plan according to 30 CFR 250, subpart A—burden covered under 1010–0114.	
421; 423; 428	Submit casing and cementing program and revisions or changes.	2

Citation 30 CFR Part 250 Subpart D and NTL(s)	Reporting and recordkeeping requirement	Hour burden
424	Caliper, pressure test, or evaluate casing; submit evaluation results; request approval before resuming operations or beginning repairs (every 30 days during prolonged drilling).	5
456(c), (f)	Perform various calculations; post information (on occasion, daily, weekly)	.25
459(a)(3)	Request exception to procedure for protecting negative pressure area	2
460; 465	Submit revised plans, changes, well/drilling records, etc., on forms MMS–124 (Application for Permit to Modify) or MMS–125 (End of Operations Report)..	Form 124, 1.25
		Form 125, 1
460	Submit plans for well testing and notify MMS before test	2
461(e)	Provide copy of well directional survey to affected leaseholder	1
462(a)	Prepare and post well control drill plan for crew members	3
463(b)	Request field drilling rules be established, amended, or canceled	2.5
468(a)	Submit well logs, survey results, etc.	1.5
	Submit directional and vertical well surveys	.5
	Submit velocity profiles and surveys	.25
	Submit core analyses	.25
468(b); 465(b)(3)	In the GOM OCS Region, submit drilling activity reports weekly on form MMS–133 (Well Activity Report (WAR)) and form MMS–133S (Open Hole Data Report (Supplement to the WAR)).	1
468(c)	In the Pacific and Alaska OCS Regions during drilling operations, submit daily drilling reports	1
469	As specified by region, submit well records, paleontological interpretations or reports, service company reports, and other reports or records of operations.	.25
490(c)(4), (d)	Submit request for reclassification of H_2S zone; notify MMS if conditions change	1.7
490(f); also referred in 418(d).	Submit contingency plans for operations in H_2S areas (16 drilling, 5 work-over, 6 production)	10
490(i)	Display warning signs—no burden as facilities would display warning signs and use other visual and audible systems.	
490(j)(12)	Propose alternatives to minimize or eliminate SO_2 hazards—submitted with contingency plans—burden covered under 250.490(f).	
490(j)(13)(vi)	Label breathing air bottles—no burden as supplier normally labels bottles; facilities would routinely label if not.	
490(l)	Notify (phone) MMS of unplanned H_2S releases (approx. 2/year).	2
490(o)(5)	Request approval to use drill pipe for well testing	2
490(q)(1)	Seal and mark for the presence of H_2S cores to be transported—no burden as facilities would routinely mark transported cores.	
490(q)(9)	Request approval to use gas containing H_2S for instrument gas	2
490(q)(12)	Analyze produced water disposed of for H_2S content and submit results to MMS on occasion (approx. weekly).	2.8
Reporting Subtotal		
404	Perform operational check of crown block safety device; record results (weekly)	1
426	Perform pressure test on all casing strings and drilling liner lap; record results	2
427(a)	Perform pressure-integrity tests and related hole-behavior observations; record results	4
434; 467	Perform diverter tests when installed and once every 7 days; actuate system at least once every 24-hour period; record results (average per drilling operation).	2
450; 467	Perform BOP pressure tests, actuations and inspections when installed; at a minimum every 14 days; as stated for components; record results..	6
450, 467	Function test annulars and rams; document results every 7 days between BOP tests (biweekly). Note: this test is part of BOP test when BOP test is conducted.	.16
451(c)	Record reason for postponing BOP test (on occasion—approx. 2/year)	.1
456(b), (i); 458(b)	Record each drilling fluid circulation; test drilling fluid, record results; record daily inventory of drilling fluid/materials; test and recalibrate gas detectors; record results (on occasion, daily, weekly, quarterly).	1.25
462(c)	Perform well-control drills; record results (2 crews weekly)	1
466, 467	Retain drilling records for 90 days after drilling is complete; retain casing/liner pressure, diverter, and BOP records for 2 years; retain well completion/well workover until well is permanently plugged/abandoned or lease is assigned.	1.5
490(g)(2), (g)(5)	Conduct H_2S training; post safety instructions; document training on occasion and annual refresher (approx. 2/year).	2
490(h)(2)	Conduct weekly drills and safety meetings; document attendance	1
490(j)(8)	Test H_2S detection and monitoring sensors during drilling; record testing and calibrations on occasion, daily during drilling (approx. 12 sensors per rig).	2
490(j)(8)	Test H_2S detection and monitoring sensors every 14 days during production; record testing and calibrations (approx. 30 sensors/5 platforms + approx. 42 sensors/23 platforms).	3.5
400–490	General departure or alternative compliance requests not specifically covered elsewhere in subpart D.	2

Estimated Reporting and Recordkeeping "Non-Hour Cost" *Burden:* We have identified no cost burdens for this collection.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control

number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *''. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the ''non-hour cost'' burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

Public Comment Procedure: MMS's practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. If you wish your name and/or address to be withheld, you must state this prominently at the beginning of your comment. MMS will honor this request to the extent allowable by law; however, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: February 9, 2005.

E.P. Danenberger,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. 05–3242 Filed 2–18–05; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

30-Day Notice of Submission of Study Package to Office of Management and Budget; Opportunity for Public Comment

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice and request for comments.

SUMMARY: The Cape Cod National Seashore Impacts of Hunting Survey of Hunters, Visitors and Residents will provide park managers and others with important social science input about public attitudes on hunting and an assessment about whether conflicts over hunting are occurring at the Cape Cod National Seashore. Specifically the study will use hunter, resident and visitor surveys to (1) assess attitudes about hunting and hunting programs at the Cape Cod National Seashore, (2) determine the extent of conflict between hunters and nonhunters in the Cape Cod National Seashore and surrounding communities, (3) assess the extent to which the attitudes and characteristics of area residents and visitors to Cape Cod National Seashore have changed since the early 1990s, and (4) estimate the extent, and distribution of hunters and profile the behaviors of hunters within the Seashore.

	Estimated numbers of	
	Responses	Burden hours
Cape Cod National Seashore Impacts of Hunting Survey	2,900	929

Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) invites comments on a request submitted to the Office of Management and Budget (OMB) to approve a new collection of information (OMB #1024–XXXX). Comments are invited on: (1) The practical utility of the information being gathered; (2) the accuracy of the burden hour estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

Cape Cod National Seashore has been charged by the United States District Court, District of Massachusetts to re-evaluate its hunting programs and will be preparing an Environmental Impact Statement (EIS) of hunting within its borders. This study will provide social science input into the EIS process by measuring the attitudes toward hunting among Seashore visitors and the Seashore neighbors, the extent of conflict between hunters and non-hunters, and the attitudes and behaviors of hunters at the Seashore.

DATES: Public comments will be accepted on or before March 24, 2005.

ADDRESSES: You may submit comments directly to the Desk Officer for the Department of the Interior, (OMB # 1024–XXXX) Office of Information and Regulatory Affairs, OMB, by fax at 202–395–6566, or by electronic mail at *oira_docket@omb.eop.gov.*

The OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments within thirty days of the date on which this notice is published in the **Federal Register**.

FOR FURTHER INFORMATION OR A COPY OF THE STUDY PACKAGE SUBMITTED FOR OMB REVIEW, CONTACT: Dr. Jim Gramann, Visiting Chief Social Scientist, National Park Service, Social Science Program, via phone at 202–513–7189, via fax at 202–371–2131, or via electronic mail at *james_gramann@partner.nps.gov.*

SUPPLEMENTARY INFORMATION:

Titles: Cape Cod National Seashore Impacts of Hunting Survey of Visitors and Residents.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of request: New Collection.

Description of need: Because of the long standing tradition of hunting on

Cape Cod, the enabling legislation of Cape Cod National Seashore in 1961 allowed for continued hunting activity within the boundaries of the Seashore. Animal rights groups have argued that environmental and social conditions in and around the Seashore have changed, and that hunting should be discontinued. Public meetings about this issue have been contentious, with the hunting community voicing strong opposition to changes in current hunting regulations within the Seashore. Given the polarity of the current debate, questions remain: Do area residents and visitors object to hunting in the Seashore, are they neutral about the issue, or do they consider it an appropriate and/or desirable use of the area? To what extent do residents and visitors feel threatened by hunting activities? How often do conflicts occur between hunters and non-hunters during the fall and winter hunting seasons? And what is the extent of hunting activity on the Seashore? This study is designed to better understand the scope of hunting activities at the Seashore, the degree of conflict that occurs over the practice, and how people feel about hunting at the Seashore.

Automated data collection: At the present time, there is no automated way to gather this information because it includes directly contacting hunters, visitors to Cape Cod National Seashore, and residents in the six surrounding townships.

Description of respondents: Visitors to Cape Cod National Seashore and residents of the following townships on Cape Cod: Provincetown, Truro, Wellfleet, Eastham, Orleans, and Chatham.

Estimated average number of respondents: 2,900.

Estimated average number of responses: 2,900.

Estimated average burden hours per response: 20 minutes.

Frequency of Response: 1 time per respondent.

Estimated annual reporting burden: 929 hours.

Dated: November 17, 2004.

Leonard E. Stowe,

Acting, National Park Service Information Collection Clearance Officer.

[FR Doc. 05–3347 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

CONCID#	Concessioner name	Park
AMIS002	Forever Resorts, LLC	Amistad National Recreation Area.
AMIS003	Rough Canyon Marina	Amistad National Recreation Area.
BAND001	Bandelier Trading, Inc	Bandelier NM.
BRCA002	Bryce-Zion Trail Rides	Bryce Canyon NP.
CAVE001	Cavern Supply Company, Inc	Carlsbad Caverns NP.
CURE001	Elk Creek Marina	Curecanti National Recreation Area.
GLAC001	Glacier Park Boat Company, Inc	Glacier National Park.
GLAC003	Mule Shoe Outfitters, LLC	Glacier National Park.
GLAC006	Glacier Wilderness Guides	Glacier National Park.
GLAC010	Edward DesRosier (Sun Tours)	Glacier National Park.
GLCA001	Wilderness River Adventures	Glen Canyon National Recreation Area.
GLCA021	Banner Health, Page Hospital	Glen Canyon National Recreation Area.
GRCA004	Jerman-Mangum Enterprises, Inc	Grand Canyon NP.
GRCA005	Verkamps, Inc	Grand Canyon National Park.
GRTE003	Signal Mountain	Grand Canyon National Park.
LAMR002	Forever Resorts, LLC	Lake Meredith National Recreation Area.
MEVE001	ARAMARK	Mesa Verde National Park.
PAIS001	Forever Resorts, LLC	Padre Island National Seashore.
PEFO001	Xanterra Parks and Resorts	Petrified Forest National Park.
ROMO001	Forever Resorts, LLC	Rocky Mountain National Park.
TICA001	Carl and Betsy Wagner	Timpanogos Cave National Monument.
WHSA001	White Sands Company, Inc	White Sands National Monument.
YELL077	Xanterra Parks and Resorts, Inc	Yellowstone National Park.

DATES: Effective Date: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo. A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone, 202/513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3329 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to 36 CFR 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring concession contracts for a period of up to one year, or until such time as a new contract is executed, whichever occurs sooner.

SUPPLEMENTARY INFORMATION: All of the listed concession authorizations will expire by their terms on or before December 31, 2004. The National Park Service has determined that the proposed short-term extensions are necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. These extensions will allow the National Park Service to complete and issue prospectuses leading to the competitive selection of concessioners for new long-term concession contracts covering these operations.

Conc ID No.	Concessioner name	Park
DENA023–97	Doug Geeting Aviation	Denali National Park.
DENA024–97	Hudson Air Service	Denali National Park.
DENA025–97	K–2-Rustair	Denali National Park.
DENA027–97	McKinley Air Service	Denali National Park.
DENA028–97	James Trumbull, Inc.	Denali National Park.
DENA029–97	Talkeetna Air Taxi	Denali National Park.
WRST001–98	Daniel Schwarzer	Wrangell-St. Elias National Preserve.
WRST002–98	Melvin Gillis	Wrangell-St. Elias National Preserve.
WRST003–98	W. Kirk Ellis	Wrangell-St. Elias National Preserve.
WRST004–98	W. Cole Ellis	Wrangell-St. Elias National Preserve.
WRST005–98	Jeffrey Chadd	Wrangell-St. Elias National Preserve.
WRST006–98	Robert Fithian	Wrangell-St. Elias National Preserve.
WRST007–98	Mark Collins	Wrangell-St. Elias National Preserve.
WRST009–98	Lorene Ellis	Wrangell-St. Elias National Preserve.
WRST010–98	Matt Owen	Wrangell-St. Elias National Preserve.
WRST011–98	Terry Overly	Wrangell-St. Elias National Preserve.
WRST012–98	Urban Rahoi	Wrangell-St. Elias National Preserve.
WRST013–98	Thomas Vaden	Wrangell-St. Elias National Preserve.
WRST014–98	John Claus	Wrangell-St. Elias National Preserve.
WRST015–98	Paul Claus	Wrangell-St. Elias National Preserve.
WRST016–98	Richard G. Peterson	Wrangell-St. Elias National Preserve.
WRST017–98	Chuck McMahan	Wrangell-St. Elias National Preserve.

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

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC, 20240, Telephone 202/513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3330 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to 36 CFR 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring concession contracts for a period of up to 1 year, or until such time as a new contract is executed, whichever occurs sooner.

SUPPLEMENTARY INFORMATION: The listed concession authorizations will expire by their terms on or before December 31, 2004. The National Park Service has determined that the proposed short-term extensions are necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. These extensions will allow the National Park Service to complete and issue a prospectus leading to the competitive selection of a concessioner for a new long-term concession contract covering these operations.

Conc ID No.	Concessioner name	Park
CACH001	White Dove, Inc.	Canyon de Chelly NM.
CANY001	Adventure Bound, Inc.	Canyonlands NP.
CANY002	Abercrombie and Kent American Adventures, LTD	Canyonlands NP.
CANY003	Navtec Expeditions	Canyonlands NP.
CANY004	Outward bound Wilderness, Inc. (Outward Bound West)	Canyonlands NP.
CANY005	Colorado River and Trails Expeditions, Inc.	Canyonlands NP.
CANY006	Don Hatch River Expeditions, Inc.	Canyonlands NP.
CANY007	Holiday River Expeditions, Inc.	Canyonlands NP.

Conc ID No.	Concessioner name	Park
CANY009	Moki Mac River Expeditions, Inc.	Canyonlands NP.
CANY010	Oars Canyonlands, Inc.	Canyonlands NP.
CANY011	Western River Expeditions, Inc. (Adventure River Expeditions, Inc.)	Canyonlands NP.
CANY012	Niskanen & Jones, Inc. (San Juan Expeditions)	Canyonlands NP.
CANY014	Niskanen & Jones, Inc. (Tag-A-Long Expeditions)	Canyonlands NP.
CANY015	Holiday River Expeditions, Inc.	Canyonlands NP.
CANY016	Tour West, Inc.	Canyonlands NP.
CANY017	Western River Expeditions, Inc.	Canyonlands NP.
CANY018	American Wilderness Expeditions, Inc. (Adrift Adventures of Canyonlands).	Canyonlands NP.
CANY019	Niskanen & Jones, Inc. (Tag-A-Long Expeditions)	Canyonlands NP.
CANY020	World Wide River Expeditions, Inc.	Canyonlands NP.
GRCA002	North Rim, Xanterra Parks and Resorts	Grand Canyon NP.
GRTE001	Grand Teton Lodge Company	Grand Teton NP.
YELL004	Yellowstone Park Service Station	Yellowstone NP.

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

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC, 20240, Telephone (202) 513–7156.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3331 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

CONCID#	Concessioner name	Park
CABR001	Cabrillo Historical Association (Cabrillo National Monument Foundation.	Cabrillo NM.
DEVA001	Scotty's Castle	Death Valley NP.
DEVA002	Stovepipe Wells	Death Valley NP.
GOGA001	Blue and Gold Fleet, L.P.	Golden Gate NRA.
GOGA007	Golden Gate National Park Assn.	Golden Gate NRA.
GOGA008	Louis' Restaurant	Golden Gate NRA.
LACH003	Lake Chelan Recreation, Inc. (North Cascades Stehekin Lodge)	Lake Chelan NRA.
LAME001	Cottonwood Cove Resort	Lake Mead NRA.
LAME003	Lake Mead Resort	Lake Mead NRA.
LAME005	Calville Bay Resort	Lake Mead NRA.
LAME006	Las Vegas Boat Harbor	Lake Mead NRA.
LAME007	Lake Mohave Resort	Lake Mead NRA.
LAME008	Overton Beach Marina	Lake Mead NRA.
LAME010	Echo Bay Resort	Lake Mead NRA.
MORA001	Rainier Mountaineering, Inc.	Mount Rainier NP
MORA004	John P. Squires	Mount Rainier NP
MUWO001	Aramark Leisure Services	Muir Woods NM.
OLYM001	ARAMARK Sports and Entertainment Services, Inc. (Kalaloch Lodge, Inc.).	Olympic NP.
OLYM005	Crescent West	Olympic NP.
ROLA003	Ross Lake Resort	Ross Lake NRA.
WHIS001	Oak Bottom Marina	Whiskeytown NRA.

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC, 20240 Telephone, 202/513–7156.

Dated: December 30, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3332 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

CONCID#	Concessioner name	Park
CC–CUVA001–94	Hostelling International—NE Ohio Council (Stanford American Youth Hostel).	Cuyahoga Valley NRA.
CC–ENPA001–91	Eastern National Park & Monument Assn	Eastern NP & MA.
CC–HOSP004–88	Libbey Memorial Physical Medicine Center	Hot Springs NP.
CC–ISRO001–95	Donald E. Kilpela (The Royale, Line, Inc.)	Isle Royale NP.
CC–ISRO007–95	Clara E. Sivertson (Grand Portage-Isle Royale Transportation Line, Inc.).	Isle Royale NP.
CC–MWRO001–95	Eastern National Park & Monument Assn	Midwest Regional Office.
CC–OZAR001–88	Shane and Kimberly Van Steenis (Alley Spring Canoe Rental)	Ozark NSR.
CC–OZAR012–88	Akers Ferry Canoe Rental, Inc.	Ozark NSR.
CC–OZAR018–97	Shane Van Steenis (Two Rivers Canoe Rental)	Ozark NSR.
CC–SLBE005–87	G. Michael Grosvenor (Manitou Island Transit)	Sleeping Bear Dunes NL.
CC–THRO001–98	Shadow Country Outfitters	Theodore Roosevelt National Park.

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone (202) 513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3333 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice; Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

Concid No.	Concessioner's name	Park
CC–BISC006–89	Florida National Parks & Monuments Assoc., Inc	Biscayne National Park.
CC–BISO006–96	The View/Bear Camp (Bear Creek Campgrounds & Equestrian Area)	Big South Fork NRRA.
CC–BLRI001–93	Southern Highland Handicraft Guild	Blue Ridge Parkway.
CC–BLRI002–83	Northwest Trading Post, Inc.	Blue Ridge Parkway.
CC–BUIS001–98	Southern Seas, Inc.	Buck Island Reef NM.
CC–BUIS006–98	Teroro, Inc.	Buck Island Reef NM.
CC–BUIS015–98	Milemark, Inc.	Buck Island Reef NM.
CC–CAHA001–98	Avon-Thornton Limited Partnership	Cape Hatteras National Seashore.
CC–CAHA002–98	Cape Hatteras Fishing Pier, Inc.	Cape Hatteras National Seashore.
CC–CAHA003–98	Hatteras Island Motel Limited Partnership	Cape Hatteras National Seashore.
CC–CAHA004–98	Oregon Inlet Fishing Center, Inc.	Cape Hatteras National Seashore.
CC–CALO003–98	Morris Marina, Kabin Kamps & Ferry Service, Inc	Cape Lookout NS.
CC–EVER002–89	Everglades National Park Boat Tours, Inc.	Everglades National Park.
CC–EVER001–80	Xanterra Parks and Resorts	Everglades National Park.
CC–FOSU001–86	Fort Sumter Tours, Inc.	Fort Sumter NM.
CC–GRSM002–83	Leconte Lodge, Inc.	Great Smoky Mountains NP.
CC–GRSM007–94	Smokemont Riding Stables of North Carolina, Inc	Great Smoky Mountains NP.
CC–VIIS001–71	Caneel Bay, Inc.	Virgin Islands NP.

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone 202/513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3334 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice; Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service has requested a continuation of visitor services for the following expiring concession contract for a period of 2 years until December 31, 2006, or until such time as a new contract is awarded, whichever occurs first.

SUPPLEMENTARY INFORMATION: The listed concession authorization expires on December 31, 2004. Under the provisions of current concession contracts and pending the development and public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 2 years, or until such time as a new contract is awarded, whichever occurs first, under the terms and conditions of the current concession contract, as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

Concession Contract no.	Concessioner Name	Park
CC–LAME002	Lake Mead RV Village	Lake Mead National Recreation Area

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC, 20240 Telephone 202/513–7156.

Dated: December 30, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration Business Practices and Workforce Development.

[FR Doc. 05–3335 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice; Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to 36 CFR 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring concession contracts for a period of up to one year, or until such time as a new contract is executed, whichever occurs sooner.

SUPPLEMENTARY INFORMATION: All of the listed concession authorizations will expire by their terms on or before December 31, 2004. The National Park Service has determined that the proposed short-term extensions are necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. These extensions will allow the National Park Service to complete and issue prospectuses leading to the competitive selection of concessioners for new long-term contracts covering these operations.

Conc ID No.	Concessioner name	Park
CHIS003	Truth Aquatics	Channel Islands National Park.
LAME009	Seven Resorts, Inc.	Lake Mead NRA.
OLYM002	Log Cabin Resort, Inc.	Olympic NP.
YOSE001	Best's Studio, Inc.	Yosemite NP.

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone 202/513–7156

Dated: December 30, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3336 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice; Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

CONCID#	Concessioner Name	Park
CACO006–97	Hosteling International	Cape Cod NS
FOMC001–96	Evelyn Hill, Inc.	Fort McHenry NM & Historical Shrine

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone, 202/513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3337 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice; Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public Notice.

SUMMARY: Pursuant to 36 CFR 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring concession contract for a period of up to one year, or until such time as a new contract is executed, whichever occurs sooner.

SUPPLEMENTARY INFORMATION: The listed concessions authorization will expire by its terms on April 14, 2005. The National Park Service has determined that the proposed short-term extension is necessary in order to avoid interruption of visitor services and had taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. This extension will allow the National Park Service to complete and issue a prospectus leading to the competitive selection of a concessioner for a new long-term concession contract covering this operation.

Concid ID No.	Concessioner name	Park
INDE001–94	City Tavern, Concepts by Staib, Ltd.	Independence National Historic Park.

EFFECTIVE DATE: April 14, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone 202/513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3338 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to 36 CFR 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring concession contracts for a period of up to one year, or until such time as a new contract is executed, whichever occurs sooner.

SUPPLEMENTARY INFORMATION: All of the listed concession authorizations will expire by their terms on or before December 31, 2004. The National Park Service has determined that the proposed short-term extensions are necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. These extensions will allow the National Park Service to complete and issue prospectuses leading to the competitive selection of concessioners for new long-term concession contracts covering these operations.

Conc ID number	Concessioner name	Park
ACC006	Thanh Van Vo and Hung Thi Nguyen	National Capital Parks—Central.
ACC007	Thanh Van Vo and Hung Thi Nguyen	National Capital Parks—Central.

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone (202) 513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3339 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice; Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 1 year from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contracts listed below have been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year under the terms and conditions of the current contract as

amended. The continuation of operation does not affect any rights with respect to selection for award of a new concession contract.

Conc ID No.	Concessioner name	Park
NACE003	Buzzard Point Boatyard	National Capital Parks-East.
CHOH001	Fletcher's Boat House, Inc	Chesapeake & Ohio Canal NHP.
ROCR003	Golf Course Specialists, Inc	Rock Creek Park.
PRWI001	Prince William Travel Trailer Village, Inc	Prince William Forest Park.

EFFECTIVE DATE: January 2,2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC, 20240, Telephone 202/513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3340 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice, Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to 36 CFR 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring concession contract for a period of up to one year, or until such time as a new contract is excuted, whichever occurs sooner.

SUPPLEMENTARY INFORMATION: The listed concession authorization will expire by its terms on or before February 28, 2005. The National Park Service has determined that the proposed short-term extension is necessary in order to avoid interruption of visitor services and has taken all reasonable and aappropriate steps to consider alternatives to avoid such interruption. This extension will allow the National Park Service to complete and issue a prospectus leading to the competitive selection of a concessioners for a new long-term concession contract covering this operation.

Conc ID No.	Concessioner name	Park
LAME017	Forever Resorts	Lake Mead NRA.
YELL001	Medcore, Inc. (West Park Hospital/Yellowstone Park Me. Serv. (Medcore)).	Yellowstone NP.

EFFECTIVE DATE: February 28, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC, 20240, Telephone 202/513–7156.

Dated: December 17, 2004.

Alfred J. Pool, III

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3341 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice; Continuation of Visitor Services

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service intends to request a continuation of visitor services for a period not-to-exceed 2 years from the date of contract expiration.

SUPPLEMENTARY INFORMATION: The contract listed below has been extended to maximum allowable under 36 CFR 51.23. Under the provisions of current concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 2 years under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract.

Conc ID Number	Concessioner name	Park
GLCA003	ARAMARK Leisure Services, Inc.	Glen Canyon NRA.

EFFECTIVE DATE: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo. A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone (202) 513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III

Acting Associate Director, Administration, Business Practices and Workforce Development.

[FR Doc. 05–3342 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Public Notice

AGENCY: National Park Service, Interior.

SUMMARY: Pursuant to 36 CFR 51.23, public notice is hereby given that the National Park Service proposes to extend the following expiring

concession contracts for a period of up to one year, or until such time as a new contract is executed, whichever occurs sooner.

SUPPLEMENTARY INFORMATION: All of the listed concession authorizations will expire by their terms on or before December 31, 2004. The National Park Service has determined that the proposed short-term extensions are necessary in order to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. These extensions will allow the National Park Service to complete and issue prospectuses leading to the competitive selection of concessioners for new long-term concession contracts covering these operations.

Concid ID No.	Concessioner name	Park
CC–BUFF001–99	Buffalo Point	Buffalo National River.
CC–HOSP002–94	Buckstaff Bath House Company	Hot Springs National Park.
CC–OZAR016–89	Carr's Grocery/Canoe Rental	Ozark National Scenic Riverway.

EFFECTIVE DATES: January 2, 2005.

FOR FURTHER INFORMATION CONTACT: Jo A. Pendry, Concession Program Manager, National Park Service, Washington, DC 20240, Telephone 202/513–7156.

Dated: December 17, 2004.

Alfred J. Poole, III,

Acting Associate Director, Administration, Business, Practices and Workforce Development.

[FR Doc. 05–3345 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–53–M

DEPARTMENT OF THE INTERIOR

National Park Service

Boston Harbor Islands Advisory Council; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) that the Boston Harbor Islands Advisory Council will hold its annual meeting on Wednesday, March 2, 2005. The meeting will convene at 6 p.m. at the University of Massachusetts-Boston, 100 Morrissey Boulevard, Student Center, Boston, MA.

The Advisory Council was appointed by the Director of National Park Service pursuant to Pub. L. 104–333. The 28 members represent business, educational/cultural, community and environmental entities; municipalities surrounding Boston Harbor; Boston Harbor advocates; and Native American interests. The purpose of the Council is to advise and make recommendations to the Boston Harbor Islands Partnership with respect to the development and implementation of a management plan and the operations of the Boston Harbor Islands national park area.

The Agenda for this meeting is as follows:

1. Call to Order, Introductions of Advisory Council members present
2. Review and Approval of Minutes from the December 1, 2004 meeting
3. Guest Speaker from the Massachusetts Department of Conservation and Recreation about the Reorganization of the Agency
4. Update on Outreach Program
5. Nomination for Advisory Council Seats
6. Election of Officers
7. Report from the Superintendent
8. Public Comment
9. Next Meeting
10. Adjourn

The meeting is open to the public. Further information concerning Council meetings may be obtained from the Superintendent, Boston Harbor Islands. Interested persons may make oral/written presentations to the Council or file written statements. Such requests should be made at least seven days prior to the meeting to: Superintendent, Boston Harbor Islands NRA, 408 Atlantic Avenue, Boston, MA, 02110, telephone (617) 223–8667.

Dated: January 17, 2005.

George E. Price, Jr.,

Superintendent, Boston Harbor Islands NRA.

[FR Doc. 05–3328 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Preservation Technology and Training Board—National Center for Preservation Technology and Training: Meeting

AGENCY: National Park Service, U.S. Department of the Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. Appendix (1988)), that the Preservation Technology and Training Board (Board) of the National Center for Preservation Technology and Training, National Park Service will meet on Tuesday, March 29, 2005, in Natchitoches, Louisiana.

The Board was established by Congress to provide leadership, policy advice, and professional oversight to the National Park Service's National Center for Preservation Technology and Training (National Center) in compliance with Section 404 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470x–2(e)).

The Board will meet at the Headquarters of the National Center in Lee H. Nelson Hall on the campus of Northwestern State University, 645 College Avenue, Natchitoches, Louisiana 71457—telephone (318) 356–7444. The meeting will begin at 9 a.m. and end no later than 5 p.m.

The Board's meeting agenda will include: electing a new Board Chair and Vice Chair; review and comment on National Center operations priorities for FY 2005 and 2006; status of on-going National Center initiatives; future of the Louisiana Heritage Education Initiative; development and launch of the Lee H. Nelson Prize in Historic Preservation Technology; review, comment, and final action on the National Center Business Plan; Board workgroup reports; and progress in developing a National Center Friends Group among others.

The Board meeting is open to the public. Facilities and space for accommodating members of the public are limited, however, and persons will be accommodated on a first come, first served basis. Any member of the public may file a written statement concerning any of the matters to be discussed by the Board.

Persons wishing more information concerning this meeting, or who wish to submit written statements, may contact: Mr. de Teel Patterson Tiller, Deputy Associate Director, Cultural Resources, National Park Service, U.S. Department of the Interior, 1849 C Street, NW.—Room 3128 MIB, Washington, DC 20240—telephone (202) 208–7625. Increased security in the Washington, DC area may cause delays in the delivery of the U.S. Mail or commercial delivery to government office buildings. In addition to U.S. Mail or commercial delivery, written comments may be sent by fax to Mr. Tiller at (202) 273–3237.

Minutes of the meeting will be available for public inspection no later than 90 days after the meeting at the office of the Deputy Associate Director, Cultural Resources, National Park Service, U.S. Department of the Interior, 1849 C Street, NW.—Room 3128 MIB, Washington, DC 20240—telephone (202) 208–7625.

Dated: January 28, 2005.

de Teel Patterson Tiller,

Deputy Associate Director, Cultural Resources, National Park Service.

[FR Doc. 05–3346 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: U.S. Department of the Interior, Fish and Wildlife Service, Great Lakes-Big Rivers Region, Fort Snelling, MN

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the U.S. Department of the Interior, Fish and Wildlife Service, Great Lakes-Big Rivers Region, Fort Snelling, MN. The human remains were removed from the area of Ottawa, La Salle County, IL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by U.S. Fish and Wildlife Service professional staff in consultation with representatives of the Ho-Chunk Nation of Wisconsin and Winnebago Tribe of Nebraska.

In the 1920s, human remains representing one individual were removed from an unspecified site near Ottawa, La Salle County, IL. The remains consist of the frontal portion of a skull, including the upper and lower jaws. No known individual was identified. No associated funerary objects are present.

U.S. Fish and Wildlife Service agents seized the human remains as part of an investigation of illegal trafficking of Native American human remains [18 U.S.C. 1170 (a)]. Subsequent examination by an anthropologist and testing of the human remains revealed that they are of an approximately 24-year-old Native American female that lived sometime between A.D. 1030 and 1290. On July 25th, 2002, U.S. District Court Magistrate Judge Nan R. Nolan ordered that control of the human remains be transferred to the U.S. Fish and Wildlife Service for purposes of repatriation.

Consultation with representatives of the Ho-Chunk Nation of Wisconsin and Winnebago Tribe of Nebraska indicate that the area of Ottawa, IL, was occupied by Winnebago people from A.D. 500 to 1600. The present-day Indian tribes most closely associated with the Winnebago people are the Ho-Chunk Nation of Wisconsin and Winnebago Tribe of Nebraska.

Officials of the U.S. Fish and Wildlife Service have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the U.S. Fish and Wildlife Service also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Ho-Chunk Nation of Wisconsin and Winnebago Tribe of Nebraska.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Mary Jane Lavin, Special Agent in Charge, U.S. Fish and Wildlife Service, P.O. Box 45, Federal Building, Fort Snelling, MN 55111-4056, telephone (612) 713-5320, before March 24, 2005. Repatriation of the human remains to the Winnebago Tribe of Nebraska may begin after that if no additional claimants come forward.

The U.S. Fish and Wildlife Service is responsible for notifying the Ho-Chunk Nation of Wisconsin and Winnebago Tribe of Nebraska that this notice has been published.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 05–3321 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Missouri Department of Natural Resources

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the Missouri Department of Natural Resources, Jefferson City, MO. The human remains were removed from archeological site 23CK116, the Illiniwek Village State Historic Site, Clark County, MO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Missouri Department of Natural Resources professional staff in consultation with representatives of the Peoria Tribe of Indians of Oklahoma.

In 1998, human remains representing a minimum of one individual were removed from 23CK116, the Illiniwek Village State Historic Site, in Clark County, MO (burial case 95-006). The human remains were recovered by Department of Natural Resources, Division of State Parks archeologists in 1998 from an actively eroding farm road crossing the Illiniwek Village site. The human remains were transported to Jefferson City and have been kept in curation in a state-owned facility. No known individual was identified. No associated funerary objects are present.

The human remains have been identified as Illinois based on the information in the 1673 Mississippi river journals of Marquette and Joliet, describing a village on the Des Moines River known as ''Peoria'' with approximately 8,000 inhabitants, and on the recovery of historic artifacts and trade goods. The human remains are very gracile, as is typical of the Illinois.

Officials of the Missouri Department of Natural Resources have determined that, pursuant to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Missouri Department of Natural Resources also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Peoria Tribe of Indians of Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Judith Deel, Department of Natural Resources, State Historic Preservation Office, 101 East High Street, Jefferson City, MO 65101, telephone (573) 751-7862, before March 24, 2005. Repatriation of the human remains to the Peoria Tribe of Indians of Oklahoma may proceed after that date if no additional claimants come forward.

The Missouri Department of Natural Resources is responsible for notifying the Peoria Tribe of Indians of Oklahoma that this notice has been published.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 05–3322 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: University of Missouri-Columbia, Museum of Anthropology, Columbia, MO

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Missouri-Columbia, Museum of Anthropology, Columbia, MO. The human remains were removed from the Utz site in Saline County, MO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the University of Missouri-Columbia professional staff in consultation with representatives of the Iowa Tribe of Oklahoma and the Otoe-Missouria Tribe of Indians, Oklahoma.

In 1950, human remains representing a minimum of one individual (accession number 23SA0002.121), and in 1973, human remains representing a minimum of two individuals (accession numbers 23SA0002.120 and 23SA0002.249) were removed from site 23SA2 (Utz site), Saline County, MO, during excavations conducted by University of Missouri-Columbia professional staff, supervised field school students, and volunteers of the Missouri Archaeological Society. No known individuals were identified. The three associated funerary objects are two pieces of debitage and one soil sample.

Based on oral tradition, types of associated funerary objects from other burials at the same site, and historical documents, this individual has been determined to be Native American. Based on radiocarbon dating, presence of trade objects, and historical documents, the Utz site has been identified as a village occupation estimated to date to approximately A.D. 1460–1712. Oral tradition, archeological evidence, and historical documents indicate that the Utz site was a village of the Missouria Tribe, and therefore, the burials are reasonably believed to be culturally affiliated with the Otoe-Missouria Tribe of Indians, Oklahoma.

Officials of the University of Missouri-Columbia have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of three individuals of Native American ancestry. Officials of the University of Missouri-Columbia also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the three objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the University of Missouri-Columbia have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Otoe-Missouria Tribe of Indians, Oklahoma.

Additional human remains and associated funerary objects from the Utz site (23SA0002) were described in three Notices of Inventory Completion published in the **Federal Register** on July 18, 2000 (FR doc. 00–18137, page 44545), April 3, 2001 (FR doc. 01–8175, pages 17732–17733), and March 7, 2003 (FR doc. 03–5515, page 11142).

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Dr. Michael O'Brien, Director, Museum of Anthropology, 317 Lowry Hall, University of Missouri-Columbia, Columbia, MO 65211, telephone (573) 882–4421, before March 24, 2005. Repatriation of the human remains and associated funerary objects to the Otoe-Missouria Tribe of Indians, Oklahoma may proceed after that date if no additional claimants come forward.

University of Missouri-Columbia, Museum of Anthropology is responsible for notifying the Iowa Tribe of Oklahoma and Otoe-Missouria Tribe of Indians, Oklahoma that this notice has been published.

Dated: January 14, 2005

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. 05–3323 Filed 2–18–05; 8:45 am]

BILLING CODE 4312–50–S

INTERNATIONAL TRADE COMMISSION

[USITC SE–05–006]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: March 8, 2005 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436; Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: none
2. Minutes
3. Ratification List
4. Inv. No. 731–TA–1070B (Final)(Certain Tissue Paper Products from China)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on or before March 18, 2005.)
5. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: February 16, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–3418 Filed 2–17–05; 11:08 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Investigator Integrity Questionnaire.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the FR Volume 69, Number 238, page 72219 on December 13, 2004, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 24, 2005. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Investigator Integrity Questionnaire.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: ATF F 8620.7. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Other: none. Abstract: ATF utilizes the services of contract investigators to conduct security/suitability investigations on prospective or current employees, as well as those contractors and consultants doing business with ATF. Persons interviewed by contract investigators will be randomly selected to voluntarily complete a questionnaire regarding the investigator's degree of professionalism.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There will be an estimated 2,500 respondents, who will complete the form within approximately 5 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 250 total burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Brenda E. Dyer,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 05–3259 Filed 2–18–05; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Application for Registration Under Domestic Chemical Diversion Control Act of 1993 and Renewal Application for Registration under Domestic Chemical Diversion Control Act of 1993.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the FR Volume 69, Number 239, page 74536 on December 14, 2004, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 24, 2005. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Registration Under Domestic Chemical Diversion Control Act of 1993 and Renewal Application for Registration under Domestic Chemical Diversion Control Act of 1993.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: DEA Form 510 and DEA Form 510a. Office of Diversion Control, Drug Enforcement Administration, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: Not-for-profit, government agencies. The Domestic Chemical Diversion Control Act requires that manufacturers, distributors, importers, and exporters of List I chemicals that may be diverted in the United States, for the production of illicit drugs must register with DEA. Registration provides a system to aid in the tracking of the distribution of List I chemicals.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* To Respond: DEA estimates that 3,054 persons respond to this collection annually. DEA estimates that it takes 30 minutes for an average respondent to respond when completing the application on paper, and 15 minutes for an average respondent to respond when completing an application electronically. This application is submitted annually.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are 1,503 total estimated annual hours associated with this information collection.

If additional information is required contact: Brenda E. Dyer, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: February 15, 2005.

Brenda E. Dyer,

Department Clearance Officer, Department of Justice.

[FR Doc. 05–3258 Filed 2–18–05; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employment And Training Administration

[TA–W–53,129]

Bayer Pharmaceuticals Corporation, Pharmaceutical Division, West Haven, CT; Amended Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

Including employees of Bayer Pharmaceuticals Corporation Pharmaceutical Division, West Haven, Connecticut located in the following states:

TA–W–53,129A Alabama
TA–W–53,129V Alaska
TA–W–53,129B Arizona
TA–W–53,129W Arkansas
TA–W–53,129C California
TA–W–53,129X Colorado
TA–W–53,129D Florida
TA–W–53,129Y Georgia
TA–W–53,129E Hawaii
TA–W–53,129Z Idaho
TA–W–53,129F Illinois
TA–W–53,129AA Indiana
TA–W–53,129G Kansas
TA–W–53,129BB Louisiana
TA–W–53,129H Maryland
TA–W–53,129CC Massachusetts
TA–W–53,129I Michigan
TA–W–53,129DD Minnesota
TA–W–53,129J Mississippi
TA–W–53,129EE Missouri
TA–W–53,129K Montana
TA–W–53,129FF Nevada
TA–W–53,129L New Hampshire
TA–W–53,129GG New Jersey
TA–W–53,129M New Mexico
TA–W–53,129HH New York
TA–W–53,129N North Carolina
TA–W–53,129II North Dakota
TA–W–53,129O Ohio
TA–W–53,129JJ Oklahoma
TA–W–53,129P Oregon
TA–W–53,129KK Pennsylvania
TA–W–53,129Q Rhode Island
TA–W–53,129LL South Carolina
TA–W–53,129R South Dakota
TA–W–53,129MM Tennessee
TA–W–53,129S Texas
TA–W–53,129NN Utah
TA–W–53,129T Virginia
TA–W–53,129OO Washington
TA–W–53,129U West Virginia
TA–W–53,129PP Wisconsin

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on October 24, 2003, applicable to workers of Bayer Pharmaceuticals Corporation, Pharmaceutical Division, West Haven, Connecticut. The notice was published in the **Federal Register** on November 28, 2003 (68 FR 66878).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that workers were separated involving employees of the West Haven, Connecticut facility of Bayer Pharmaceuticals Corporation, Pharmaceutical Division located in the above mentioned states. These employees provided sales support services for the production of pharmaceutical products at the West Haven, Connecticut location of the subject firm.

Based on these findings, the Department is amending this certification to include employees of the West Haven, Connecticut facility of Bayer Pharmaceuticals Corporation, Pharmaceutical Division, located in the above mentioned states.

The intent of the Department's certification is to include all workers of Bayer Pharmaceuticals Corporation, Pharmaceutical Division, West Haven, Connecticut, who were adversely affected by increased imports.

The amended notice applicable to TA-W–53,129 is hereby issued as follows:

All workers of Bayer Pharmaceuticals Corporation, Pharmaceutical Division, West Haven, Connecticut (TA–W–53,129), including employees of Bayer Pharmaceuticals Corporation, Pharmaceutical Division, West Haven, Connecticut, located in the following states: Alabama (TA–W–53,129A), Arizona (TA–W–53,129B), California (TA–W–53,129C), Florida (TA–W–53,129D), Hawaii (TA–W–53,129E) Illinois (TA–W–53,129F), Kansas (TA–W–53,129G), Maryland (TA–W–53,129H), Michigan (TA–W–53,129I, Mississippi (TA–W–53,129J), Montana (TA–W–53,129K), New Hampshire (TA–W–53,129L), New Mexico (TA–W–53,129M), North Carolina (TA–W–53,129N), Ohio (TA–W–53,129O), Oregon (TA–W–53,129P), Rhode Island (TA–W–53,129Q), South Dakota (TA–W–53,129R), Texas (TA–W–53,129S), Virginia (TA–W–53,129T), West Virginia (TA–W–53,129U), Alaska (TA–W–53,129V), Arkansas (TA–W–53,129W), Colorado (TA–W–53,129X), Georgia (TA–W–53,129Y), Idaho (TA–W–53,129Z), Indiana (TA–W–53,129AA), Louisiana (TA–W–53,129BB), Massachusetts (TA–W–53,129CC), Minnesota (TA–W–53,129DD), Missouri (TA–W–53,129EE), Nevada (TA–W–53,129FF), New Jersey (TA–W–53,129GG), New York (TA–W–53,129HH), North Dakota (TA–W–53,129II), Oklahoma (TA–W–53,129JJ), Pennsylvania (TA–W–53,129KK), South Carolina (TA–W–53,129LL), Tennessee (TA–W–53,129MM), Utah (TA–W–53,129NN), Washington (TA–W–53,129OO), Wisconsin (TA–W–53,129PP),who became totally or partially separated from employment on or after October 1, 2002, through October 24, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 1st day of February, 2005.

Richard Church,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–686 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–56,172]

Cooper-Atkins Corporation, Including Leased Workers of Wal-Staf Staffing Agency, Gainesville, FL; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on January 13, 2005, applicable to workers of Cooper-Atkins Corporation, Gainesville, Florida. The notice was published in the **Federal Register** on February 7, 2005 (70 FR 6460).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the company shows that leased workers of Wal-Staf Staffing Agency were employed at Cooper-Atkins Corporation to produce thermocouple thermometers at the Gainesville, Florida location of the subject firm.

Based on these findings, the Department is amending this certification to include leased workers of Wal-Staf Staffing Agency, Gainesville, Florida employed at Cooper-Atkins Corporation, Gainesville, Florida.

The intent of the Department's certification is to include all workers of Cooper-Atkins Corporation who were adversely affected by increased imports.

The amended notice applicable to TA-W–56,172 is hereby issued as follows:

All workers of Cooper-Atkins Corporation, Gainesville, Florida including leased workers of Wal-Staf Staffing Agency, Gainesville engaged in employment related to the production of thermocouple thermometers at Cooper-Atkins Corporation, Gainesville, Florida, who became totally or partially separated from employment on or after December 6, 2003, through January 13, 2007, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974 and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed at Washington, DC this 9th day of February 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–690 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,848]

Crotty Corporation, Quincy, MI; Notice of Revised Determination on Reconsideration

By letter dated December 16, 2004, a petitioner requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on December 1, 2004, based on the finding that the workers of the subject facility did not supply a component part to a trade certified firm, because the articles produced by the petitioning worker group were finished products, and not component parts of articles that were the basis for certification of the primarily affected firm. Moreover, imports of automotive sun visors did not contribute importantly to worker separations at the subject plant, and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on December 22, 2004 (69 FR 76785).

To support the request for reconsideration, the petitioner supplied additional information indicating that although the subject firm had lost a contract to produce a specific model line of sun visors (GMT–360) for a major customer to another domestic firm, that firm actually produces the sun visors in Mexico.

Upon further review and contact with the subject firm and the major customer, it was revealed that when the original bid survey was conducted, the major customer did not know that the winning bidder (another domestic firm) would be producing the sun visors in Mexico. New information confirms that said sun visors are now being produced in Mexico and imported to the U.S. for delivery to the customer.

The investigation further revealed that there were declines in sales, production, and employment at the subject facility during the relevant period, and the loss of this contract accounted for a meaningful portion of the subject facility's lost sales and production.

In accordance with section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of section 246 have been met.

A significant number of workers at the subject division are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Crotty Corporation, Quincy, Michigan, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Crotty Corporation, Quincy, Michigan, who became totally or partially separated from employment on or after October 20, 2003 through two years from the date of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC this 14th day of February 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–689 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,826]

Dendrite International Stroudsburg, PA; Notice of Affirmative Determination Regarding Application for Reconsideration

By application of December 14, 2004, petitioners requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The Department's negative determination was signed on November 18, 2004. The Notice of determination was published in the **Federal Register** on December 9, 2004 (69 FR 71428).

The petitioner asserts that the workers produce an article, licensed pharmaceutical sales software which is sold to third-party customers in a physical medium (CD or flash cards).

The Department has carefully reviewed the petitioner's request for reconsideration and has determined that the Department will conduct further investigation based on new information provided by the petitioner and the company official.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 31st day of January 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 05–3354 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,898]

Glenshaw Glass Company, Glenshaw, PA; Notice of Affirmative Determination Regarding Application for Reconsideration

By application of January 20, 2005, the Glass, Molders, Pottery, Plastics and Allied Workers International Union, Locals 134 and 76, requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on December 1, 2004. The Notice of determination was published in the **Federal Register** on December 22, 2004 (69 FR 76785).

The petitioner alleges that foreign competition, including the loss of business to foreign manufacturers, contributed to the closure of the subject facility.

The Department carefully reviewed the petitioner's request for reconsideration and has determined that the Department will conduct further investigation based on new information provided by the petitioner and company official.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 1st day of February 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–691 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment And Training Administration

[TA–W–55,408]

Kokoku Wire Industries, South Bend, IN; Notice of Negative Determination on Reconsideration

On December 7, 2004, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The Department's Notice of determination was published in the **Federal Register** on December 20, 2004 (69 FR 76016).

The Department initially denied Trade Adjustment Assistance (TAA) to workers of Kokoku Wire Industries, South Bend, Indiana (''Kokoku Wire'') because the ''contributed importantly'' and shift of production group eligibility requirements of Section 222(3) of the Trade Act of 1974, as amended, were not met. The initial investigation revealed that neither the subject company nor its customers increased import purchases of steel wire for automotive control cables during the relevant period and that there was no shift of production. The Department also denied Alternate Trade Adjustment Assistance (ATAA) to workers since the workers were not certified eligible for TAA.

In the request for reconsideration, the petitioner alleged that the subject's major customers increased import purchases during the relevant time period.

During the reconsideration investigation, the Department carefully reviewed the record, requested additional information from the subject company, and conducted another, more extensive customer survey regarding purchases of steel wire for automotive control cables during 2002, 2003, January through August 2003 and January through August 2004.

A careful review of the record confirms that the subject company's inability to secure raw materials was a determining factor for the plant closure in July 2004.

Additional information provided by the company official revealed that the subject company had a group of smaller customers who decreased purchases during the investigatory period. A survey of those customers revealed no imports of steel wire for automotive control cables during the relevant period.

An investigation for ATAA certification eligibility was not conducted because the workers are not certified for TAA.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Kokoku Wire Industries, South Bend, Indiana.

Signed at Washington, DC, this 3rd day of February 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–687 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

[TA-W–55,742]

Rock-Tenn Company, Otsego, MI; Notice of Revised Determination on Reconsideration

On January 25, 2005, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers

and former workers of the subject firm. The notice will soon be published in the **Federal Register**.

The previous investigation initiated on October 6, 2004, resulted in a negative determination issued on November 8, 2004, based on the finding that imports of paperboard rolls did not contribute importantly to worker separations at the subject firm and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on December 9, 2004 (69 FR 71428).

In the request for reconsideration, the petitioner provided additional information regarding subject firm's customers. Upon further review, it was revealed that the Department did not request a list of declining domestic customers during the initial investigation due to the understanding that the subject firm produced paperboard rolls to satisfy the in-house demand.

Having conducted a detailed investigation on reconsideration, it was established that the subject firm supplied a number of affiliated facilities with low-density paperboard. The Department surveyed these facilities as customers of the subject firm. It was revealed that the major declining customer absolutely increased its imports of low-density paperboard in the relevant period. The imports accounted for a meaningful portion of the subject plant's lost sales and production.

In accordance with section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Rock-Tenn Company, Otsego, Michigan, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Rock-Tenn Company, Otsego, Michigan, who became totally or partially separated from employment on or after September 29, 2003 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed in Washington, DC this 4th day of February 2005.

Elliott S. Kushner,

Certifying Officer, Division, of Trade Adjustment Assistance.

[FR Doc. E5–688 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–52, 517]

Solutia, Inc. Nylon Business Unit Including Leased Workers of Kelly Services Austin Industrial and the Mundy Companies Decatur AL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 22, 2003, applicable to workers of Solutia, Inc., Nylon Business Unit, including leased workers of Kelly Services and Austin Industrial, Decatur, Alabama. The notice was published in **Federal Register** on November 6, 2003 (68 FR 62834).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. Information provided by the company shows that workers of The Mundy Companies were leased to Solutia, Inc., Nylon Business Unit. Solutia, Inc., produces produce acrylic fibers and chemicals at its Decatur, Georgia plant.

Based on this new information, the Department is amending the certification to include leased workers of The Mundies Companies engaged in activities related to the production of working at Solutia, Inc., Nylon Business Unit, Decatur, Alabama.

The intent of the Department's certification is to include all workers of Solutia, Inc., Nylon Business Unit, who were adversely affected by increased imports.

The amended notice applicable to TA–W–52, 517 is hereby issued as follows:

Workers of Solutia, Inc., Nylon Business Unit, including leased workers of Kelly Services, Austin Industrial and The Mundy Companies, Decatur, Alabama, engaged in employment related to the production of acrylic fibers, Decatur, Alabama, who became totally or partially separated from employment on or after August 5, 2002, through September 22, 2005, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Dated: Signed at Washington, DC, this 11th day of February 2005.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 05–3324 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment And Training Administration

[TA–W–52,777]

Steelcase, Inc. Including Leased Workers Of RCM Technologies Grand Rapids, MI; Amended Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued an Amended Revised Determination on Reconsideration Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on March 30, 2004, applicable to workers of Steelcase, Inc., located in Grand Rapids, Michigan. The revised determination was amended to include employees of RCM Technologies working at the subject firm. The notice was published in the **Federal Register** on April 16, 2004 (69 FR 20646–20647).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The workers produce office furniture and furniture parts.

The review shows that the Department inadvertently erred in setting the expiration date at December 11, 2005. The correct expiration date is October 14, 2005, two years after the issuance of the initial certification for

the worker group. Therefore, the Department is again amending the revised determination to reflect the correct impact date.

The amended notice applicable to TA–W–52,777 is hereby issued as follows:

All workers of Steelcase, Inc., Grand Rapids, Michigan, including leased workers of RCM Technologies working at Steelcase, Inc., Grand Rapids, Michigan, who became totally or partially separated from employment on or after August 12, 2002, through October 14, 2005, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 14th day of February, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E5–685 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–55,216]

ITW Insulation Systems, Nitro, WV; Notice of Negative Determination on Reconsideration

On January 11, 2005, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on January 21, 2005 (70 FR 3227).

The petition for the workers of ITW Insulation Systems, Nitro, West Virginia engaged in production of metal jacketing and industrial thermal insulation applications was denied because the ''contributed importantly'' group eligibility requirement of Section 222 of the Trade Act of 1974, as amended, was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the workers' firm's customers. The survey revealed no increase of imports of metal jacketing an industrial thermal insulation applications during the relevant period. The subject firm did not import metal jacketing and industrial thermal insulation applications in the relevant period nor did it shift production to a foreign country.

In the request for reconsideration, the petitioner requests to extend the period for investigation beyond the relevant time period.

A review of the original investigation confirmed that the subject firm ceased its production on June 30, 2004. All the surveys and data requested from the subject firm and its customers reflected this date. The Department considers import impact in terms of the relevant period of the current investigation; therefore import impact that is outside the relevant period are irrelevant. The Department must conform to the Trade Act and associated regulations.

The petitioner further requested to extend the survey of customers to include those in the northeast.

Additional list of customers was requested from the subject firm. As a result, six additional largest customers were surveyed in the reconsideration process. These customers reported no imports of like or directly competitive products with those manufactured by the subject firm during the relevant period.

The petitioner also alleges that the subject firm ''will be supplying their customer base from their facility in Canada.''

A company official was contacted regarding the above allegation. The company official stated that no production has been shifted from the subject firm to Canada, nor is the United States operation importing from Canada.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 9th day of February, 2005.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 05–3355 Filed 2–18–05; 8:45 am]

BILLING CODE 4510–30–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 81, Standard Specification for Granting of Patent Licenses.

2. *Current OMB approval number:* 3150—0121.

3. *How often the collection is required:* Application for licenses are submitted once. Other reports are submitted annually or as other events required.

4. *Who is required or asked to report:* Applicants for and holders of NRC Licenses to NRC inventions.

5. *The number of annual respondents:* 1.

6. *The number of hours needed annually to complete the requirement or request:* 37 hours estimated; however, no applications are anticipated during the next 3 years.

7. *Abstract:* 10 CFR Part 81 establishes the standard specifications for the issuance of licenses to rights in inventions covered by patents or patent applications invested in the United States, as represented by or in the custody of the Commission and other patents in which the Commission has legal rights.

Submit, by April 25, 2005, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft 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 about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton (T–5 F53),

U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV.*

Dated at Rockville, Maryland, this 14th day of February 2005.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 05–3263 Filed 2–18–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–423]

Dominion Nuclear Connecticut, Inc.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–49 issued to the Millstone Power Station, Unit No. 3 for operation in New London County, Connecticut.

The proposed amendment would revise Technical Specification 3/4.3.2, ''Engineered Safety Features Actuation System Instrumentation,'' Table 3.3–3, extending the allowed outage time for the Emergency Generator Load Sequencer (EGLS) from 6 hours to 12 hours. This extension was requested to support maintenance on the EGLS which would correct a recently identified failure of the automatic test circuit for the 'A' EGLS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Pursuant to the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1:

Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change increases the allowed time to restore the inoperable EGLS to operable status from 6 to 12 hours. The proposed change does not modify any plant equipment and does not impact any failure modes that could lead to an accident. Additionally, the proposed change has no affect on the consequence of any analyzed accident since the change does not affect the function of any equipment credited for accident mitigation. Based on this discussion, the proposed amendment does not increase the probability or consequences of an accident previously evaluated.

Criterion 2:

Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change increases the allowed time to restore the inoperable EGLS to operable status from 6 to 12 hours. It does not modify any plant equipment and there is no impact on the capability of existing equipment to perform its intended functions. No system setpoints are being modified and no changes are being made to the method in which plant operations are conducted. No new failure modes are introduced by the proposed changes. The proposed amendment does not introduce accident initiators or malfunctions that would cause a new or different kind of accident. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3:

Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change increases the allowed time to restore the inoperable EGLS to operable status from 6 to 12 hours. The proposed change does not affect any of the assumptions used in the accident analysis, nor does it affect any operability requirements for equipment important to plant safety. Therefore, the proposed change will not result in a significant reduction in the margin of safety as defined in the Bases for Technical Specifications covered in this License Amendment Request.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309,

which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or electronically on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If there are problems in accessing the document, contact the Public Document Room Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the petitioner's right under the Act to be made party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff; or (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HearingDocket@nrc.gov;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemaking and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to (301) 415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06285, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

For further details with respect to this action, see the application for amendment dated February 10, 2005, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated in Rockville, Maryland, this 14th day of February, 2005.

For the Nuclear Regulatory Commission.

Victor Nerses,

Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 05–3262 Filed 2–18–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Request To Amend License To Import Radioactive Waste

Pursuant to 10 CFR 110.70(c) ''Public notice of receipt of an application,'' please take notice that the Nuclear Regulatory Commission has received the following request to amend an import license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link *http://www.nrc.gov/NRC/ADAMS/index.html* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or

petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning this amendment request follows.

NRC IMPORT LICENSE APPLICATION

Name of Applicant, date of application, date received, application number, docket number	Description of material	End use	Country of origin
Diversified Scientific Services, Inc., December 21, 2004, December 28, 2004, IW004/03, 11004982.	Class A radioactive mixed waste containing tritium and carbon-14, and mixed fission product radionuclides.	For processing, incineration and return of resultant residue to Canada. Amend to: (1) extend the expiration date from December 31, 2004, to December 31, 2006; and (2) update the domestic Radioactive Materials License to R–73014–414..	Canada.

Dated this 14th day of February 2005, at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Janice Dunn Lee,

Director, Office of International Programs.

[FR Doc. 05–3264 Filed 2–18–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission will convene a teleconference meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on March 8, 2005. The meeting will be a continued discussion on the ''Update to Medical Event Criteria Definition.'' During this discussion, an ACMUI subcommittee will forward to the full ACMUI its final recommendations regarding revision of the medical event criteria definition in 10 CFR Part 35. NRC staff is seeking the ACMUI's recommendations on this issue, as well as any recommendations on communicating associated risks to the public.

DATES: The teleconference meeting will be held on Tuesday, March 8, 2005, from 1 p.m. to 3 p.m., eastern standard time.

Public Participation: Any member of the public who wishes to participate in the teleconference discussion may contact Ivelisse M. Cabrera using the contact information below.

FOR FURTHER INFORMATION CONTACT: Ivelisse M. Cabrera, telephone (301) 415–8152; e-mail: *imc1@nrc.gov* of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Conduct of the Meeting

Leon S. Malmud, M.D., will chair the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit a reproducible copy to Ivelisse M. Cabrera, U.S. Nuclear Regulatory Commission, Two White Flint North, Mail Stop T8F3, Washington, DC 20555–0001. Hard copy submittals must be postmarked by March 1, 2005. Electronic submittals must be submitted by March 4, 2005. Any submittal must pertain to the topic on the agenda for the meeting.

2. Questions from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection on NRC's Web site (*www.nrc.gov*) and at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852–2738, telephone (800) 397–4209, on or about May 8, 2005. Minutes of the meeting will be available on or about March 22, 2005.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* Part 7.

Dated: February 14, 2005.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 05–3260 Filed 2–18–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 2, 2005, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, March 2, 2005—10 a.m.—11:30 a.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Sam Duraiswamy (telephone: 301–415–7364) between 7:30 a.m. and 4:15 p.m. (e.t.) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (e.t.). Persons

planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the agenda.

Dated: February 14, 2005.

John H. Flack,

Acting Branch Chief, ACRS/ACNW.

[FR Doc. 05–3261 Filed 2–18–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting Notice

AGENCY: Nuclear Regulatory Commission.

DATE: Weeks of February 21, 28, March 7, 14, 21, 28, 2005.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of February 21, 2005

Tuesday, February 22, 2005

9:30 a.m.

Briefing on Status of Office of Information Services (OIS) (formerly OCIO) Programs, Performance, and Plans (Public Meeting) (Contact: Patricia Wolfe, 301–415–6031).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

1:30 p.m.

Briefing on Emergency Preparedness Program Initiatives (Closed—Ex. 1).

Wednesday, February 23, 2005

9:30 a.m.

Briefing on Status of Office of the Chief Financial Officer (OCFO) Programs, Performance, and Plans (Public Meeting) (Contact: Edward New, 301–415–5646).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Thursday, February 24, 2005

1 p.m.

Briefing on Nuclear Fuel Performance (Public Meeting) (Contact: Frank Akstulewicz, 301–415–1136).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of February 28, 2005—Tentative

There are no meetings scheduled for the Week of February 28, 2005.

Week of March 7, 2005—Tentative

Monday, March 7, 2005

10 a.m.

Briefing on Office of Nuclear Material Safety and Safeguards Programs, Performance, and Plans—Materials Safety (Public Meeting) (Contact: Shamica Walker, 301–415–5142).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of March 14, 2005—Tentative

Wednesday, March 16, 2005

9:30 a.m.

Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Week of March 21, 2005—Tentative

There are no meetings scheduled for the Week of March 21, 2005.

Week of March 28, 2005—Tentative

Tuesday, March 29, 2005

9:30 a.m.

Briefing on Office of Nuclear Security and Incident Response (NSIR) Programs, Performance, and Plans (Public Meeting) (Contact: Robert Caldwell, 301–415–1243).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

1 p.m.

Discussion of Security Issues (Closed–Ex. 1).

*The schedule for Commissioner meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Dave Gamberoni, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at *http://www.nrc.gov/what-we-do/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at 301–415–7080, TDD: 301–415–2100, or by e-mail at *aks@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: February 16, 2005.

Dave Gamberoni,

Office of the Secretary.

[FR Doc. 05–3395 Filed 2–17–05; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

[OMB No. 3206–0150]

Submission for OMB Review; Comment Request for Revision of an Expiring Information Collection: Fingerprint Chart Standard Form 87 (SF–87) and Standard Form 87A (SF–87A)

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for revision of an expiring information collection (Fingerprint Charts SF–87 and SF–87A; OMB No. 3206–0150). The Fingerprint Charts are used in processing fingerprint checks submitted to the Federal Bureau of Investigation (FBI) to assist in determining whether an applicant is suitable for Federal employment or should be granted a security clearance.

The SF–87 and SF–87A are completed by applicants to, or incumbents of, Government positions, positions for the Government under contract, or by military personnel as a basis of any criminal history check to establish that such persons are suitable for employment or retention in employment, or employment or retention as a contractor.

It is estimated that 363,500 SF–87 or SF–87A inquiries are sent to individuals annually. Each form takes approximately five minutes to complete. The estimated annual burden is approximately 28,630 hours.

The Privacy Act and Public Burden language was updated to reference the applicable executive order and reflect the correct title of the forms officer for OPM, respectively.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, Fax (202) 418–3251 or e-mail to *mbtoomey@opm.gov*. Please be sure to include a mailing address with your request.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to:

Kathy Dillaman, Deputy Associate Director, Center for Federal Investigative Services, U.S. Office of Personnel Management, 1900 E. Street, Room 5416, Washington, DC 20415;

and

Joseph Lackey, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

For Information Regarding Administrative Coordination Contact: Doug Steele—Program Analyst, Program Services Group, Center for Federal Investigative Services, U.S. Office of Personnel Management, (202) 606–2325.

Dan G. Blair,

Acting Director, U.S. Office of Personnel Management.

[FR Doc. 05–3232 Filed 2–18–05; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B and C in the excepted service as required by 5 CFR 6.6 and 213.103.

FOR FURTHER INFORMATION CONTACT: Ms. Quasette Crowner, Chief, Executive Resources Group, Center for Leadership and Executive Resources Policy, Division for Strategic Human Resources Policy, 202–606–1579.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedule C between January 01, 2005, and January 31, 2005.

Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

Schedule A

No Schedule A's for January 2005.

Schedule B

Department of Agriculture 213.3213 (b)(1)

Temporary positions of professional Research Scientist, GS–15 or below, when such positions are established to support postdoctoral research programs of the Agricultural Research Service, Economic Research Service and the Forest Service when such positions are established to support the Research Associateship Program and are filled by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and the Agency. Appointments are limited to proposals approved by the appropriate Administrator. Appointments may be made for initial periods not to exceed 2 years and may be extended for up to 2 additional years. Extension beyond 4 years, up to a maximum of 2 additional years, may be granted, but only in very rare and unusual circumstances, as determined by the Human Resources Officer for the Research, Education, and Economics Mission Area, or the Human Resources Office, Forest Service. Effective March 03, 2004.

Schedule C

The following Schedule C appointments were approved for January 2005:

Section 213.3303 Executive Office of the President

Office of Management and Budget

BOGS00151 Deputy Press Secretary to the Associate Director, Strategic Planning and Communications. Effective January 12, 2005.

Office of National Drug Control Policy

QQGS00018 Administrative Specialist to Associate Director to the Associate Director, Public Affairs. Effective January 06, 2005.

Section 213.3304 Department of State

DSGS60807 Staff Assistant to the Senior Advisor to the Secretary and White House Liaison. Effective January 13, 2005.

DSGS60810 Staff Assistant to the Secretary of State. Effective January 14, 2005.

DSGS60806 Protocol Officer (Visits) to the Supervisory Protocol Officer (Visits). Effective January 21, 2005.

DSGS60808 Protocol Officer to the Deputy Chief of Protocol. Effective January 21, 2005.

DSGS60809 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective January 21, 2005.

Section 213.3305 Department of the Treasury

DYGS60407 Senior Advisor to the Assistant Secretary for Financial Markets. Effective January 19, 2005.

Section 213.3306 Department of Defense

DDGS16852 Special Assistant to the Under Secretary of Defense (Comptroller). Effective January 04, 2005.

DDGS16848 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective January 06, 2005.

DDGS16853 Research Assistant to the Speechwriter, Office of the Assistant Secretary of Defense (Public Affairs). Effective January 06, 2005.

DDGS16860 Speechwriter to the Speechwriter, Office of the Assistant Secretary of Defense (Public Affairs) Effective January 28, 2005.

Section 213.3310 Department of Justice

DJGS00387 Deputy Director and Press Secretary to the Director, Office of Public Affairs. Effective January 13, 2005.

DJGS00326 Deputy Chief of Staff to the Chief of Staff. Effective January 14, 2005.

DJGS00022 Research Assistant to the Director, Office of Public Affairs. Effective January 19, 2005.

DJGS00391 Special Assistant to the Director, Executive Office for the United States Attorneys. Effective January 25, 2005.

DJGS00375 Staff Assistant to the Director, Office of Public Affairs. Effective January 26, 2005.

DJGS00112 Assistant to the Attorney General. Effective January 27, 2005.

DJGS00214 Special Assistant to the Director of the Bureau of Justice Assistance. Effective January 27, 2005.

DJGS00376 Staff Assistant to the Director, Office of Public Affairs. Effective January 27, 2005.

Section 213.3311 Department of Homeland Security

DMGS00296 Special Assistant to the Executive Administrator, Mount Weather Operations. Effective January 05, 2005.

DMGS00287 Trip Coordinator to the Deputy Chief of Staff for Operations. Effective January 06, 2005.

DMGS00290 Executive Officer to the Ombudsman. Effective January 06, 2005.

DMGS00291 Executive Assistant to the Special Assistant to the Secretary (Private Sector). Effective January 06, 2005.

DMGS00288 Special Assistant to the Chief Financial Officer. Effective January 07, 2005.

DMGS00297 Assistant Director for Legislative Affairs for Border and Transportation Security to the Assistant Secretary for Legislative Affairs. Effective January 12, 2005.

DMGS00299 Executive Assistant to the Assistant Secretary for Border and Transportation Security Policy. Effective January 21, 2005.

DMGS00298 Press Assistant to the Communications Director for the Office for State & Local Government Coordination & Preparedness. Effective January 25, 2005.

DMGS00300 Special Assistant to the Assistant Secretary for Plans, Programs and Budgets. Effective January 25, 2005.

DMGS00303 Business Liaison to the Special Assistant to the Secretary (Private Sector). Effective January 25, 2005.

DMGS00301 Policy Advisor to the Officer of Civil Rights and Civil Liberties. Effective January 26, 2005.

DMGS00302 Special Assistant to the Executive Director, Homeland Security Advisory Council. Effective January 26, 2005.

Section 213.3312 Department of the Interior

DIGS61028 Deputy Director, Take Pride In America to the Executive Director, Take Pride In America. Effective January 25, 2005.

DIGS61029 Special Assistant to the Executive Director, Take Pride In America. Effective January 25, 2005.

DIGS61032 Special Assistant—External and Intergovernmental Affairs to the Director, External and Intergovernmental Affairs. Effective January 27, 2005.

DIGS61033 Special Assistant to the Executive Director, Take Pride In America. Effective January 27, 2005.

DIGS61034 Special Assistant to the Chief of Staff. Effective January 31, 2005.

Section 213.3313 Department of Agriculture

DAGS00729 Special Assistant to the Administrator, Rural Business Service. Effective January 13, 2005.

DAGS00732 Staff Assistant to the Chief, Natural Research Conservation Service. Effective January 18, 2005.

DAGS00733 Staff Assistant to the Executive Director for State Operations. Effective January 18, 2005.

DAGS00730 Special Assistant to the Deputy Assistant Secretary for Administration. Effective January 25, 2005.

DAGS00735 Staff Assistant to the Under Secretary for Marketing and Regulatory Programs. Effective January 25, 2005.

DAGS00736 Staff Assistant to the Under Secretary for Marketing and Regulatory Programs. Effective January 25, 2005.

DAGS00753 Special Assistant to the Deputy Under Secretary for Rural Development. Effective January 25, 2005.

DAGS00737 Staff Assistant to the Special Assistant to the Secretary. Effective January 27, 2005.

DAGS00738 Staff Assistant to the Under Secretary for Food Safety. Effective January 27, 2005.

DAGS00739 Staff Assistant to the Administrator for Risk Management. Effective January 27, 2005.

DAGS00741 Special Assistant to the Administrator, Rural Utilities Service. Effective January 27, 2005.

DAGS00746 Confidential Assistant to the Deputy Under Secretary for Rural Development. Effective January 31, 2005.

DAGS00750 Confidential Assistant to the Deputy Under Secretary for Rural Development. Effective January 31, 2005.

DAGS00753 Special Assistant to the Deputy Under Secretary for Rural Development. Effective January 31, 2005.

DAGS00756 Confidential Assistant to the Deputy Assistant Secretary for Congressional Relations. Effective January 31, 2005.

DAGS00758 Confidential Assistant to the Deputy Assistant Secretary for Congressional Relations. Effective January 31, 2005.

Section 213.3314 Department of Commerce

DCGS00536 Special Assistant to the Director Office of White House Liaison. Effective January 07, 2005.

Section 213.3315 Department of Labor

DLGS60147 Attorney Advisor to the Solicitor of Labor. Effective January 06, 2005.

DLGS60266 Chief of Staff to the Deputy Under Secretary for International Affairs. Effective January 18, 2005.

DLGS60008 Special Assistant to the Secretary of Labor. Effective January 21, 2005.

DLGS60074 Special Assistant to the Assistant Secretary for Public Affairs. Effective January 25, 2005.

DLGS60238 Legislative Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective January 25, 2005.

DLGS60011 Staff Assistant to the Chief Financial Officer. Effective January 26, 2005.

DLGS60042 Special Assistant to the Assistant Secretary for Public Affairs. Effective January 26, 2005.

DLGS60236 Legislative Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective January 26, 2005.

DLGS60078 Staff Assistant to the Assistant Secretary for Policy. Effective January 27, 2005.

Section 213.3316 Department of Health and Human Services

DHGS60315 Special Assistant to the Secretary, Health and Human Services. Effective January 27, 2005.

Section 213.3317 Department of Education

DBGS00365 Special Assistant to the Director, White House Initiative on Hispanic Education. Effective January 06, 2005.

DBGS00364 Associate Assistant Deputy Secretary for Parental Rights and Choice to the Assistant Deputy Secretary for Innovation and Improvement. Effective January 18, 2005.

DBGS00144 Special Assistant to the Press Secretary. Effective January 24, 2005.

DBGS00367 Special Assistant to the Secretary of Education. Effective January 24, 2005.

DBGS00298 Confidential Assistant to the Secretary of Education. Effective January 31, 2005.

Section 213.3318 Environmental Protection Agency

EPGS03300 Public Affairs Specialist to the Deputy Associate Administrator for Public Affairs. Effective January 27, 2005.

Section 213.3332 Small Business Administration

SBGS00561 Deputy Director for Small Business Administration's Center for Faith-Based and Community Initiatives to the Director of Small Business Administration's Center for Faith-Based and Community Initiatives. Effective January 27, 2005.

SBGS00562 Special Assistant to the Associate Administrator for Field Operations. Effective January 27, 2005.

SBGS00565 Special Assistant to the Chief of Staff and Chief Operating Officer. Effective January 27, 2005.

SBGS00567 Policy Analyst to the Associate Administrator for Policy. Effective January 27, 2005.

SBGS00569 Special Assistant to the Chief of Staff and Chief Operating Officer. Effective January 27, 2005.

SBGS00568 Speechwriter to the Associate Administrator for Communications and Public Liaison. Effective January 28, 2005.

Section 213.3337 General Services Administration

GSGS60100 Deputy Associate Administrator for Congressional and Intergovernmental Affairs to the Associate Administrator for Congressional and Intergovernmental Affairs. Effective January 27, 2005.

GSGS00063 Director of Marketing to the Deputy Associate Administrator for Communications. Effective January 28, 2005.

Section 213.3351 Federal Mine Safety and Health Review Commission

FRGS60017 Confidential Assistant to the Chairman. Effective January 19, 2005.

Section 213.3356 Commission on Civil Rights

CCGS60033 Special Assistant to a Commissioner. Effective January 26, 2005.

Section 213.3360 Consumer Product Safety Commission

PSGS60049 Special Assistant (Legal) to the Chairman. Effective January 21, 2005.

Section 213.3379 Commodity Futures Trading Commission

CTGS60003 Administrative Assistant to the Commissioner. Effective January 10, 2005.

Section 213.3384 Department of Housing and Urban Development

DUGS60546 Special Assistant to the Deputy Secretary. Effective January 18, 2005.

DUGS60078 Staff Assistant to the Assistant Secretary for Administration. Effective January 26, 2005.

DUGS60114 Staff Assistant to the Assistant Secretary for Administration. Effective January 26, 2005.

DUGS60179 Staff Assistant to the Director of Executive Scheduling. Effective January 26, 2005.

DUGS60211 Staff Assistant to the Director of Executive Scheduling. Effective January 26, 2005.

Section 213.3391 Office of Personnel Management

PMGS00049 Legislative Assistant to the Chief, Office of House Affairs. Effective January 10, 2005.

Section 213.3394 Department of Transportation

DTGS60054 Associate Director for Governmental Affairs to the Deputy Assistant Secretary for Governmental Affairs. Effective January 27, 2005.

DTGS60202 Special Assistant to the Administrator. Effective January 27, 2005.

DTGS60274 Special Assistant to the Assistant to the Secretary and Director of Public Affairs. Effective January 27, 2005.

DTGS60301 Associate Director for Governmental Affairs to the Deputy Assistant Secretary for Governmental Affairs. Effective January 27, 2005.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Dan G. Blair,

Acting Director, Office of Personnel Management.

[FR Doc. 05–3233 Filed 2–18–05; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51205; File No. SR–CBOE–2004–72]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 by the Chicago Board Options Exchange, Incorporated Relating to the SizeQuote Mechanism Pilot Program

February 15, 2005.

On November 10, 2004, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend CBOE Rule 6.74, ''Crossing Orders,'' to adopt, on a one-year pilot basis, a ''SizeQuote Mechanism'' for the execution of large-sized orders in open outcry. On December 22, 2004, the CBOE filed Amendment No. 1 to the proposal. The proposed rule change, as amended, was published for comment in the **Federal Register** on January 12, 2005.[3] The Commission received no comments regarding the proposal. This order approves the proposed rule change, as amended.

The proposed SizeQuote Mechanism is a procedure by which floor brokers may execute and facilitate large-sized orders of at least 250 contracts in open outcry.[4] Under the proposed procedures, a floor broker must be willing to facilitate the entire size of the order for which he or she requests quotes through the SizeQuote Mechanism (the ''SizeQuote Order'').[5]

As described more fully in the January Release,[6] a floor broker seeking to use the SizeQuote trading procedure must specifically request a ''SizeQuote'' from in-crowd market participants (''ICMPs''), who may respond with indications of the price and size at which they would be willing to trade with the SizeQuote Order.[7] ICMPs that provide SizeQuote responses at the highest bid or lowest offer (the ''best price'') have priority to trade with the SizeQuote Order at that best price and at a price equal to one trading increment better than the best price (the ''improved best price'').[8] Allocation of the SizeQuote Order among ICMPs will be pro rata, up to the size of each ICMP's SizeQuote response. If the ICMPs providing the best price or the improved best price do not execute the entire SizeQuote Order, the floor broker representing the SizeQuote Order must trade the remaining contracts at the best price or the improved best price, as applicable. A floor broker may execute the entire SizeQuote Order at a price two trading increments better than the best price provided by the ICMPs in their responses to the SizeQuote request.

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, and, in particular, with the requirements of section 6(b)(5) of the Act,[9] which requires, among other

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 50967 (January 5, 2005), 70 FR 2197 (''January Release'').

[4] The appropriate CBOE Market Performance Committee will determine the options classes in which SizeQuote operates and may vary the minimum size of the orders eligible for SizeQuote, provided, however, that the minimum qualifying order size may not be less than 250 contracts.

[5] A floor broker may not execute a SizeQuote Order at a price inferior to the national best bid or offer (''NBBO''). *See* proposed CBOE Rule 6.74(f)(i)(E).

[6] *See* note 4, *supra*.

[7] CBOE Rule 6.45A, ''Priority and Allocation of Trades for CBOE Hybrid System,'' defines an ''in-crowd market participant'' to include an in-crowd Market-Maker, an in-crowd DPM, or a floor broker representing orders in the trading crowd.

[8] However, a public customer order in the electronic book has priority to trade with a SizeQuote Order over any ICMP providing a SizeQuote response at the same price as the order in the electronic book. *See* proposed CBOE Rule 6.74(f)(i)(C).

[9] 15 U.S.C. 78f(b)(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).

things, that the rules of a national securities exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The CBOE believes that the SizeQuote Mechanism will create enhanced incentives for ICMPs to quote competitively by giving ICMPs that respond to a SizeQuote request at the best price priority to trade with the SizeQuote Order at that best price and at the improved best price (*i.e.,* one trading increment better), as described above.[10] Moreover, ICMPs will have only one opportunity to respond to a SizeQuote request, and ICMPs that do not respond at the best price will lose the opportunity to trade with the SizeQuote Order. The Commission believes that these procedures may encourage ICMPs to quote more competitively. The Commission notes, in addition, that if ICMPs providing SizeQuote responses do not execute the entire SizeQuote Order, the floor broker representing the SizeQuote Order must trade any remaining contracts at the best price, or at the improved best price, as applicable. At the same time, because the floor broker would be permitted to execute the entire SizeQuote Order at two increments better than the ICMPs' best price, the Commission believes it is essential for the Exchange to monitor the impact of the proposed rule change on the competitive process. Thus, the Commission is approving the proposed rule change on a one-year pilot basis. The CBOE has represented that it will provide the Commission, at the end of the pilot period, a report summarizing the effectiveness of the SizeQuote Mechanism. The Commission intends to carefully review this report before approving any extension of the program.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[11] that the proposed rule change (SR–CBOE–2004–72), as amended, is approved on a pilot basis until February 15, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–680 Filed 2–18–05; 8:45 am]

BILLING CODE 8010–01–P

[10] A public customer order in the electronic book has priority to trade with a SizeQuote Order over any ICMP providing a SizeQuote response at the same price as the order in the electronic book. See CBOE Rule 6.74(f)(i)(C).

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51206; File No. SR–FICC–2004–23]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Filing of Proposed Rule Change to Change the Notice Period Required for the Closing of Participant Accounts or Withdrawing From Membership in Its Mortgage-Backed Securities Division

February 15, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 22, 2004, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by FICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of this proposed rule change is to amend the notice period required for the closing of participant accounts or withdrawing from membership in the Mortgage-Backed Securities Division (''MBSD'') of FICC.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FICC 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. FICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rules changes is to amend the timeframe in which a participant, limited purpose participant, or EPN user can cease to maintain an account or can voluntarily withdraw as a participant from the Mortgage-Backed Securities Division (''MBSD'') of FICC.

Currently, the MBSD's Rules expressly state that in order to cease to maintain an account or to voluntarily withdraw as a participant, a participant must notify FICC of its intent to do so in writing, and thereafter FICC management and the participant must wait ten days for the cessation or withdrawal to become effective. Upon review, FICC has determined that imposing this mandatory time period is unnecessary. FICC believes it should have the flexibility, and thereby provide greater flexibility to participants, to close an account or permit withdrawal within a shorter period. The proposed changes would provide this flexibility by providing that (1) a participant must provide ten days' written notice of account cessation or withdrawal from membership but the MBSD can accept termination within a shorter period; (2) the requested account cessation or withdrawal would not be effective until accepted by the MBSD, and (3) the MBSD's acceptance will be evidenced by a notice to all members announcing the account cessation or withdrawal effective date.

FICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[3] and the rules and regulations thereunder applicable to FICC because the proposed rule change will provide the FICC with greater flexibility with respect to closing accounts of participants and to permitting the voluntary withdrawal of participants thereby better enabling it to safeguard the securities and funds in its custody and control.

(B) Self-Regulatory Organization's Statement on Burden on Competition

FICC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. FICC will notify the Commission of any written comments received by FICC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal**

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by FICC.

[3] 15 U.S.C. 78q–1.

Register or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–FICC–2004–23 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–FICC–2004–23. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of FICC and on FICC's Web site at *http://www.ficc.com*. 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–FICC–2004–23 and should be submitted on or before March 15, 2005.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–692 Filed 2–18–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51187; File No. SR–NASD–2005–021]

Self Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc. To Provide Guidance Regarding Members' Regulatory Transaction Fees

February 10, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 4, 2005, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD. NASD has designated the proposed rule change as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASD is filing *Notice to Members* (''*NtM*'') 05–11, providing further guidance regarding members' obligations under Section 3 of Schedule A to the NASD By-Laws (Regulatory Transaction Fees) and a self-reporting form that is used by members to report trade data that is not captured.

No changes to the text of NASD rules are required by this proposed rule change.

II. Self-Regulatory OrgChange

In its filing with the Commission, NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In August 2004, NASD issued *NtM* 04–63 (Transaction Fees: New SEC Procedures Relating to section 31 of the Securities Exchange Act of 1934) informing member firms of the new Commission procedures governing the calculation, payment, and collection of fees and assessments on securities transactions owed by national securities exchanges and associations to the Commission pursuant to section 31 of the Act. *NtM* 04–63 also discussed the obligations of member firms under section 3 of Schedule A to the NASD By-Laws in light of the new Commission procedures.

Following the publication of *NtM* 04–63, NASD staff has received a significant number of questions from member firms regarding these obligations. Accordingly, NASD staff is providing further guidance regarding these obligations in *NtM* 05–11. In *NtM* 05–11, NASD staff is, among other things, providing guidance on what constitutes an away-from-the-market sale and additional information regarding member firms' self-reporting obligations. NASD also is reminding members about the restrictions on the use of the Step-Out function in ACT for transferring NASD's regulatory transaction fee to correspondents or broker-dealer customers. In addition, *NtM* 05–11 is revoking prior guidance concerning the appropriate rounding methodology used by member firms when they choose to pass regulatory transaction fees to their customers. Specifically, the guidance in *NtM* 05–11 regarding rounding supersedes the rounding guidance provided in *NtM* 04–63 or any prior *NtMs* and *Member Alerts*.

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

NASD believes that the guidance provided in *NtM* 05–11 constitutes an interpretation of section 3 of Schedule A to the NASD By-Laws that, due to its nature, should be filed as a proposed rule change. In addition, NASD also is filing its Permanent Self-Reporting Form with the Commission.[5] A copy of the Permanent Self-Reporting Form will be attached to *NtM* 05–11. NASD has revised its Permanent Self-Reporting Form to: (1) Incorporate the new rate structure that became effective on January 7, 2005 (in conformity with the change to the Commission's Section 31 fee rate); (2) incorporate minor changes to the instructions section; and (3) create an obligation on certain member firms to file the Permanent Self-Reporting Form each month (regardless of whether they have any reportable transactions).

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,[6] which requires, among other things, that NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. In addition, NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(5) of the Act,[7] which requires, among other things, that NASD's rules provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system that NASD operates or controls, insofar as it is intended to assist members in complying with section 3 of Schedule A to the NASD By-Laws.

[5] As noted in *NtM* 05–11, clearing and self-clearing member firms will now be required to file with NASD the Permanent Self-Reporting Form each month, regardless of whether they have qualifying transactions for that month. NASD is requiring a monthly filing by all clearing and self-clearing member firms to ensure that they conduct the necessary review to determine that all qualifying transactions have been properly reported. Member firms that do not have any reportable transactions for a given month will be required to submit the blank form signed by an authorized representative, along with a statement that the firm had no reportable transactions for the month. While NASD is filing its Permanent Self-Reporting Form with the Commission in this instance, NASD does not intend to file its Permanent Self-Reporting Form with the Commission each time it makes a non-substantive change to the text of the form or changes that reflect adjustments in the amount or scope of the fee, where such adjustments are determined solely by reference to section 31 of the Act.

[6] 15 U.S.C. 78o–3(b)(6).

[7] 15 U.S.C. 78o–3(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act[8] and Rule 19b–4(f)(1) thereunder.[9] NASD asserts that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of NASD. NASD will announce the implementation date of the proposed rule change in *NtM* 05–11, which NASD expects to issue on the same date as the filing of the proposed rule change with the Commission. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NASD–2005–021 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.

[8] 15 U.S.C. 78s(b)(3)(A)(i).

[9] 17 CFR 240.19b–4(f)(1).

All submissions should refer to File Number SR–NASD–2005–021. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to the File Number SR–NASD–2005–021 and should be submitted on or before March 15, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5–693 Filed 2–18–05; 8:45 am]

BILLING CODE 8010–01–P

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 4997]

Bureau of Political-Military Affairs: Directorate of Defense Trade Controls; Notifications to the Congress of Proposed Commercial Export Licenses

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates shown on the attachments pursuant to sections 36(c) and 36(d) and in compliance with section 36(f) of the Arms Export Control Act (22 U.S.C. 2776).

DATES: *Effective Date:* As shown on each of the sixteen letters.

July 7, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 210 M16A3 full automatic centerfire rifles, 20 Stoner SR–25 semi-automatic sniper rifles and associated equipment, to include, magazines, stocks, and handguards to the Philippine National Police for use by the Special Action Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 006–04.

July 12, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Sweden to support the improvement and modification of the auxiliary power and engine start system (APESS) for the Swedish Air Force Gripen aircraft.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 054–04.

July 12, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Mexico hardware, technical data and defense services for assembly, test, manufacture and repair of heat transfer product platforms (*i.e.*, Heat Exchangers, oil Coolers, etc.). These items will be utilized within various platforms in the Unites States and abroad.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs

Enclosure: Transmittal No. DDTC 035–04

July 13, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the manufacture abroad of significant military equipment.

The transaction contained in the attached certification involves the export to Canada and Australia of manufacturing know-how, technical data and defense services necessary for the manufacture in Canada and Australia of forty-five (45) Light Armored Vehicle Turrets. Forty-four (44) turrets will be sold under the Foreign Military Sales (FMS) program to the Government of Saudi Arabia for end-use by the Saudi Arabian National Guard and one turret will remain in Australia.

The United States Government is prepared to license the export of this manufacturing know-how having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs

Enclosure: Transmittal No. DDTC 048–04

July 23, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 4,073 bolt-action and lever-action centerfire sporting rifles of various calibers for commercial resale in Canada.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly

Assistant Secretary Legislative Affairs

Enclosure: Transmittal No. DDTC 050–04

August 4, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of 2600 bolt-action, pump-action and semi-auto centerfire and rimfire sporting rifles of various calibers for commercial resale in Canada.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 056–04.

August 4, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to the United Kingdom for the demonstration, production and supply of the Javelin Missile System as the Anti-Tank Guided Weapon (ATGW) System for the United Kingdom Ministry of Defence.

The United States Government is prepared to license the export of these items having taken into account political, military,

economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 060–04.

August 4, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles and defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export to Israel of defense articles, technical data and assistance necessary to integrate and qualify a self-protection electronic warfare suite for the Israeli Air Force F–16I fighter aircraft fleet for end-use by the Israeli Air Force.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 062–04.

August 4, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed sale of defense articles or defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the ten-year lease and subsequent sale of fourteen (14) Gripen Aircraft containing U.S. content and spare parts, ground support equipment and integrated logistics support, from Sweden to Hungary.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 063–04.

August 4, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of major defense equipment consisting of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export and launch of a commercial communications satellite from Kazakhstan.

The United States Government is prepared to license the export of this item having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 064–04.

August 4, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Japan for the manufacture of APG–66J Fire Control Radars for the Japanese Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 066–04.

August 4, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, hardware and assistance to Mexico for the assembly of Line Replaceable Modules (LRM) for aircraft electronics, vehicles and various weapon systems.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 067–04.

August 4, 2004

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) and of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed technical assistance agreement for the export of defense articles or defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of technical data and defense services to France and Brazil to support the manufacture of the AMC–12 commercial communications satellite for Brazil.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,

Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 068–04.

August 4, 2004

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of two modified S–92A helicopters with related spare parts, and an option to purchase an additional four and related spare parts to Norsk Helikopter, Norway to perform offshore oil operations.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 071–04.

August 23, 2004

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export and launch of the XM3 and XM4 commercial communications satellite on a Sea Launch Platform in International Waters, or French Guiana or Kazakhstan as alternate destinations.

The United States Government is prepared to license the export of this item having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 052–04.

August 23, 2004.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

Dear Mr. Speaker: Pursuant to Section 36(c) and (d) of the Arms Export Control Act, I am transmitting, herewith, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of technical data, defense services and hardware to Japan for the manufacture, assembly, maintenance, training, operation and repair of the Japan PATRIOT Product Improvement Program for the Japan Defense Agency.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Paul V. Kelly,
Assistant Secretary Legislative Affairs.

Enclosure: Transmittal No. DDTC 065–04.

The Honorable J. Dennis Hastert, *Speaker of the House of Representatives.*

FOR FURTHER INFORMATION CONTACT: Mr. Peter J. Berry, Director, Office of Defense Trade Controls Licensing, Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State (202) 663–2806.

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Dated: February 4, 2005.

Peter J. Berry,
Director, Office of Defense Trade Controls Licensing, Department of State.

[FR Doc. 05–3370 Filed 2–18–05; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice 4996]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Perfect Medium: Photography and the Occult''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''The Perfect Medium: Photography and the Occult'', imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, from on or about September 26, 2005, until on or about December 31, 2005, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Richard Lahne, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/453–8058). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 11, 2005.

C. Miller Crouch,
Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–3369 Filed 2–18–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4995]

Department of State Performance Review Board Members (for Non-Career Senior Executive Employees)

In accordance with section 4314(c)(4) of the Civil Service Reform Act of 1978 (Public Law 95–454), the Executive Resources Board of the Department of State has appointed the following individuals to the Department of State Performance Review Board (for Non-Career Senior Executive Employees): Kara G. LiCalsi, Senior Advisor to the Secretary and White House Liaison, Department of State; Christopher B. Burnham, Assistant Secretary for Resource Management and Chief Financial Officer, Department of State; Brian F. Gunderson, Chief of Staff, Office of the Secretary, Department of State.

W. Robert Pearson,
Director General of the Foreign Service and Director of Human Resources, Department of State.

[FR Doc. 05–3367 Filed 2–18–05; 8:45 am]

BILLING CODE 4710–15–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Pub. L. 104–13; Proposed Collection, Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed Collection; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Alice D. Witt, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–6832. (SC: 0001JTJ)

Comments should be sent to the Agency Clearance Officer no later than April 25, 2005.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission.

Title of Information Collection: Confirmation of TVA-Owned Cash.

Frequency of Use: One time.

Type of Affected Public: Business.

Small Businesses or Organizations Affected: No.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 629.

Estimated Total Annual Burden Hours: 345.50 hours.

Estimated Average Burden Hours Per Response: .55 hours.

Need For and Use of Information: We are requesting the information from the financial institutions located near TVA operating plants and offices to determine whether those financial institutions have TVA-owned cash on deposit. We will use the information obtained to confirm the amount of cash included in TVA's financial statement report.

Jacklyn J. Stephenson,

Senior Manager, Enterprise Operations Information Services.

[FR Doc. 05–3273 Filed 2–18–05; 8:45 am]

BILLING CODE 8120–08–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Industry Trade Advisory Committee on Automotive Equipment and Capitol Goods (ITAC–2)

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of a partially opened meeting.

SUMMARY: The Industry Trade Advisory Committee on Automotive Equipment and Capitol Goods (ITAC–2) will hold a meeting on Wednesday, March 16, 2005, from 8 a.m. to 11 a.m. The meeting will be closed to the public from 8 a.m. to 9 a.m. and opened to the public from 9 a.m. to 11 a.m.

DATES: The meeting is scheduled for March 16, 2005, unless otherwise notified.

ADDRESSES: The meeting will be held at the Las Vegas Convention Center, located at 3150 Paradise Road, Las Vegas, Nevada 89109.

FOR FURTHER INFORMATION CONTACT: Richard Reise, DFO for ITAC–2 at (202) 482–3489, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: During the opened portion of the meeting the following agenda items will be considered.

- Advisory Committee System
- Free Trade Agreements (FTAs)
- World Trade Organization (WTO) Talks
- Automotive and Capitol Goods Industry Issues

Christopher A. Padilla,

Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Liaison.

[FR Doc. 05–3237 Filed 2–18–05; 8:45 am]

BILLING CODE 3190–W5–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS–257]

WTO Dispute Settlement Proceeding Regarding Final Countervailing Duty Determination With Respect to Certain Softwood Lumber From Canada

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on January 14, 2005, at the request of Canada, the Dispute Settlement Body (DSB) of the World Trade Organization (WTO) established a dispute settlement panel under the Marrakesh Agreement Establishing the WTO. The panel is to examine whether the United States has implemented the recommendations and rulings of the DSB in a dispute involving a U.S. Department of Commerce (Commerce) countervailing duty investigation of certain softwood lumber products from Canada. On February 17, 2004, the DSB adopted its findings in that dispute, which rejected most of Canada's claims but found that, consistent with the WTO Agreement on Subsidies and Countervailing Measures (SCM Agreement) and the General Agreement on Tariffs and Trade 1994 (GATT 1994), Commerce should have conducted an analysis of whether subsidies ''pass through'' from certain producers to others with respect to certain log sales. In response to the DSB's recommendations and rulings, Commerce conducted a pass-through analysis and issued a new determination revising the subsidy rate for the investigation from 18.79% to 18.62%. Canada subsequently requested the establishment of a dispute settlement panel, alleging that the United States had failed to implement the DSB's recommendations and rulings. The panel was established on January 14, 2005. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before March 3, 2005, to be assured of timely consideration by USTR.

ADDRESSES: Comments should be submitted (i) electronically, to *FR0517@ustr.gov,* Attn: ''Canada Lumber Final CVD (DS257)'' in the subject line, or (ii) by fax, to Sandy McKinzy at 202–395–3640, with a confirmation copy sent electronically to the e-mail address above.

FOR FURTHER INFORMATION CONTACT: L. Daniel Mullaney, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395–3150.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Pursuant to the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the panel, which will hold its meetings in Geneva, Switzerland, is expected to issue a report on its findings and recommendations within approximately four months of the date it is established.

Prior WTO Proceedings

The dispute settlement panel and Appellate Body reports are publicly available in the USTR reading room and on the WTO Web site *http://www.wto.org.*

Article 21.5 Proceeding

Pursuant to the rules of the DSU, the United States and Canada agreed that the United States would have until December 17, 2004, to implement the recommendations and rulings of the DSB. To implement these recommendations and rulings, Commerce requested information from Canadian producers and from the Government of Canada and conducted a pass-through analysis, issuing a determination on December 6, 2004, that revised the subsidy rate for the investigation from 18.79% to 18.62%. On December 30, 2004, Canada alleged that the United States had not properly implemented the recommendations and rulings and requested the establishment of a dispute settlement panel under Article 21.5 of the DSU to review this implementation. The panel was established on January 14, 2005.

In its request under Article 21.5, Canada alleges that Commerce failed to implement the recommendations and rulings of the DSB by incorrectly (1) Limiting the pass-through analysis to only certain categories of sales; (2) determining that certain sales were not at arm's length and that a pass-through occurred; (3) applying the results of the pass-through analysis to a cash deposit rate ''invalidated as a result of judicial review proceedings'' and (4) not conducting a pass-through analysis in the first administrative review of the countervailing duty order that resulted from the countervailing duty investigation at issue.

The specific measures identified by Canada as inconsistent with U.S. WTO obligations under the SCM Agreement and the GATT 1994 are: (1) Notice of Implementation Under Section 129 of the Uruguay Round Agreements Act; Countervailing Measures Concerning Certain Softwood Lumber Products from Canada, 69 FR 75,305 (Dep't. Commerce December 16, 2004) and Section 129 Determination: Final Countervailing Duty Determination, Certain Softwood Lumber from Canada (December 6, 2004); (2) Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order: Certain Softwood Lumber Products From Canada, 67 FR 36,070 (Dep't Commerce May 22, 2002); and (3) Notice of Final Results of Countervailing Duty Administrative Review and Rescission of Certain Company-Specific Reviews: Certain Softwood Lumber Products From Canada, 69 FR 75,917 (Dep't Commerce December 20, 2004) and Issues and Decision Memorandum: Final Results of Administrative Review: Certain Softwood Lumber Products From Canada, December 13, 2004.

The European Communities has indicated its interest to participate in the dispute as a third party.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons submitting comments may either send one copy by fax to Sandy McKinzy at (202) 395–3640, or transmit a copy electronically to *FR0438@ustr.gov,* Attn: ''Canada Lumber Final CVD (DS257)'' in the subject line. For documents sent by fax, USTR requests that the submitter provide a confirmation copy to the electronic mail address listed above.

USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked ''Business Confidential'' at the top and bottom of the cover page and each succeeding page of the submission.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitting person believes that information or advice may qualify as such, the submitting person—

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as ''Submitted in Confidence'' at the top and bottom of each page of the cover page and each succeeding page; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket No.WT/DS–257, Canada Lumber Final CVD) may be made by calling the USTR Reading Room at (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday.

Daniel E. Brinza,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 05–3236 Filed 2–18–05; 8:45 am]

BILLING CODE 3190–W5–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS–320]

WTO Dispute Settlement Proceeding Regarding United States—Continued Suspension of Obligations in the EC—Hormones Dispute

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (''USTR'') is providing notice that on January 13, 2005, the United States received from the European Communities (''EC'') a request for the establishment of a panel under the Marrakesh Agreement Establishing the World Trade Organization (''WTO Agreement'') regarding the U.S. suspension of obligations to the EC in the WTO dispute European Communities—Measures Concerning Meat and Meat Products (Hormones). The EC asserts that it has put into force new legislation that brings it into conformity with the recommendations and rulings of the Dispute Settlement Body (''DSB'') and its obligations under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (''SPS Agreement''). The EC therefore challenges the continued U.S. suspension of obligations and imposition of import duties in excess of bound rates on imports from the EC, the alleged U.S. ''unilateral determination'' that the new EC legislation is in

violation of the EC's WTO obligations, and the alleged U.S. failure to have recourse to WTO dispute settlement proceedings. In particular, the EC asserts that by failing to discontinue suspension of obligations to the EC, the United States has breached its obligations under Articles I and II of the General Agreement on Tariffs and Trade 1994 (''GATT 1994'') and Articles 3.7, 21.5, 22.8 and 23.2(a) and (c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes (''DSU''). USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before April 1 to be assured of timely consideration by USTR.

ADDRESSES: Comments should be submitted (i) electronically, to *FR0519@ustr.eop.gov,* with ''EC—Hormones (DS320)'' in the subject line, or (ii) by fax, to Sandy McKinzy at (202) 395–3640, with a confirmation copy sent electronically to the address above, in accordance with the requirements for submission set out below.

FOR FURTHER INFORMATION CONTACT: Jay T. Taylor, Assistant General Counsel, Office of the United States Trade Representative, (202) 395–9583.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act (''URAA'') (19 U.S.C. 3537(b)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, USTR is providing notice that the establishment of a WTO dispute settlement panel has been requested pursuant to the DSU. The EC's request for the establishment of a panel may found at *www.wto.org* contained in a document designated as WT/DS320/6. Once a panel is established, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

Major Issues Raised by the EC

With respect to the claims of WTO-inconsistency, the EC's panel request refers to the following:

- the U.S. continued suspension of obligations and imposition of import duties in excess of bound rates on imports from the EC;
- the alleged U.S. ''unilateral determination'' that new EC legislation is in violation of obligations under the WTO Agreement; and
- the alleged failure of the United States to seek recourse to Article 21.5 of the DSU and to have recourse to, and abide by, the rules and procedures of the DSU.

Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons submitting comments may either send one copy by fax to Sandy McKinzy at (202) 395–3640, or transmit a copy electronically to *FR0519@ustr.eop.gov,* with ''EC—Hormones (DS320)'' in the subject line. For documents sent by fax, USTR requests that the submitter provide a confirmation copy electronically. USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Comments must be in English. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of the cover page and each succeeding page of the submission.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitting person believes that information or advice may qualify as such, the submitting person—

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as ''SUBMITTED IN CONFIDENCE'' at the top and bottom of each page of the cover page and each succeeding page; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket No. WT/DS320, EC—Hormones), may be made by calling the USTR Reading Room at (202) 395–6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

Daniel E. Brinza,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 05–3368 Filed 2–18–05; 8:45 am]

BILLING CODE 3190–W5–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending February 4, 2005

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2005–20315.

Date Filed: February 3, 2005.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote 436—PTC2 EUR 0597, PTC2 EUR–AFR 0217 dated 4 February 2005—Resolution 010k—Special Passenger Amending Resolution from Algeria Intended effective date: 15 February 2005.

Docket Number: OST–2005–20327.

Date Filed: February 4, 2005.

Parties: Members of the International Air Transport Association.

Subject: Memorandum PTC COMP 1211 dated 4 February 2005 Resolution 011a—Mileage Manual Non-TC Member/Non-IATA Carrier Sectors (Amending).

Renee V. Wright,

Acting Program Manager, Alternate Federal Register Liaison.

[FR Doc. 05–3372 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2005–10]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 14, 2005.

ADDRESSES: Send comments on the petition 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 number FAA–2004–19890 at the beginning of your comments. If you wish to receive confirmation that the FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Annette Kovite, 425–227–1262, Transport Airplane Directorate (ANM–113), Federal Aviation Administration, 1601 Lind Ave, SW., Renton, WA 98055–4056; or John Linsenmeyer (202–267–5174), Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 15, 2005.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions For Exemption

Docket No.: FAA–2004–19890.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: §§ 25.841(a)(2) and 25.841(a)(3).

Description of Relief Sought: To allow relief from the requirements pertaining to cabin decompression following certain extremely rare uncontained engine rotor failure for Boeing Model 7E7.

[FR Doc. 05–3377 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2005–12]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 14, 2005.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number FAA–200X–XXXXX] by any of the following methods:

- Web Site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- 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.

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

FOR FURTHER INFORMATION CONTACT: Tim Adams (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 15, 2005.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2000–8528.

Petitioner: Popular Rotorcraft Association.

Section of 14 CFR Affected: 14 CFR 91.319(a).

Description of Relief Sought: To allow the Popular Rotorcraft Association and its member flight instructors to conduct the following flight training in an experimental gyroplane:

1. For the sport pilot ratings;
2. By flight instructors who hold a sport pilot rating; and
3. For pilots to fly ultralight gyroplanes.

[FR Doc. 05–3378 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2005–13]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 4, 2005.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number FAA–200X–XXXXX] by any of the following methods:

- Web Site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- 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.

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

FOR FURTHER INFORMATION CONTACT: Tim Adams (202) 267–8033, Sandy Buchanan-Sumter (202) 267–7271, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 15, 2005.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2005–20249.

Petitioner: Rhoades Aviation, Inc.

Section of 14 CFR Affected: 14 CFR 135.154(b)(1).

Description of Relief Sought: To permit Rhoades Aviation, Inc., to operate one Douglas DC–3TP aircraft after March 29, 2005, without being equipped with an approved terrain awareness and warning system that meets the requirements for class A equipment in TSO–C151. It would also allow Rhoades Aviation, Inc., to operate this aircraft without an approved terrain situational awareness display.-

[FR Doc. 05–3379 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 05–06–U–00–LEX To Use the Revenue From a Passenger Facility Charge (PFC) at Blue Grass Airport, Lexington, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Blue Grass Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 24, 2005.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, Tennessee 38118–1555.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Michael A. Gobb, Executive Director of the Lexington-Fayette Urban County Airport Board at the following address: 4000 Versailles Road, Lexington, Kentucky 40510.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Lexington-Fayette Urban County Airport Board under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Tommy L. Dupree, Airports Program Manager, Memphis Airports District Office, 2862 Business Park Drive, Building G, Memphis, Tennessee 38118–1555, (901) 322–8185. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to use the revenue from a PFC at Blue Grass Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On February 14, 2005, the FAA determined that the application to use the revenue from a PFC submitted by Lexington-Fayette Urban County Airport Board was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 14, 2005.

The following is a brief overview of the application.

Actual charge effective date: December 1, 2003.

Estimated charge expiration date: August 1, 2022.

Level of the PFC: $4.50.

Total approved PFC revenue: $45,695,766.

Brief description of proposed project(s): Runway Safety Area Improvements, Terminal Interior Modifications, Concourse Gate Additions.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: The Board intends to request that those carriers operating under Part 135, non-scheduled, whole-plane charter-basis, i.e. Air Taxi/Commercial Operators (''ATCO'') which files Form 1800–31, at the airport to be exempt from collecting the PFC.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Lexington-Fayette Urban County Airport Board.

Issued in Memphis, Tennessee, on February 14, 2005.

Charles L. Harris,

Acting Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 05–3382 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 05–04–C–00–VCT To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Victoria Regional Airport, Victoria, TX

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Victoria Regional Airport 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).

DATES: Comments must be received on or before March 24, 2005.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, TX 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Patrick Rhoes, Manager of Victoria Regional Airport at the following address: Airport Manager, Victoria Regional Airport, 609 Foster Field Drive, Victoria, TX 77904.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under § 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Forth Worth, TX 76193–0610, (817) 222–5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Victoria Regional Airport 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).

On February 14, 2005, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 20, 2005.

The following is a brief overview of the application.

Level of the proposed PFC: $4.50.

Proposed charge effective date: July 1, 2005.

Proposed charge expiration date: January 1, 2010.

Total estimated PFC revenue: $281,617.

PFC application number: 05–04–C–00–VCT.

Brief description of proposed project(s):

Projects To Impose and Use PFC's

1. Rehabilitate Runway 12L/30L (Phase II)
2. Improve Runway Safety Areas
3. Improve Airport Drainage
4. Rehabilitate Taxiways E and F (Partial)
5. Install Security Fencing

Proposed class or classes of air carriers to be exempted from collecting PFC's: None

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration; Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Forth Worth, TX 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Victoria Regional Airport.

Issued in Fort Worth, Texas on February 14, 2005.

D. Cameron Bryan,

Acting Manager, Airports Division.

[FR Doc. 05–3383 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2002–12423]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA decision to renew the exemption from the vision requirements in the Federal Motor Carrier Safety Regulations (FMCSRs) for Mr. Jerry W. Parker. Mr. Parker does not meet the vision requirements because of severe vision loss in his right eye. He meets the alternative physical qualification standards in the FMCSRs for the loss of a limb by holding a Skill Performance Evaluation (SPE) certificate. In order for Mr. Parker to continue to operate a commercial motor vehicle (CMV) in interstate commerce, he must continue to hold an SPE certificate and be granted a renewal exemption from the vision requirements.

DATES: This decision is effective February 25, 2005. Comments from interested persons should be submitted by March 24, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA–2002–12423 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., Room PL–401, Washington, DC 20590–0001.
- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

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

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

FOR FURTHER INFORMATION CONTACT: Maggi Gunnels, Office of Bus and Truck Standards and Operations, (202) 366–

4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: *Public Participation:* The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the ''help'' section of the DMS Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

Background

Mr. Jerry W. Parker applied for a waiver from the Federal standards for vision at 49 CFR 391.41(b)(10) in 1996 under criteria established under the agency's former Vision Waiver Program. The criteria included a provision that vision waiver applicants must be otherwise medically qualified under all other physical qualification requirements at 49 CFR 391.41. When the Federal Highway Administration (FHWA) (FMCSA's predecessor agency) discovered that Mr. Parker's left arm had been amputated at the shoulder, it denied his application for a vision waiver after concluding there was insufficient evidence to determine if someone with both a vision impairment and an amputated limb could safely operate a CMV.

Mr. Parker filed a petition for review with the United States Court of Appeals for the Sixth Circuit. The Sixth Circuit reversed FHWA's denial of Mr. Parker's exemption application and remanded the case to the agency with instructions to create a functional capacity test which would enable the agency to evaluate Mr. Parker's driving skills based upon his individual capabilities (*Jerry W. Parker* v. *United States Department of Transportation,* 207 F. 3d 359 (6th Cir. 2000)).

On February 25, 2003, the FMCSA published a notice of final disposition (68 FR 8794) announcing its decision to exempt Mr. Parker from the vision requirements in the FMCSRs. In response to the Court's decision, the FMCSA determined that Mr. Parker's request for a vision exemption would be considered on its own merits as outlined within the vision exemption program and the regulations found in 49 CFR part 381. Additionally, the FMCSA decided it would evaluate Mr. Parker's amputation under the alternative physical qualification standards for the loss of limbs found in 49 CFR 391.41(b)(1) and 391.49. Under 49 CFR 391.49, a person who is not physically qualified to drive because of the loss of a limb, and who is otherwise qualified to drive a CMV, may drive a CMV if FMCSA grants a Skill Performance Evaluation (SPE) Certificate to that person. In other words, each impairment that would preclude Mr. Parker from complying with the physical qualification standards would be considered and evaluated separately under the agency's process for granting or denying the vision exemption application and the SPE certificate.

Although the FMCSA granted Mr. Parker a vision exemption, this did not allow him to drive in interstate commerce until he met the alternative physical qualification standards for the loss of limbs and the use of a prosthetic device as outlined within 49 CFR 391.41(b)(1) and 391.49 (SPE certificate). With the decision to grant a vision exemption (68 FR 8794), Mr. Parker was ''otherwise'' qualified to drive a CMV, when he met the alternate physical qualification procedures under the SPE certification program. The FMCSA deferred making a decision regarding Mr. Parker's qualification under the Federal standards for loss of limbs until he obtained a prosthetic device, became proficient in using the device, and successfully completed the SPE certification process.

Mr. Parker obtained a prosthetic device and successfully completed the SPE process. The FMCSA granted him an SPE certificate effective April 30, 2004, for not more than 2 years, subject to strict adherence to the provisions of the certificate. Mr. Parker may renew the certificate at the end of the 2-year period by submitting a renewal application. The certificate requires Mr. Parker to use a left arm prosthetic with a modified terminal device consisting of a ball mounted on a piece of a bar that protrudes from his prosthetic. The certificate limits Mr. Parker to the operation of a power unit of a tractor-trailer combination that has a steering wheel adapter to receive the modified terminal device on his prosthetic. In addition, the power unit must have right side-mounted controls for turn signals, washer operation, and tractor-trailer marker lights. As a condition of the certificate, Mr. Parker's employing motor carrier must report in writing to the FMCSA all accidents, arrests, suspensions, revocations, withdrawals of driver licenses or permits, and convictions involving Mr. Parker within 30 days after occurrence.

Exemption Decision

Mr. Parker does not meet the vision requirements of 49 CFR 391.41(b)(10) because of severe vision loss in his right eye. He meets the alternative physical qualification standards of 49 CFR 391.49 by holding an SPE certificate. In order for Mr. Parker to continue to operate a CMV in interstate commerce, he must continue to hold an SPE certificate and be granted a renewal exemption from the vision requirements.

Mr. Parker has requested renewal of his vision exemption in a timely manner and in accordance with the procedures for requesting an exemption (including renewals) set out in 49 CFR part 381. The FMCSA has evaluated his application for renewal on its merits and decided to extend the exemption for a renewable 2-year period.

The exemption is extended subject to the following conditions: (1) Mr. Parker must have a physical exam every year by (a) An ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) a medical examiner who attests that Mr. Parker is otherwise physically qualified under 49 CFR 391.41; (2) Mr. Parker must provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) Mr. Parker must provide a copy of the annual medical certification to his employer for retention in his driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized Federal, State, or local enforcement official.

The exemption will be valid for 2 years unless rescinded earlier by the FMCSA. The exemption will be rescinded if: (1) Mr. Parker fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

Basis for Renewing the Exemption

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), Mr. Parker has satisfied the entry conditions for obtaining an exemption from the vision requirements (67 FR 54525, 68 FR 8794 and 68 FR 10583). He has requested timely renewal of the vision exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of his record of safety while driving with the vision deficiency over the past two years indicates he continues to meet the vision exemption standards. He is ''otherwise'' qualified to drive a CMV because he meets the alternative physical qualification standards for the loss of a limb under 49 CFR 391.49. These factors provide an adequate basis for predicting his ability to continue to drive safely in interstate commerce. Therefore, the FMCSA concludes that extending the exemption for Mr. Parker for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Comments

The FMCSA will review comments received at any time concerning Mr. Parker's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning Mr. Parker's safety record submit comments by March 24, 2005.

In the past, the FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew and its reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 69 FR 51346 (August 18, 2004). The FMCSA continues to find its exemption process appropriate and in accordance with the statutory and regulatory requirements.

Issued on: February 14, 2005.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

[FR Doc. 05–3256 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than April 25, 2005.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Ms. Debra Steward, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–0552.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6230 or (202) 493–6170, or E-mail to Mr. Brogan at *robert.brogan@fra.dot.gov,* or to Ms. Steward at *debra.steward@fra.dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Debra Steward, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR Part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.*, permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below are brief summaries of the three currently approved information collection activities that FRA will

submit for clearance by OMB as required under the PRA:

Title: Locomotive Cab Sanitation Standards.

OMB Control Number: 2130–0552.

Abstract: The collection of information is used by FRA to promote rail safety and the health of railroad workers by ensuring that all locomotive crew members have access to toilet/sanitary facilities—on as needed basis—which are functioning and hygienic. Also, the collection of information is used by FRA to ensure that railroads repair defective locomotive toilet/sanitary facilities within 10 calendar days of the date on which these units becomes defective.

Affected Public: Businesses.

Respondent Universe: Railroads.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Averate time per response (seconds)	Total annual burden hours (seconds)	Total annual burden cost
229.137(d)—Sanitation—Locomotive Defective or Unsanitary Toilet Fcility Placed in Trailing Service—Clear Markings: Unavailable For Use.	Class I and II railroads	15,600 notices	90	390	$9,750
229.137(e)—Sanitation—Locomotive Defective Toilet Facility—Clear Markings: Unavailable For Use.	Class I and II railroads	15,600 notices	90	390	9,750
229.139(d)—Servicing—Locomotive Used in Transfer or Switching Service with Defective Toilet Facility—Date Defective.	Class I ands II railroads	93,600 notations	30	780	19,500

Total Responses: 124,800.

Estimated Total Annual Burden: 1,560 hours.

Status: Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on February 15, 2005.

Kathy A. Weiner,

Office of Information Technology and Support Systems, Federal Railroad Administration.

[FR Doc. 05–3374 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements (ICRs) for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than April 25, 2005.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590, or Ms. Debra Steward, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–0533.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6230 or (202) 493–6170, or e-mail to Mr. Brogan at *robert.brogan@fra.dot.gov,* or to Ms. Steward at *debra.steward@fra.dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Debra Steward, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.*, permitting electronic submission of responses). *See* 44 U.S.C.

3506(c)(2)(A)(I)–(iv); 5 CFR 1320.8(d)(1)(I)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of the currently approved ICRs that FRA will submit for clearance by OMB as required under the PRA:

Title: Qualifications For Locomotive Engineers.

OMB Control Number: 2130–0533.

Abstract: Section 4 of the Rail Safety Improvement Act of 1988 (RSIA), Public Law 100–342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by Public Law 103–272, 108 Stat. 874 (July 5, 1994), required that FRA issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers. The collection of information is also used by FRA to verify that railroads have established required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

Affected Public: Businesses.

Respondent Universe: 685 railroads.

Frequency of Submission: On occasion; annually; tri-annually.

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
240.9—Waivers	685 railroads	5 waivers	1 hour	5	$170
240.101/103—Cert. Prog.—Amendmnts	675 railroads	675 amendments	15 minutes	169	5,746
—Cert. Prog.—New	10 railroads	10 programs	200 hours/40 hours	1,840	62,560
—Final Review	10 railroads	10 reviews	1 hour	10	340
—Nonconforming Program—Amend	685 railroads	1 amended program	15 minutes	.25	9
—Material Modific	685 railroads	6 modified program	45 minutes	5	170
240.105(a)—Selection Criteria for DSLE's—Rpts.	10 railroads	10 reports	1 hour	10	490
(b) Approval Plan—Amendments	685 railroads	75 amendments	1 hour	75	2,550
240.109—Candidate's written comments on prior safety data.	13,333	133 responses	30 minutes	67	3,149
240.111/App C—Driver's License Data	13,333 candidates	13,333 requests	15 minutes	3,333	156,651
—NDR Match—notifications and requests for data.	685 railroads	267 response + 267 requests.	30 minutes	134	5,427
—Written response from candidate on driver's lic. data.	685 railroads	40 cases/comments	15 minutes	10	470
240.111(g)—Notice to RR of Absence of License.	40,000 candidates	4 letters	15 minutes	1	47
240.111(h)—Duty to furnish data on prior safety conduct as motor vehicle op..	685 railroads	400 phone calls	10 minutes	67	3,149
240.113—Notice to RR Furnishing Data on Prior Safety Conduct—Diff. RR.	13,333 candidates	267 requests + 267 responses.	15 min./30 min.	200	7,671
240.119—Self-referral to EAP re: active substance abuse disorder.	40,000 locomotive engineers.	100 self-referrals	5 minutes	22	376
240.121—Criteria—Vision/Hearing Acuity Data—New Railroads.	10 railroads	10 copies	15 minutes	3	102
240.121—Criteria—Vision/Hearing Acuity Data—Cond. Certification.	685 railroads	17 reports	1 hour	17	578
240.121—Criteria—Vision/Hearing Acuity Data—Not Meeting Standards.	685 railroads	10 notifications	15 minutes	3	141
240.201/221—List of Certified Loco. Engineers.	685 railroads	685 updates	15 minutes	171	5,814
240.201/221—List of Qualified DSLEs	685 railroads	685 updated lists	15 minutes	171	5,814
240.201/223/301—Loco. Engineers Certificate.	40,000 candidates	13,333 certificates	5 minutes	1,111	37,774
—False entry on certificates	685 railroad; 40,000 engineers.	2 falsifications	5 minutes	17	8
240.201/223—List of Des. Persons Authorized to Sign DSLE Certificate.	685 railroads	20 lists	15 minutes	5	170
240,205—Data to EAP Counselor	685 railroads	267 records	5 minutes	22	1,034
240.207—Medical Certificate	40,000 candidates	13,333 certificates	70 minutes	15,555	1,555,500
—Written determinations waiving use of corrective device.	685 railroads	10 determinations	2 hours	20	2,000
240.219—Denial of Certification	13,333 candidates	75 letters + 75 responses.	1 hour	150	6,075
—Notification	685 railroads	75 notifications	1 hour	75	2,550
240.227—Canadian Certification Data	Canadian railroads	200 certifications	15 minutes	50	1,700
240.229—Requirements For Joint Operations.	321 railroads	184 calls	5 minutes	15	705
240.309—RR Oversight Resp.: Poor Safety Conduct—Noted.	15 railroads	10 annotations	15 minutes	3	147
Testing Rqmnts.					
240.209/213—Written Tests	40,000 candidates	13,333 tests	2 hours	26,666	906,644

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours	Total annual burden cost
240.211/213—Perf. Test	40,000 candidates	13,333	2 hours	26,666	906,644
240.303—Annual operational monitor observation.	40,000 candidates	40,000 tests/docs	2 hours	80,000	3,920,000
240.303—Annual operating rules compliance test.	40,000 candidates	40,000 tests	1 hour	40,000	1,960,000
Recordkeeping					
240.215—Retaining Info. Supporting Determination.	685 railroads	13,333 records	10 minutes	2,222	75,548
240.305—Engineer's Notice of Non-Qualific.	40,000 engineers candidates.	10 notifications	5 minutes	1	47
—Relaying Non-qual. Status to other certifying railroad.	800 engineers	2 letters	30 minutes	1	47
240.307—Notice to Engineer of Disqualification.	685 railroads	500 letters	1 hour	500	17,000
240.309—Railroad Annual Review	42 railroads	42 reviews	80 hours	3,360	188,160
—Report of findings	42 railroads	6 reports	1 hour	6	336

Total Responses: 165,420.

Estimated Total Annual Burden: 202,741 hours.

Status: Regular Review.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on February 15, 2005.

Kathy A. Weiner,

Director, Office of Information Technology and Support Systems, Federal Railroad Administration.

[FR Doc. 05–3375 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The nature of the information collection is described as well as its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on November 16, 2004, and comments were due by January 18, 2005. No comments were received.

DATES: Comments must be submitted on or before March 24, 2005.

FOR FURTHER INFORMATION CONTACT: Murray Bloom, Maritime Administration, 400 7th Street, SW., Washington, DC 20590. Telephone: 202–366–5320; FAX: 202–366–7485; or e-mail: *murray.bloom@marad.dot.gov*. Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title: Application for Designation of Vessels as American Great Lakes Vessels.

OMB Control Number: 2133–0521.

Type of Request: Extension of currently approved collection.

Affected Public: Ship owners of merchant vessels.

Forms: None.

Abstract: In accordance with Public Law 101–624, the Secretary of Transportation issued requirements for the submission of applications for designation of vessels as American Great Lakes Vessels. Vessel owners who wish to have this designation must certify that their vessel(s) meets certain criteria established in 46 CFR part 380. This collection of information is mandated by statute to establish that a vessel meets statutory criteria for obtaining the benefit of eligibility to carry preference cargoes.

Annual Estimated Burden Hours: 1.25 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer.

Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Authority: 49 CFR 1.66.

Issued in Washington, DC on February 8, 2005.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–3249 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 20372]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ALIENTO.

SUMMARY: As authorized by Pub. L. 105–383 and Pub. L. 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief

description of the proposed service, is listed below. The complete application is given in DOT docket 2005–20372 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before March 24, 2005.

ADDRESSES: Comments should refer to docket number MARAD–2005 20372. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, D.C. 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366–0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ALIENTO is:

Intended Use: ''Passenger Service.''

Geographic Region: ''Maine to North Carolina.''

Dated: February 10, 2005.
By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–3247 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 20373]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel BLUE OCEAN.

SUMMARY: As authorized by Pub. L. 105–383 and Pub. L. 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005–20373 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before March 24, 2005.

ADDRESSES: Comments should refer to docket number MARAD–2005 20373. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366–0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel *BLUE OCEAN* is:

Intended Use: ''Commercial sailing passenger vessel.''

Geographic Region: ''Florida coast including the Gulf of Mexico and the Atlantic coast.''

Dated: February 10, 2005.
By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–3246 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 20374]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel CIELO MARE.

SUMMARY: As authorized by Public Law 105–383 and Public Law 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005–20374 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver

application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before March 24, 2005.

ADDRESSES: Comments should refer to docket number MARAD–2005 20374. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel CIELO MARE is:

Intended Use: ''Carrying of passengers in U.S. waters''

Geographic Region: ''California''

Dated: February 10, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–3248 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 20375]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MALU III.

SUMMARY: As authorized by Pub. L. 105–383 and Pub. L. 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005–20375 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before March 24, 2005.

ADDRESSES: Comments should refer to docket number MARAD–2005 20375. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MALU III is:

Intended Use: ''Carrying of Passengers in U.S. Waters.''

Geographic Region: ''South Carolina and North Carolina.''

Dated: February 10, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–3253 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 20376]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel PHOENIX.

SUMMARY: As authorized by Pub. L. 105–383 and Pub. L. 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005–20376 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the United States that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before March 24, 2005.

ADDRESSES: Comments should refer to docket number MARAD–2005 20376. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PHOENIX is:

Intended Use: ''Charter''.

Geographic Region: ''Florida''.

Dated: February 10, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–3254 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 20378]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel TERRAPIN.

SUMMARY: As authorized by Public Law 105–383 and Public Law 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005–20378 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR Part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

DATES: Submit comments on or before March 24, 2005.

ADDRESSES: Comments should refer to docket number MARAD–2005 20378. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TERRAPIN is:

Intended Use: ''captained, near coastal, day sail charters.''

Geographic Region: ''Florida.''

Dated: February 10, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–3250 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number 2005 20371]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel AMORE'.

SUMMARY: As authorized by Public Law 105–383 and Public Law 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket 2005–20371 at *http://dms.dot.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Public Law 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before March 24, 2005.

ADDRESSES: Comments should refer to docket number MARAD–2005 20371. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel AMORE' is:

Intended Use: ''Charters/harbor cruises.''

Geographic Region: ''California.''

Dated: February 10, 2005.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 05–3251 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. **Federal Register** Notice with a 60-day comment period was published on November 19, 2004 [69 FR 67774].

DATES: Comments must be submitted on or before March 24, 2005.

FOR FURTHER INFORMATION CONTACT: Anetris Campbell, NHTSA 400 Seventh Street, SW., Room 5401—NVS–100, Washington, DC 20590. Anetris Campbell telephone number is (202) 366–0933.

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: 49 CFR 552, Petitions for Rulemaking, Defects, and Noncompliance Orders.

OMB Number: 2127–0046.

Type of Request: Extension of a currently approved collection.

Abstract: 49 U.S.C., section 30162 specifies that any ''interested person may file a petition with the Secretary of Transportation requesting the Secretary to begin a proceeding'' to prescribe a motor vehicle safety standard under 49 U.S.C. chapter 301, or to decide whether to issue an order under 49 U.S.C. section 30118(b). 49 U.S.C. 30111 gives the Secretary authority to prescribe motor vehicle safety standards. 49 U.S.C. section 30118(b) gives the Secretary authority to issue an order to a manufacturer to notify vehicle or equipment owners, purchasers, and dealers of the defect or noncompliance and to remedy the defect or noncompliance.

Section 30162 further specifies that all petitions filed under its authority shall set forth the facts, which it is claimed establish, that an order is necessary and briefly describe the order the Secretary should issue.

Affected Public: Business or other-for-profit.

Estimated Total Annual Burden: 20.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer [identified by DOT Docket No. NHTSA–2004–19627].

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A Comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued in Washington, DC on February 16, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05–3376 Filed 2–18–05; 8:45 am]

BILLING CODE 4910–59–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 on or before March 24, 2005.

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 February 14, 2005.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Safety Exemptions & Approvals.

NEW EXEMPTION

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
14137–N	.....	Mallinckrodt Baker, Inc., Phillipsburg, NJ.	49 CFR 172.102(c)(4), Special provision IB2.	To authorize the transportation in commerce of Hydrochloric acid up to 38% concentration in intermediate bulk containers. (Mode 1)

NEW EXEMPTION—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
14138–N		INO Therapeutics, Inc., Port Allen, LA.	49 CFR 172.202, 172.301.	To authorize the transportation of commerce of certain hazardous materials for use in clinical-blinded studies with alternative shipping papers and markings. (Mode 1, 3)
14139–N		Commodore Advanced Sciences, Inc., Richland, WA.	49 CFR 173.244	To authorize the one-time, one-way transportation in commerce of solidified sodium metal in a non-DOT specification bulk packaging. (Mode 1)
14140–N		Albemarle Corporation, Baton Rouge, LA.	49 CFR 172.101(j) and Column (9B) of the HMT and 173.27.	To authorize the transportation of a Division 4.3 material in DOT specification 3AA cylinders further packed in a UN fiberboard box by cargo aircraft only. (Mode 4)
14141–N		Nalco Company, Naperville, IL	49 CFR 177.834(i)(3)	To authorize the use of video cameras and monitors to observe the loading operations of certain hazardous materials from a remote control station in place of personnel remaining within 7.62 meters (25 feet) of the cargo tank motor vehicles. (Mode 1)
14142–N		Arch Chemicals, Inc., Norwalk, CT	49 CFR 172, subparts D, E and F.	To authorize the transportation in commerce of a hazardous substance without marking, labeling or placarding when further packaged in a freight container. (Mode 1, 2, 3)
14143–N		Federal Industries Corporation, Plymouth, MN.	49 CFR 173.12(b)	To authorize the manufacture, marking and sale of a corrugated fiberboard box for use as the outer packaging for lab pack applications in accordance with § 173.12(b). (Mode 1, 2, 3)
14144–N		Lawrence Livermore National Laboratory, Livermore, CA.	49 CFR 173.212	To authorize the one-time transportation in commerce of lithium hydride, fused solid in specially designed non-bulk containers. (Mode 1)
14146–N		Brunswick Corporation, Lake Forest, IL.	49 CFR 173.220(e)	To authorize the transportation in commerce of certain engines, machinery and apparatus with up to 120 ml (4 ounces) of flammable liquid fuel by vessel. (Mode 3)

[FR Doc. 05–3371 Filed 2–18–05; 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. There applications have been separated from the new application for exemption to facilitate processing.

DATES: Comments must be received on or before March 9, 2005.

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)).

Dated: Issued in Washington, DC, on February 15, 2005.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions & Approvals.

MODIFICATION EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Modification of exemption	Nature of exemption thereof
11691–M	.....	PepsiCo International, Valhalla, NY.	49 CFR 176.83(d); 176.331; 176.800(a).	11691	To modify the exemption to update a proper shipping description and authorize the transportation of a Class 9 material with Class 3 and Class 8 materials not subject to the segregation requirements for vessel storage when shipped in the same transport vehicle.
11917–M	RSPA–97–2741	Sexton Can Company, Inc., Decatur, AL.	49 CFR 173.304(a) ..	11917	To modify the exemption to authorize an increased water capacity limit to 40.4 cubic inches and the transportation of an additional Division 2.1 material in non-DOT specification, non-refillable steel cylinders.
11970–M	RSPA–97–2993	ExxonMobil Chemical Company, Mont Belvieu, TX.	49 CFR 172.101; 178.245–1(c).	11970	To modify the exemption to authorize an additional portable tank configuration and dimension drawing for transporting Division 4.2 materials and rail freight as a mode of transportation.
12384–M	RSPA–99–6561	OilAir Hydraulics, Inc., Houston, TX.	49 CFR 173.302(a)(1); 175.3.	12384	To modify the exemption to authorize an increased design pressure not to exceed 10,000 psig and a minimum 3:1 design service to burst ratio for the steel hydraulic accumulators transporting Division 2.2 materials.
12643–M	RSPA–01–9066	Northup Grumman Space Technology, Redondo Beach, CA.	49 CFR 173.302 and 175.3.	12643	To modify the exemption to authorize and additional design change to the pulse tube cooler with an increased volume to 1100 cc and test pressure to 915 psig shipped inside a strong, foam filled shipping container.
13580–M	RSPA–04–18506.	Carleton Technologies Inc., Orchard Park, NY.	40 CFR 178.65	13580	To modify the exemption to authorize a larger non-DOT specification pressure vessel with increased service, test and burst pressures for the transportation of Division 2.2 materials.

[FR Doc. 05–3373 Filed 2–18–05; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34657] *

BNSF Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant overhead trackage rights to BNSF Railway Company, f/k/a The Burlington Northern and Santa Fe Railway Company (BNSF), over: (1) A line of railroad between UP's milepost 1.7 at a station known as Tower 30, on UP's Glidden Subdivision and Strang yard, TX, and UP's milepost 21.5 on UP's Strang Subdivision; and (2) portions of a line of railroad between Tower 30 and Strang yard that are owned by the Port of Houston (PHA), maintained by the Port Terminal Railroad Association (PTRA), and jointly operated by PTRA and UP pursuant to UP's contractual arrangements with PHA and PTRA.[1] The line is located in the State of Texas. The total distance of the trackage rights granted to BNSF is approximately 15.6 miles.

The transaction was scheduled to be consummated on February 1, 2005, and operations under this exemption were scheduled to begin on that date. The purpose of the trackage rights is to allow BNSF access to a limited subset of facilities on the Bayport Loop, southeast of Houston, TX, and BNSF's system trackage in the Houston terminal, including, without limitation, access to BNSF's existing rights between Tower 30 and the East and West Belts.

As a condition to this exemption, any employees affected by the acquisition of the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34657, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Sarah W. Bailiff, Senior General Attorney, BNSF Railway Company, P.O. Box 961039, Fort Worth, TX 76161–0039.

Board decisions and notices are available on our Web site at *"http://www.stb.dot.gov."*

* This notice corrects one served and published in the **Federal Register** on February 11, 2005, in this proceeding, to remove the references to "temporary" found in the second and third paragraphs of the notice.

[1] A redacted version of the trackage rights agreement between BNSF and UP was filed with the notice of exemption. The full version of the agreement, as required by 49 CFR 1180.6(a)(7)(ii), was filed under seal along with a motion for protective order on January 28, 2005. A protective order is being served on February 4, 2005.

Decided: February 4, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–3344 Filed 2–18–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Funds Availability Inviting Applications for the Community Development Financial Institutions Program—Technical Assistance Component: New Application Deadline

AGENCY: Community Development Financial Institutions Fund, Department of the Treasury.

ACTION: New application deadline.

SUMMARY: On December 3, 2004, the Community Development Financial Institutions Fund (the ''Fund'') announced in a Notice of Funds Availability (''NOFA'') for the Technical Assistance Component of the CDFI Program (69 FR 70307) that the deadline for applications for Technical Assistance grants for the FY 2005 funding round of the Technical Assistance Component was 5 p.m. ET on January 25, 2005.

This notice is to announce that the Fund has established a new application deadline for the FY 2005 funding round of the Technical Assistance Component of the CDFI Program: Technical Assistance Component applications may be submitted up to 5 p.m. ET on March 7, 2005.

Interested parties should review the December 3, 2004 NOFA for details on the FY 2005 funding round of the Technical Assistance Component and the application process. The December 3, 2004 NOFA, the Technical Assistance Component application, and other related documents may be found on the Fund's Web site at *http://www.cdfifund.gov.* Interested parties also must note the following information that is specific to applications that are submitted in response to this NOFA amendment:

Any entity that submitted a Technical Assistance Component application in response to the December 3, 2004 NOFA may not submit another application in response to this notice unless the application was rejected by the Fund for reason of incompleteness or lateness. If the Fund rejected the application due to incompleteness or lateness, it may be submitted in response to this notice and will be reviewed for funding so long as it meets the Fund's requirements as set forth in the December 3, 2004 NOFA.

The Fund will review applications in accordance with the policies, procedures and requirements set forth in the December 3, 2004 NOFA. Applications that were submitted in response to the December 3, 2004 NOFA will be reviewed first. Applications submitted in response to this notice will be reviewed after applications submitted in response to the December 3, 2004 NOFA are reviewed. The Fund will make its funding decisions for applications submitted in response to this notice after funding decisions are made regarding applications made in response to the December 3, 2004 NOFA, subject to funding availability.

If an applicant under this notice is required to submit a ''Certification of Material Change Form,'' it must do so by February 28, 2005. Refer to the December 3, 2004 NOFA for further information.

All other information and requirements set forth in the December 3, 2004 NOFA for the FY 2005 funding round of the Technical Assistance Component shall remain effective, as published.

FOR FURTHER INFORMATION CONTACT: The Fund will respond to applicants' reporting, compliance or disbursement phone calls or e-mail inquiries that are received on or before 5 p.m. ET on March 2, 2005 (2 business days before the new application deadline). The Fund will not respond to reporting or compliance telephone calls or e-mail inquiries that are received after 5 p.m. ET on March 2, 2005 until after the funding application deadline of March 7, 2005.

1. *Information technology support:* Technical support can be obtained by calling (202) 622–2455 or by e-mail at *ithelpdesk@cdfi.treas.gov.* People who have visual or mobility impairments that prevent them from creating maps using the Fund's Web site should call (202) 622–2455 for assistance. These are not toll free numbers.

2. *Programmatic support:* If you have any questions about the programmatic requirements, contact a member of the program staff by e-mail at *cdfihelp@cdfi.treas.gov,* by telephone at (202) 622–6355, by facsimile at (202) 622–7754, or by mail at CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. These are not toll-free numbers.

3. *Administrative support:* If you have any questions regarding administrative requirements, contact the Fund's Grants Manager by e-mail at *gmc@cdfi.treas.gov,* by telephone at (202) 622–8226, by facsimile at (202) 622–9625, or by mail at CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. These are not toll free numbers.

4. *Compliance support:* If you have any questions regarding compliance issues, contact the Fund's Compliance Manager by e-mail at *cme@cdfi.treas.gov,* by telephone at (202) 622–8226, by facsimile at (202) 622–9625, or by mail at CDFI Fund, 601 13th Street, NW., Suite 200 South, Washington, DC 20005. These are not toll free numbers.

5. *Legal counsel support:* If you have any questions or matters that you believe require response by the Fund's Office of Legal Counsel, please refer to the document titled ''How to Request a Legal Review,'' found on the Fund's Web site at *http://www.cdfifund.gov.*

Authority: 12 U.S.C. 4703; Chapter X, Pub. L. 104–19, 109 Stat. 237.

Dated: February 14, 2005.

Arthur A. Garcia,

Director, Community Development Financial Institutions Fund.

[FR Doc. 05–3224 Filed 2–18–05; 8:45 am]

BILLING CODE 4810–70–P

Corrections

Federal Register

Vol. 70, No. 34

Tuesday, February 22, 2005

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–98–4334, FMCSA–2000–7165, FMCSA–2000–7363, FMCSA–2002–12844, FMCSA–2002–13411]

Qualification of Drivers; Exemption Applications; Vision

Correction

In notice document 05–2756 beginning on page 7545 in the issue of Monday, February 14, 2005, make the following corrections:

1. On page 7545, in the third column, under the heading **Exemption Decision**, in the list of names after the first paragraph, in the seventh line, ''harry P. Henning'' should read ''Harry P. Henning.''

2. On the same page, in the same column, under the same heading, in the eighth line of the list of names, ''Bruce G. Hoemr'' should read ''Bruce G. Horner.''

3. On the same page, in the same column, under the same heading, in the 12th line of the list of names, ''Stnaley B. Salkowski III'' should read ''Stanley B. Salkowski III.''

[FR Doc. C5–2756 Filed 2–18–05; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
February 22, 2005

Part II

Department of Housing and Urban Development

24 CFR Part 1000

Indian Housing Block Grant Program; Advance Notice of Intent to Establish a Negotiated Rulemaking Committee and Request for Nominations for Committee Membership; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 1000

[Docket No. FR–4968–N–01; HUD–2005–0002]

Indian Housing Block Grant Program; Advance Notice of Intent To Establish a Negotiated Rulemaking Committee and Request for Nominations for Committee Membership

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of establishment of negotiated rulemaking committee.

SUMMARY: This notice announces HUD's intent to establish a negotiated rulemaking committee (Committee). The purpose of the Committee will be to provide advice and recommendations on developing a rule for effectuating changes to the Indian Housing Block Grant Program in response to statutory amendments to the Native American Housing Assistance and Self-Determination Act of 1996. This document provides the public with information regarding the Committee and explains how persons may be nominated for membership on the Committee.

DATES: Comments Due Date: March 24, 2005.

ADDRESSES: Interested persons are invited to nominations for membership on negotiated rulemaking committee to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Facsimile (FAX) comments are not acceptable. In all cases, communications must refer to the docket number and title. All comments and communications submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, Public and Indian Housing, Room 4126, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone 202–401–7914 (this telephone number is not toll-free). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*) (NAHASDA) established the Indian Housing Block Grant (IHBG) Program. NAHASDA was subsequently amended several times. In 1998, NAHASDA was amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Pub. L. 105–276, approved Oct. 21, 1998). In 2000, the Omnibus Indian Advancement Act (Pub. L. 106–568, approved Dec. 27, 2000) and the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved Dec. 27, 2000) both amended NAHASDA. In 2002, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 (Pub. L. 107–292, approved Nov. 13, 2002), which also amended NAHASDA, was enacted. These statutory amendments affected the IHBG Program.

HUD is publishing this notice to announce it intends to establish a negotiated rulemaking committee (Committee) that will provide advice and recommendations on developing a rule for effectuating certain statutory changes to the IHBG Program, as noted above. The basic concept of negotiated rulemaking is to have the agency that is considering drafting a rule bring together representatives of affected interests for face-to-face negotiations that are open to the public. The Committee's role will be advisory and the Committee's goal will be to provide ''consensus'' recommendations to HUD. ''Consensus'' will be defined in the initial meeting of the Committee.

II. Identification of Issues for Negotiation

The NAHASDA Amendments that will be the subject of negotiated rulemaking are:

1. Environmental provisions under section 105(d) of NAHASDA (2000);
2. Review and audit provisions under section 405 of NAHASDA (2000);
3. Noncompliance actions under section 401(a) of NAHASDA (2000);
4. Performance Agreement under section 401(b) of NAHASDA (2000);
5. Program income under section 104(a) of NAHASDA (2002); and
6. Definition of ''housing related community development'' under section 4(22) of NAHASDA (2002).

HUD will obtain the services of a convener, whose task will be to consult with interested parties to gain an understanding of their interests and concerns relative to the issues listed above, which will be addressed during the negotiated rulemaking, and to determine what other issues are feasible for negotiation. The convener will contact a representative sampling of stakeholders to discuss the issues to be negotiated and to identify additional potential issues and will provide a report to HUD on the findings and conclusions of the consultation. HUD will then determine what additional issues, if any, will be negotiated in this negotiated rulemaking. Due to limitations on resources, some issues may be scheduled for a subsequent negotiated rulemaking.

III. Committee Meetings

The negotiated rulemaking sessions will consist of full Committee meetings only. The Committee may decide to establish workgroups, but workgroups sessions will be conducted separately from meetings of the full Committee. HUD will encourage all Committee members to utilize telephone conference calls and the use of electronic media to accomplish work and narrow the issues prior to each Committee meeting.

There will be a maximum of five meetings held, subject to the availability of resources. Dates, times and locations of future meetings will be determined by HUD and be published in the **Federal Register**.

IV. Committee Membership

The Committee will consist of representatives of the various interests that are potentially affected by the rulemaking. Members may include tribally designated housing entities, elected officials of tribal governments, and HUD representatives. Members will serve at HUD's discretion.

Other than the Federal government representatives, HUD has not yet identified the list of possible interests and parties. HUD will decide on a proposed membership based upon comments on this notice, as well as its own efforts to identify other individuals and entities having an interest in the outcome of this rulemaking. The Negotiated Rulemaking Act of 1990 (5 U.S.C. 561–570) provides, at 5 U.S.C. 565(b), that the membership of a negotiated rulemaking committee should generally be limited to 25 members.

The two federal government representatives will be:

1. The Assistant Secretary for Public and Indian Housing, U.S. Department of Housing and Urban Development; and
2. The Deputy Assistant Secretary for Native American Programs, U.S.

Department of Housing and Urban Development.

It is not required that each potentially affected organization or entity necessarily have its own representative. However, HUD must be satisfied that the group as a whole reflects a proper balance and mix of interests. Negotiation sessions will be open to members of the public, so individuals and organizations that are not members of the Committee may attend sessions and communicate informally with members of the Committee.

V. Requests for Representation

Consistent with section 565 of the Negotiated Rulemaking Act, Committee members shall be selected by HUD. If you are interested in serving as a member of the Committee or in nominating another person to serve as a member of the Committee, you may submit a written nomination to HUD at the address listed in the **ADDRESSES** section of this notice. Your nomination for membership on the Committee must include:

1. The name of your nominee and a description of the interests the nominee would represent;

2. Evidence that your nominee is authorized to represent a tribal government, which may include the tribally designed housing entity of a tribe with the interests the nominee would represent, so long as the tribe provides evidence that it authorizes such representation; and

3. A written commitment that the nominee will actively participate in good faith in the development of the rule.

HUD will determine whether a proposed member will be included in the makeup of the Committee. HUD will make that decision based on whether a proposed member would be significantly affected by the proposed rule, whether the interest of the proposed member could be represented adequately by other members, and whether space permits.

VI. Additional Notices

After reviewing any comments on this notice and any requests for representation, HUD will publish a notice in the **Federal Register** that will announce the proposed membership of the Committee, request comments on the proposed membership, and solicit additional nominations for Committee membership. HUD will publish a notice in the **Federal Register** announcing the final composition of the Committee and the date, time, and place of the initial meeting.

Dated: January 28, 2005.

Michael M. Liu,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 05–3091 Filed 2–18–05; 8:45 am]

BILLING CODE 4210–33–P

Federal Register

Tuesday,
February 22, 2005

Part III

Nuclear Regulatory Commission

10 CFR Parts 170 and 171

Revision of Fee Schedules; Fee Recovery for FY 2005; Proposed Rule

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150–AH61

Revision of Fee Schedules; Fee Recovery for FY 2005

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend the licensing, inspection, and annual fees charged to its applicants and licensees. The proposed amendments are necessary to implement the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, which requires that the NRC recover approximately 90 percent of its budget authority in fiscal year (FY) 2005, less the amounts appropriated from the Nuclear Waste Fund (NWF). The total amount to be recovered for FY 2005 is approximately $540.7 million. After accounting for carryover and billing adjustments, the net amount to be recovered through fees is approximately $538 million.

DATES: The comment period expires March 24, 2005. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure only that comments received on or before this date will be considered. Because OBRA–90 requires that the NRC collect the FY 2005 fees by September 30, 2005, requests for extensions of the comment period will not be granted.

ADDRESSES: You may submit comments by any one of the following methods. Please include number RIN 3150–AH61 in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking Web site. Personal information will not be removed from your comments.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attn: Rulemakings and Adjudications Staff.

E-mail comments to: *SECY@nrc.gov*. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415–1966. You may also submit comments via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov*. Address questions about our Web site to Ms. Carol Gallagher, (301) 415–5905; e-mail *CAG@nrc.gov*. Comments can also be submitted via the Federal eRulemaking Portal at *http://www.regulations.gov*.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone (301) 415–1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415–1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking Web site at *http://ruleforum.llnl.gov*.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209; (301) 415–4737 or by e-mail at *pdr@nrc.gov*.

FOR FURTHER INFORMATION CONTACT: Tammy Croote, telephone (301) 415–6041; Office of the Chief Financial Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Action
III. Plain Language
IV. Voluntary Consensus Standards
V. Environmental Impact: Categorical Exclusion
VI. Paperwork Reduction Act Statement
VII. Regulatory Analysis
VIII. Regulatory Flexibility Analysis
IX. Backfit Analysis

I. Background

For FYs 1991 through 2000, OBRA–90, as amended, required that the NRC recover approximately 100 percent of its budget authority, less the amount appropriated from the U.S. Department of Energy (DOE) administered NWF, by assessing fees. To address fairness and equity concerns raised by the NRC related to charging NRC license holders for agency budgeted costs that do not provide a direct benefit to the licensee, the FY 2001 Energy and Water Development Appropriations Act amended OBRA–90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount is 90 percent in FY 2005. As a result, the NRC is required to recover approximately 90 percent of its FY 2005 budget authority, less the amounts appropriated from the NWF, through fees. In the Consolidated Appropriations Act of 2005 (Pub. L. 108–447), as adjusted by the rescission discussed in Section 122(a), Congress appropriated $669.3 million to the NRC for FY 2005. This sum includes $68.5 million appropriated from the NWF. The total amount NRC is required to recover in fees for FY 2005 is approximately $540.7 million. After accounting for carryover and billing adjustments, the net amount to be recovered through fees is approximately $538 million.

While the total amount that the NRC must recover in fees in FY 2005 has been determined by Congress and, therefore, is outside the scope of this rulemaking, the NRC notes that it has supported previous legislative efforts to remove additional costs from the fee base and continues to do so. In the 2003 Congressional session, an Energy Policy Bill (H.R. 6) was introduced that would have amended OBRA–90 to remove many homeland security costs from the fee base (except homeland security costs associated with fingerprinting, background checks, and security inspections). In its August 29, 2003, letter to the House Committee on Energy and Commerce, the Commission supported the fee recovery provisions of this bill. The NRC continues to support legislative efforts to remove homeland security costs from the fee base.

The NRC assesses two types of fees to meet the requirements of OBRA–90, as amended. First, license and inspection fees, established in 10 CFR part 170 under the authority of the Independent Offices Appropriation Act of 1952 (IOAA), 31 U.S.C. 9701, recover the NRC's costs of providing special benefits to identifiable applicants and licensees. Examples of the services provided by the NRC for which these fees are assessed are the review of applications for new licenses and, for certain types of existing licenses, the review of renewal applications, the review of amendment requests, and inspections. Second, annual fees established in 10 CFR part 171 under the authority of OBRA–90, recover generic and other regulatory costs not otherwise recovered through 10 CFR part 170 fees.

II. Proposed Action

The NRC is proposing to amend its licensing, inspection, and annual fees to recover approximately 90 percent of its FY 2005 budget authority less the appropriations received from the NWF. The NRC's total budget authority for FY 2005 is $669.3 million, of which approximately $68.5 million has been appropriated from the NWF. Based on the 90 percent fee recovery requirement, the NRC must recover approximately $540.7 million in FY 2005 through part 170 licensing and inspection fees, part 171 annual fees, and other offsetting receipts. The total amount to be recovered through fees and other offsetting receipts for FY 2005 is $4.6 million less than the amount estimated for recovery in FY 2004.

The FY 2005 fee recovery amount is reduced by a $2.2 million carryover from additional collections in FY 2004 that were unanticipated at the time the final FY 2004 fee rule was published, and by an additional $0.5 million for billing adjustments (*i.e.*, for FY 2005 invoices that the NRC estimates will not be paid during the fiscal year, and for payments received in FY 2005 for FY 2004 invoices). This leaves approximately $538 million to be recovered in FY 2005 through part 170 licensing and inspection fees, part 171 annual fees, and other offsetting receipts.

The NRC estimates that approximately $166.8 million will be recovered in FY 2005 from part 170 fees and other offsetting receipts. The NRC derived this estimate based on the previous four quarters of billing data for each license class, with adjustments to account for changes in the NRC's FY 2005 budget as appropriate. The remaining $371.2 million would be recovered through the part 171 annual fees, compared to $389.9 million for FY 2004.

The primary reason for the decrease in total fees for FY 2005 is that the NRC's fee recovery is 90 percent in FY 2005, compared to 92 percent in FY 2004, in accordance with the FY 2001 Energy and Water Development Appropriations Act. This decrease in the NRC's required fee recovery is sufficient to offset the increase of 1.5 percent in the NRC's non-NWF budget in FY 2005.

Table I summarizes the budget and fee recovery amounts for FY 2005.

TABLE 1.—BUDGET AND FEE RECOVERY AMOUNTS FOR FY 2005

[Dollars in millions]

Total Budget Authority	$669.3
Less NWF	− 68.5
Balance	$600.8
Fee Recovery Rate for FY 2005	× 90.0%
Total Amount To Be Recovered for FY 2005	$540.7
Less Carryover From FY 2004	− 2.2
Less Part 171 Billing Adjustments	.....
Unpaid FY 2005 Invoices (estimated)	2.7
Less Payments Received in FY 2005 for Prior Year Invoices (estimated)	− 3.2
Subtotal	−0.5
Amount To Be Recovered Through Parts 170 and 171 Fees	$538.0
Less Estimated Part 170 Fees	− 166.8
Part 171 Fee Collections Required	$371.2

The FY 2005 final fee rule will be a ''major rule'' as defined by the Small Business Regulatory Enforcement Fairness Act of 1996. Therefore, the NRC's fee schedules for FY 2005 would become effective 60 days after publication of the final rule in the **Federal Register**. The NRC will send an invoice for the amount of the annual fee to reactors and major fuel cycle facilities upon publication of the FY 2005 final rule. For these licensees, payment would be due on the effective date of the FY 2005 rule. Those materials licensees whose license anniversary date during FY 2005 falls before the effective date of the final FY 2005 rule would be billed for the annual fee during the anniversary month of the license at the FY 2004 annual fee rate. Those materials licensees whose license anniversary date falls on or after the effective date of the final FY 2005 rule would be billed for the annual fee at the FY 2005 annual fee rate during the anniversary month of the license, and payment would be due on the date of the invoice.

As a matter of courtesy, the NRC plans to continue mailing the proposed fee rule to all licensees, although, as a cost saving measure, in accordance with its FY 1998 announcement, the NRC has discontinued mailing the final fee rule to all licensees. Accordingly, the NRC does not plan to routinely mail the FY 2005 final fee rule or future final fee rules to licensees.

However, the NRC will send the final rule to any licensee or other person upon specific request. To request a copy, contact the License Fee Team, Division of Financial Management, Office of the Chief Financial Officer, at (301) 415–7554, or e-mail *fees@nrc.gov*. The NRC plans to publish the final fee rule in May 2005. In addition to publication in the **Federal Register**, the final rule will be available on the Internet at *http://ruleforum.llnl.gov* for at least 90 days after the effective date of the final rule.

The NRC is proposing to make changes to 10 CFR parts 170 and 171 as discussed in Sections A and B below.

A. Amendments to 10 CFR Part 170: Fees for Facilities, Materials, Import and Export Licenses, and Other Regulatory Services Under the Atomic Energy Act of 1954, As Amended

The NRC is proposing to establish the hourly rates used to calculate fees and to adjust the part 170 fees based on the proposed hourly rates and the results of the agency's biennial review of fees required by the Chief Financial Officer (CFO) Act of 1990 (Pub. L. 101–578, November 15, 1990, 104 Stat. 2838). Additionally, the NRC is proposing to revise part 170 to provide for the assessment of full cost fees for licensee-

specific activities resulting from most orders and decommissioning activities associated with unlicensed sites; clarify that part 170 fee waivers need to be requested from, and granted by, the CFO in writing in certain instances; notify licensees that the NRC intends to apply its existing full cost recovery policy for project managers to license renewal project managers; and make minor administrative changes to enhance consistency between the fee categories used in part 170 and part 171.

The NRC is proposing the following changes:

1. Hourly Rates

The NRC is proposing to establish in § 170.20 two professional hourly rates for NRC staff time. These proposed rates would be based on the number of FY 2005 direct program full time equivalents (FTEs) and the FY 2005 NRC budget, excluding direct program support costs and NRC's appropriations from the NWF. These rates are used to determine the part 170 fees. The proposed rate for the reactor program is $205 per hour ($296,898 per direct FTE). This rate would be applicable to all activities for which fees are assessed under § 170.21 of the fee regulations. The proposed rate for the materials program (nuclear materials and nuclear waste programs) is $198 per hour ($285,944 per direct FTE). This rate would be applicable to all activities for which fees are assessed under § 170.31 of the fee regulations. In the FY 2004 final fee rule, the reactor and materials program rates were $157 and $156, respectively. The increase to the reactor and the materials program rates is primarily due to the NRC's use of a revised estimate of the number of direct hours per FTE in calculating these rates. The recent Government-wide pay raise is another reason for the proposed increase in the hourly rates.

As described in further detail below, the NRC currently assumes 1,776 hours per direct FTE are available for direct program work, while the new hourly rate assumes 1,446 hours per direct FTE are available for direct program work. Because the NRC's hourly rates are calculated by dividing the total annual costs of a direct FTE by average annual direct hours per FTE, the lower the number of direct hours per FTE used in the calculation, the higher the hourly rates.

The NRC is proposing to revise its estimate of direct hours per FTE to more accurately reflect the NRC's costs of providing part 170 services, which would allow the NRC to more fully recover the costs of these services through part 170 fees. Because costs not recovered under part 170 are recovered through part 171 annual fees, the increase in total part 170 fees (caused by the hourly rate increase) would result in a reduction to total annual fees of the same amount. As such, this hourly rate increase would shift some fee recovery from part 171 annual fees to part 170 fees for licensee-specific services. (Because revenue from these increased part 170 fees would not be received by the NRC until FY 2006—in light of the effective date of the final rule and the timing of the NRC's regular billing cycle—the reduction in annual fees from this change would not occur until FY 2006.)

Previously, the NRC used an estimate of 1,776 hours per FTE to calculate the reactor and materials program hourly rates, based on the Office of Management and Budget (OMB) in Circular A–76, ''Performance of Commercial Activities.'' However, this Circular provides assumptions to be used to estimate personnel costs for the competition of commercial activities, and does not provide guidance about assumptions to be used for purposes of fee calculation. (OMB's Circular A–25, ''User Charges,'' also does not specifically address the number of hours to assume per FTE in calculating fees, but does emphasize that agency fees should reflect the full cost of providing services to identifiable beneficiaries.) The 1,776 estimate from Circular A–76 includes time for administrative, training, and other activities a direct program FTE may perform that, while relevant to consider for certain costing purposes, would more accurately be considered overhead. Therefore, this estimate should not be assumed to be ''direct'' time for purposes of calculating a rate per hour of direct activities, which is the intended purpose of the NRC's hourly rates. While the 1,776 estimate would be a useful fee calculation input were more detailed information not available, the NRC has been collecting more detailed information from its new time and labor system since November 2001, which is now the NRC's established source of data for employee work activities. The NRC has performed a review of its time and labor data, which indicates that 1,446 hours per FTE more accurately reflects the time expended by NRC program employees performing activities directly associated with the programmatic mission of the NRC.

The NRC recognizes that the proposed increase to the hourly rates is more significant than those hourly rate changes that have occurred in previous years. However, the NRC believes that this increase is justified in light of the review of the NRC's time and labor data, which showed that NRC direct employees spend, on average, 1,446 hours per year on activities directly associated with the programmatic mission of the NRC. The NRC believes that the use of 1,446 hours per FTE is more appropriate for the purpose of the NRC's fee calculation than other estimates of hours per FTE used for different agency financial purposes. By using an estimate of hours per FTE that reflects only direct staff time, the resulting hourly rates more accurately reflect the full cost of providing services under part 170. For this reason, the NRC believes that this revised estimate of hours per FTE is consistent with guidance provided in OMB Circular A–25 on recovering the full cost of services provided to identifiable recipients. This change also supports industry comments that consistently recommend that the NRC collect more of its budget through part 170 fees-for-services vs. part 171 annual fees.

Higher hourly rates would result in (1) increased full cost fees for licensing and inspection activities, and (2) increased materials flat fees for license applications. As noted, total part 171 annual fees would decrease by the same amount as the increase in total part 170 fees. This shift from part 171 to part 170 would be greater for those fee classes with a higher proportion of part 170 to part 171 work activities (*e.g.*, operating power reactors, uranium recovery, rare earth). Because annual fees are adjusted to recover the remainder of the budgeted resources for a license fee class not recovered under part 170, the total estimated fees (parts 170 plus 171) recovered from a license fee class are the same regardless of the amount of the hourly rate, however, when implemented, higher hourly rates would result in some individual licensees paying less total fees than if this change were not enacted. This would be true for those licensees for whom the NRC performs fewer hours of part 170 services than it does, on average, for a licensee in that class. Similarly, licensees for which the NRC performs more hours of part 170 services would pay more in total fees under the proposed higher hourly rates.

The method used to determine the two professional hourly rates is as follows:

a. Direct program FTE levels are identified for the reactor program and the materials program (nuclear materials and nuclear waste programs). All program costs, except contract support, are included in the hourly rate for each program by allocating them uniformly based on the total number of direct FTEs

for the program. Direct contract support, which is the use of contract or other services in support of the line organization's direct program, is excluded from the calculation of the hourly rates because the costs for direct contract support are recovered directly through either part 170 or 171 fees.

b. All non-program costs for management and support and the Office of the Inspector General, are allocated to each program based on that program's costs.

This method results in the following costs, which are included in the hourly rates. Due to rounding, adding the individual numbers in the table may result in a total that is slightly different than the one shown.

TABLE II.—FY 2005 BUDGET AUTHORITY TO BE INCLUDED IN HOURLY RATES

[Dollars in millions]

	Reactor program	Materials program
Direct Program Salaries & Benefits	$150.5M	$39.0M
Overhead Salaries & Benefits, Program Travel and Other Support	77.5M	17.8M
Allocated Agency Management and Support	126.1M	31.4M
Subtotal	354.1M	88.3M
Less Offsetting Receipts	−0.1M	−0.00M
Total Budget Included in Hourly Rate	354.0M	88.3M
Program Direct FTEs	1,192.5	308.7
Rate per Direct FTE	296,898	285,944
Professional Hourly Rate (Rate per direct FTE divided by 1,446 hours)	205	198

As shown in Table II, dividing the $354.0 million budgeted amount (rounded) included in the hourly rate for the reactor program by the reactor program direct FTEs (1,192.5) results in a rate for the reactor program of $296,898 per FTE for FY 2005. The Direct FTE Hourly Rate for the reactor program would be $205 per hour (rounded to the nearest whole dollar). This rate is calculated by dividing the cost per direct FTE ($296,898) by the number of direct billable hours in one year (1,446 hours). Similarly, dividing the $88.3 million budgeted amount (rounded) included in the hourly rate for the materials program by the program direct FTEs (308.7) results in a rate of $285,944 per FTE for FY 2005. The Direct FTE Hourly Rate for the materials program would be $198 per hour (rounded to the nearest whole dollar). This rate is calculated by dividing the cost per direct FTE ($285,944) by the number of direct billable hours in one year (1,446 hours).

2. Fee Adjustments

The NRC is proposing to adjust the current part 170 fees in §§ 170.21 and 170.31 to reflect both the proposed hourly rates and the results of the biennial review of part 170 fees required by the CFOs Act. To comply with the requirements of the CFOs Act, the NRC has evaluated historical professional staff hours used to process a new license application for those materials licensees whose fees are based on the average cost method, or ''flat'' fees. This review also included new license and amendment applications for import and export licenses.

Evaluation of the historical data shows that fees based on the average number of professional staff hours required to complete licensing actions in the materials program should be increased in some fee categories and decreased in others to more accurately reflect current costs incurred in completing these licensing actions. The data for the average number of professional staff hours needed to complete new licensing actions was last updated in FY 2003 (68 FR 36714; June 18, 2003). Thus, the revised average professional staff hours in this proposed fee rule reflect the changes in the NRC licensing review program that have occurred since FY 2003.

As a result of the biennial review, the proposed licensing fees that are based on the average professional staff hours reflect an increase in average time for new license applications for five of the 33 materials program fee categories, a decrease in average time for eight fee categories, and the same average time for the remaining 20 fee categories. The average time for new license applications and amendments for export and import licenses remained the same for each of the five fee categories in §§ 170.21 and 170.31.

The proposed licensing fees for fee categories K.1 through K.5 of § 170.21, and fee categories 1C, 1D, 2B, 2C, 3A through 3P, 4B through 9D, 10B, 15A through 15E, and 16 of § 170.31 are based on the revised average professional staff hours needed to process the licensing actions multiplied by the proposed materials program professional hourly rate for FY 2005. As previously noted, the proposed higher hourly rate of $198 for the materials program is a key reason for the increases in the proposed licensing fees.

The biennial review also included the ''flat'' fee for the general license registrations covered by fee Category 3.Q. As a result of this review, the proposed fee per registration is $630, compared to the current fee of $610. The proposed fee is based on the current estimated number of registrants, current annual resource estimates for the program, and the FY 2005 materials program hourly rate. The next biennial review of the registration fee will be included in the FY 2007 fee rule; however, the registration fee may change in the FY 2006 fee rule if there is a change to the materials program hourly rate for FY 2006.

The amounts of the materials licensing ''flat'' fees are rounded as follows: Fees under $1,000 are rounded to the nearest $10, fees that are greater than $1,000 but less than $100,000 are rounded to the nearest $100, and fees that are greater than $100,000 are rounded to the nearest $1,000. Applications filed on or after the effective date of the final rule would be subject to the revised fees in this proposed rule.

3. Charging Fees for Licensee-Specific Activities Resulting From Most Orders

The NRC proposes to amend §§ 170.21 and 170.31 to provide that part 170 fees will be assessed for any licensee-specific activity resulting from orders issued by the Commission not related to civil penalties or other civil sanctions. Currently, part 170 fees are not assessed for amendments or other

licensee-specific activities resulting from the requirements of Commission orders. This is because in cases where the order proposes the imposition of a civil penalty or other civil sanctions, the assessment of additional costs could be viewed as augmenting the amount of the civil penalty and could discourage licensees from contesting proposed enforcement actions. However, in recent years, the NRC's use of orders to impose additional requirements for safety or security reasons has increased. For example, subsequent to the September 11, 2001, terrorist attacks, the Commission imposed security requirements on various groups of licensees through orders. These orders resulted in the NRC's review of licensee-specific amendments and other activities that normally would have been billable under part 170, except that they were associated with orders.

Given the changing regulatory environment and the extent of licensee-specific activities that are resulting from orders unrelated to civil penalties or other civil sanctions, the NRC is proposing that its regulations be revised to allow for full cost recovery of these activities under part 170 from NRC licensees. The NRC is not proposing to change cost recovery for the development of these orders; these costs would continue to be recovered under part 171.

4. Charging Fees for Unlicensed Sites in Decommissioning

The NRC currently does not charge part 170 fees to owners or operators of unlicensed sites in decommissioning. However, the NRC does perform work related to the decommissioning of these sites that is recoverable under IOAA through part 170 fees because this work is associated with an identifiable beneficiary. These costs are currently recovered through either a surcharge that is included in NRC licensees' annual fees or through taxpayer-funded appropriations (*i.e.*, Department of Treasury's General Fund). Recovering the site-specific decommissioning costs associated with these unlicensed sites through part 170 fees is consistent with the full cost recovery provisions of IOAA and the OMB's guidance in Circular A–25, ''User Charges.'' By recovering the costs of decommissioning activities from the owners or operators of these unlicensed sites, as NRC does from licensed sites, the NRC believes the fairness and equity of its fee schedule would be enhanced. Therefore, the NRC is proposing to add a new category (14B) to ''Schedule of Materials Fees'' at § 170.31 that would provide for the assessment of part 170 fees to recover the full cost of site-specific decommissioning activities for unlicensed sites. (The current Category 14 at § 170.31 would be renumbered as Category 14A.) Section 170.2 would also be revised to expand the scope of part 170 to cover an owner or operator of an unlicensed site in decommissioning being conducted under NRC oversight.

5. Fee Waivers

Under § 170.11(a)(1)(iii), part 170 fees are not required for a report/request that has been submitted to the NRC specifically for the purpose of supporting NRC's development of generic guidance and regulations. The NRC proposes to clarify this section by stating that this fee exemption applies only when it is requested from, and granted by, the Chief Financial Officer (CFO) in writing. While this is consistent with current practice in requesting and granting these fee waivers, the NRC believes this revision would enhance clear communication about implementation of this fee waiver provision.

6. Full Cost Recovery of Project Manager Time

The FY 1999 final fee rule (64 FR 31448; June 10, 1999) expanded the scope of part 170 fee assessments to include full cost recovery for project managers assigned to a specific plant or facility. Under this policy at § 170.12(b)(iv), most project managers' time, excluding leave and time spent on generic activities such as rulemaking, is recovered through part 170 fees assessed to the specific applicant or licensee to which the project manager is assigned. The NRC will begin applying this policy to ''license renewal'' project managers as of the effective date of this final rule. Although the NRC does not currently apply this full cost recovery policy to license renewal project managers, this change does not require a modification to its regulations. Rather, given the increase in license renewal activities since 1999, when full cost recovery for project managers was enacted, the NRC recognizes that the existing policy should also apply to license renewal project managers. However, because this is a change in the application of existing policy, the NRC is notifying licensees of this change through this proposed rule and will not implement it until the effective date of the final rule.

7. Administrative Amendments

The NRC is proposing to modify the number or letter identifiers associated with fee categories listed in § 170.31, as well as make other minor administrative changes, so that the fee categories under part 170 are consistent with those used in the 'Schedule of Materials Annual Fees and Fees for Government Agencies Licensed by NRC' at § 171.16(d). While the fee categories are, for the most part, consistent between the fee tables at §§ 170.31 and 171.16(d), in some instances they are slightly different. This change would enhance the NRC's ability to track parts 170 and 171 fees for license categories and simplify communication to licensees about applicable fee categories.

In summary, the NRC is proposing the following changes under 10 CFR part 170 —

1. Establish revised materials and reactor programs hourly rates to better reflect the full cost of providing part 170 services;
2. Revise the licensing fees to be assessed to reflect the reactor and materials program hourly rates and to comply with the CFO Act requirement that fees be reviewed biennially and revised as necessary to reflect the cost to the agency;
3. Revise §§ 170.21 and 170.31 to provide that part 170 fees will be assessed for any licensee-specific activity resulting from orders issued by the Commission not related to civil penalties or other civil sanctions;
4. Revise §§ 170.2 and 170.31 to provide that part 170 fees will be assessed for any licensee-specific activities associated with unlicensed sites in decommissioning being conducted under NRC oversight;
5. Revise § 170.11 to clarify that certain fee waivers need to be requested from, and granted by, the CFO in writing;
6. Apply the existing policy at § 170.12 of full cost recovery for project managers to license renewal project managers; and
7. Make minor administrative changes to § 170.31 to enhance consistency in the identification of fee categories between parts 170 and 171.

B. Amendments to 10 CFR Part 171: Annual Fees for Reactor Licenses, and Fuel Cycle Licenses and Materials Licenses, Including Holders of Certificates of Compliance, Registrations, and Quality Assurance Program Approvals and Government Agencies Licensed by the NRC

The NRC proposes to revise the annual fees for FY 2005 to reflect the FY 2005 budget and changes in the number of NRC licensees (including those resulting from the transfer of regulatory responsibility to Agreement States), eliminate 'size of reactor' as a reason for granting annual fee exemptions, and make certain administrative

amendments. The proposed amendments are as follow:

1. Annual Fees

The NRC is proposing to establish rebaselined annual fees for FY 2005. The Commission's policy commitment, made in the statement of considerations accompanying the FY 1995 fee rule (60 FR 32218; June 20, 1995), and further explained in the statement of considerations accompanying the FY 1999 fee rule (64 FR 31448; June 10, 1999), determined that base annual fees will be re-established (rebaselined) at least every third year, and more frequently if there is a substantial change in the total NRC budget or in the magnitude of the budget allocated to a specific class of licensees. The fees were last rebaselined in FY 2004. Based on the change in the magnitude of the budget allocated to certain classes of licensees, the Commission has determined that it is appropriate to rebaseline the annual fees again this year. Rebaselining fees would result in decreased annual fees compared to FY 2004 for five classes of licenses (operating power reactors, test and research reactors, spent fuel storage/reactor decommissioning, rare earth mills, and transportation), and increased annual fees for two classes (fuel facilities and uranium recovery). For the materials users class, two categories (sub-classes) of licenses would have decreased annual fees while the remainder would have increased annual fees. The annual fee for industrial users of nuclear material (Category 3P), which is the largest materials users category and includes nearly 1,700 of the NRC's approximately 4,500 materials licensees, would not change.

The annual fees in §§ 171.15 and 171.16 would be revised for FY 2005 to recover approximately 90 percent of the NRC's FY 2005 budget authority, less the estimated amount to be recovered through part 170 fees and the amounts appropriated from the NWF. The total amount to be recovered through annual fees for FY 2005 is $371.2 million, compared to $389.9 million for FY 2004.

Within the eight fee classes of licensees that pay annual fees, the FY 2005 annual fees would increase for many categories of licenses, decrease for others, and remain the same in two instances. The increases in annual fees range from approximately two percent for a master materials license to approximately 267 percent for registrations issued for device or product safety evaluations. The proposed decreases in annual fees range from approximately six percent for operating power reactors to approximately 55 percent for rare earth mills.

Factors affecting the changes to the annual fee amounts include: adjustments in budgeted costs for the different classes of licenses; the reduction in the fee recovery rate from 92 percent for FY 2004 to 90 percent for FY 2005; the estimated part 170 collections for the various classes of licenses; the decrease in the number of licensees for certain categories of licenses; and the $2.2 million carryover from additional collections in FY 2004 that were unanticipated at the time the FY 2004 final rule was published (*i.e.*, this FY 2004 carryover was used to reduce the FY 2005 fees).

Table III below shows the proposed rebaselined annual fees for FY 2005 for a representative list of categories of licenses. The FY 2004 fee is also shown for comparative purposes.

TABLE III.—REBASELINED ANNUAL FEES FOR FY 2005

Class/category of licenses	FY 2004 annual fee	FY 2005 annual fee
Operating Power Reactors (including Spent Fuel Storage/Reactor Decommissioning annual fee)	$3,283,000	$3,067,000
Spent Fuel Storage/Reactor Decommissioning	203,000	164,000
Test and Research Reactors (Nonpower Reactors)	62,500	54,400
High Enriched Uranium Fuel Facility	4,573,000	5,383,000
Low Enriched Uranium Fuel Facility	1,533,000	1,612,000
UF_6 Conversion Facility	657,000	691,000
Conventional Mills	14,500	27,700
Transportation:		
Users/Fabricators	91,300	80,200
Users Only	7,400	4,300
Typical Materials Users:		
Radiographers	11,900	12,800
Well Loggers	4,600	4,100
Gauge Users (Category 3P)	2,500	2,500
Broad Scope Medical	25,000	27,300

The annual fees assessed to each class of licenses include a surcharge to recover those NRC budgeted costs that are not directly or solely attributable to the classes of licenses, but must be recovered from licensees to comply with the requirements of OBRA–90, as amended. Based on the FY 2001 Energy and Water Development Appropriations Act, which amended OBRA–90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001 until the fee recovery amount is 90 percent in FY 2005, the total surcharge costs for FY 2005 will be reduced by approximately $60.1 million. The total FY 2005 budgeted costs for these activities and the reduction to the total surcharge amount for fee recovery purposes are shown in Table IV.

TABLE IV.—SURCHARGE COSTS

[Dollars in millions]

Category of costs	FY 2005 budgeted costs
1. Activities not attributable to an existing NRC licensee or class of licensee:	
a. International activities	$10.0

TABLE IV.—SURCHARGE COSTS—Continued

[Dollars in millions]

Category of costs	FY 2005 budgeted costs
b. Agreement State oversight	8.1
c. Activities for unlicensed sites (includes decommissioning costs associated with unlicensed sites, formerly referred to as site decommissioning management plan activities not recovered under part 170; also includes activities associated with unregistered general licensees)	3.5
2. Activities not assessed part 170 licensing and inspection fees or part 171 annual fees based on existing law or Commission policy:	
a. Fee exemption for nonprofit educational institutions	8.8
b. Licensing and inspection activities associated with other Federal agencies	1.4
c. Costs not recovered from small entities under 10 CFR 171.16(c)	5.9
3. Activities supporting NRC operating licensees and others:	
a. Regulatory support to Agreement States[1]	13.9
b. Generic decommissioning/reclamation (except those related to power reactors)	10.0
Total surcharge costs	61.6
Less 10 percent of NRC's FY 2005 total budget (less NWF)	−60.1
Total surcharge costs to be recovered	1.5

[1] This estimate includes the costs of homeland security activities associated with sources in Agreement States, even though regulatory authority remains with the NRC for these activities. However, fees are not assessed to sources in Agreement States for these activities, therefore these costs are included in this surcharge category.

As shown in Table IV, $1.5 million would be the total surcharge cost allocated to the various classes of licenses for FY 2005 (*i.e.*, that portion of the total surcharge not covered by the NRC's 10 percent fee relief). The NRC would continue to allocate these surcharge costs to each class of licenses based on the percent of the budget for that fee class compared to the NRC's total budget. The proposed surcharge costs allocated to each class would be included in the annual fee assessed to each licensee. The proposed FY 2005 surcharge costs allocated to each class of licenses are shown in Table V.

Separately, the NRC would continue to allocate the low-level waste (LLW) surcharge costs based on the volume of LLW disposal of certain classes of licenses. For FY 2005, the LLW surcharge costs are $2.8 million.

TABLE V.—ALLOCATION OF SURCHARGE

	LLW surcharge		Non-LLW surcharge		Total surcharge
	Percent	$M	Percent	$M	$M
Operating Power Reactors	74	2.1	82.4	1.2	3.3
Spent Fuel Storage/Reactor Decomm	.....	.....	4.7	0.1	0.1
Nonpower Reactors	.....	.....	0.1	0	0
Fuel Facilities	8	0.2	7.2	0.1	0.3
Materials Users	18	0.5	4.0	0.1	0.6
Transportation	.....	.....	1.0	0	0
Rare Earth Facilities	.....	.....	0.2	0	0
Uranium Recovery	.....	.....	0.4	0	0
Total Surcharge	100	2.8	100.0	1.5	4.3

The budgeted costs allocated to each class of licenses and the calculations of the rebaselined fees are described in a. through h. below. The workpapers which support this proposed rule show in detail the allocation of NRC's budgeted resources for each class of licenses and how the fees are calculated. The workpapers are available electronically at the NRC's Electronic Reading Room on the Internet at Web site address *http://www.nrc.gov/reading-rm/adams.html*. During the 30-day public comment period, the workpapers may also be examined at the NRC Public Document Room located at One White Flint North, Room O–1F22, 11555 Rockville Pike, Rockville, MD 20852–2738.

a. *Fuel Facilities.* The FY 2005 budgeted cost to be recovered in annual fees assessment to the fuel facility class of licenses is approximately $23.8 million compared to $21.6 million in FY 2004. The annual fee increase is partly attributable to the decrease in estimated part 170 revenue for the fuel facility class compared to FY 2004. This FY 2005 decrease results partly from part 170 fuel facilities' revenue in FY 2004 including a one-time $2.1 million adjustment (increase) for revenue to account for fuel facilities fees that were improperly coded (*i.e.*, costs associated with the Duke Cogema Stone and Webster application) and not factored into the fee calculations for FY 2001, FY 2002, and FY 2003, as discussed in the FY 2004 final fee rule. The annual fee increase is also due to an increase in budgeted resources for this class of licensees. The annual fees are allocated to the individual fuel facility licensees based on the effort/fee determination matrix established in the FY 1999 final fee rule (64 FR 31448; June 10, 1999). In the matrix (which is included in the NRC workpapers that are publicly

available), licensees are grouped into categories according to their licensed activities (*i.e.*, nuclear material enrichment, processing operations, and material form) and according to the level, scope, depth of coverage, and rigor of generic regulatory programmatic effort applicable to each category from a safety and safeguards perspective. This methodology can be applied to determine fees for new licensees, current licensees, licensees in unique license situations, and certificate holders.

This methodology is adaptable to changes in the number of licensees or certificate holders, licensed or certified material and/or activities, and total programmatic resources to be recovered through annual fees. When a license or certificate is modified, it may result in a change of category for a particular fuel facility licensee as a result of the methodology used in the fuel facility effort/fee matrix. Consequently, this change may also have an effect on the fees assessed to other fuel facility licensees and certificate holders. For example, if a fuel facility licensee amends its license/certificate in such a way (*e.g.*, decommissioning or license termination) that results in it not being subject to part 171 costs applicable to the fee class, then the budgeted costs for the safety and/or safeguards components will be spread among the remaining fuel facility licensees/certificate holders.

The methodology is applied as follows. First, a fee category is assigned based on the nuclear material and activity authorized by license or certificate. Although a licensee/certificate holder may elect not to fully use a license/certificate, the license/certificate is still used as the source for determining authorized nuclear material possession and use/activity. Next, the category and license/certificate information are used to determine where the licensee/certificate holder fits into the matrix. The matrix depicts the categorization of licensees/certificate holders by authorized material types and use/activities, and the relative generic regulatory programmatic effort associated with each category. The programmatic effort (expressed as a value in the matrix) reflects the safety and safeguards risk significance associated with the nuclear material and use/activity, and the commensurate generic regulatory program (*i.e.*, scope, depth and rigor) level of effort.

The effort factors for the various subclasses of fuel facility licenses, including the proposed new subclass, are summarized in Table VI.

TABLE VI.—EFFORT FACTORS FOR FUEL FACILITIES

Facility type	Number of facilities	Effort factors (in percent)	
		Safety	Safeguards
High Enriched Uranium Fuel	2	101 (38.0)	86 (58.1)
Enrichment	2	70 (26.3)	34 (23.0)
Low Enriched Uranium Fuel	3	66 (24.8)	18 (12.2)
UF_6 Conversion	1	12 (4.5)	0 (0)
Limited Operations Facility	1	8 (3.0)	3 (2.0)
Others	2	9 (3.4)	7 (4.7)

Applying these factors to the safety, safeguards, and surcharge components of the $23.8 million total annual fee amount for the fuel facility class results in annual fees for each licensee within the categories of this class summarized in Table VII.

TABLE VII.—ANNUAL FEES FOR FUEL FACILITIES

Facility type	FY 2005 annual fee
High Enriched Uranium Fuel	$5,383,000
Uranium Enrichment	2,994,000
Low Enriched Uranium	1,612,000
UF_6 Conversion	691,000
Limited Operations Facility	633,000
Others	461,000

b. *Uranium Recovery Facilities.* The proposed FY 2005 budgeted cost, including surcharge costs, to be recovered through annual fees assessed to the uranium recovery class is approximately $677,611. Approximately $539,000 of this amount would be assessed to DOE. The remaining $139,000 would be recovered through annual fees assessed to conventional mills, in-situ leach solution mining facilities, and 11e.(2) mill tailings disposal facilities. The annual fees for these facilities would increase in FY 2005 due to a slight increase in budgeted resources for this license fee class, and because the NRC estimates that a smaller proportion of these resources will be recovered under part 170.

Consistent with the change in methodology adopted in the FY 2002 final fee rule (67 FR 42612; June 24, 2002), the total annual fee amount, less the amounts specifically budgeted for Title I activities, is allocated equally between Title I and Title II licensees. This would result in an annual fee being assessed to DOE to recover the costs specifically budgeted for NRC's Title I activities plus 50 percent of the remaining annual fee amount, including the surcharge and generic/other costs, for the uranium recovery class. The remaining 50 percent of the surcharge and generic/other costs are assessed to the NRC Title II program licensees that are subject to annual fees. The costs to be recovered through annual fees assessed to the uranium recovery class are shown below.

DOE Annual Fee Amount (UMTRCA Title I and Title II general licenses):	
UMTRCA Title I budgeted costs	$400,322
50 percent of generic/other uranium recovery budgeted costs	135,619
50 percent of uranium recovery surcharge	3,026
Total Annual Fee Amount for DOE	538,966
Annual Fee Amount for UMTRCA Title II Specific Licenses:	
50 percent of generic/other uranium recovery budgeted costs	135,619
50 percent of uranium recovery surcharge	3,026
Total Annual Fee Amount for Title II Specific Licenses	138,644

The matrix used to allocate the costs of various categories of Title II specific licensees has been updated to equally weight the effort levels for each category of uranium recovery facilities, in accordance with the NRC's FY 2005 budgeted activities. It has also been revised to reflect two fewer uranium recovery facilities, in light of the fact that regulatory responsibility for these two facilities has been transferred to Utah (see discussion under ''Agreement State Activities'' below). However, consistent with the methodology established in the FY 1995 fee rule (60 FR 32218; June 20, 1995), the approach for establishing part 171 annual fees for Title II uranium recovery licensees has not changed, and is as follows:

(1) The methodology identifies three categories of licenses: conventional uranium mills (Class I facilities), uranium solution mining facilities (Class II facilities), and mill tailings disposal facilities (11e.(2) disposal facilities). Each of these categories benefits from the generic uranium recovery program efforts (*e.g.*, rulemakings, staff guidance documents);

(2) The matrix relates the category and the level of benefit by program element and subelement;

(3) The two major program elements of the generic uranium recovery program are activities related to facility operations and those related to facility closure;

(4) Each of the major program elements was further divided into three subelements; and

(5) The three major subelements of generic activities associated with uranium facility operations are regulatory efforts related to the operation of mills, handling and disposal of waste, and prevention of groundwater contamination. The three major subelements of generic activities associated with uranium facility closure are regulatory efforts related to decommissioning of facilities and land clean-up, reclamation and closure of tailings impoundments, and groundwater clean-up. Weighted values were assigned to each program element and subelement considering health and safety implications and the associated effort to regulate these activities. The applicability of the generic program in each subelement to each uranium recovery category was qualitatively estimated as either significant, some, minor, or none.

The relative weighted factors per facility type for the various categories of specifically licensed Title II uranium recovery licensees are as follows:

TABLE VIII.—WEIGHTED FACTORS FOR URANIUM RECOVERY LICENSES

Facility type	Number of facilities	Category weight	Level of benefit total weight	
			Value	Percent
Class I (conventional mills)	1	800	800	20
Class II (solution mining)	3	800	2,400	60
11e.(2) disposal	0	0	0	0
11e.(2) disposal incidental to existing tailings sites	1	800	800	20

Applying these factors to the approximately $139,000 in budgeted costs to be recovered from Title II specific licensees results in the following revised annual fees:

TABLE IX.—ANNUAL FEES FOR TITLE II SPECIFIC LICENSES

Facility type	FY 2005 annual fee
Class I (conventional mills)	$27,700
Class II (solution mining)	27,700
11e.(2) disposal	N/A
11e.(2) disposal incidental to existing tailings sites	27,700

Note because there are no longer any 11e.(2) disposal facilities under the NRC's regulatory jurisdiction, the NRC has not allocated any budgeted resources for these facilities, and therefore has not established an annual fee for this fee category. If NRC issues a license for this fee category in the future, then the Commission will establish the appropriate annual fee.

In the FY 2001 final rule (66 FR 32478; June 14, 2001), the NRC revised § 171.19 to establish a quarterly billing schedule for Class I and Class II licensees, regardless of the annual fee

amount. Therefore, as provided in § 171.19(b), if the amounts collected in the first three quarters of FY 2005 exceed the amount of the revised annual fee, the overpayment will be refunded; if the amounts collected in the first three quarters are less than the final revised annual fee, the remainder will be billed after the FY 2005 final fee rule is published. The remaining categories of Title II facilities are subject to billing based on the anniversary date of the license as provided in § 171.19(c).

c. *Operating Power Reactors.* The approximately $301.9 million in budgeted costs to be recovered through FY 2005 annual fees assessed to the power reactor class, including budgeted costs for homeland security activities related to power reactors, is divided equally among the 104 power reactors licensed to operate. This results in a FY 2005 annual fee of $2,903,000 per reactor. Additionally, each power reactor licensed to operate will be assessed the FY 2005 spent fuel storage/reactor decommissioning annual fee of $164,000. This results in a total FY 2005 annual fee of $3,067,000 for each power reactor licensed to operate. While budgeted resources for power reactors increased in FY 2005, annual fees would decrease because the NRC estimates that it will collect more of these resources through part 170 fees to power reactors.

d. *Spent Fuel Storage/Reactor Decommissioning.* For FY 2005, budgeted costs of approximately $20 million for spent fuel storage/reactor decommissioning are to be recovered through annual fees assessed to part 50 power reactors, and to part 72 licensees who do not hold a part 50 license. Those reactor licensees that have ceased operations and have no fuel onsite are not subject to these annual fees. The costs are divided equally among the 122 licensees (with the exception of a new license issued on November 30, 2004, which will pay an 83 percent prorated annual fee), resulting in a FY 2005 annual fee of $164,000 per licensee. Annual fees would decrease for these licensees due to a reduction in budgeted resources for this license fee class.

e. *Test and Research Reactors (Nonpower Reactors).* Approximately $218,000 in budgeted costs is to be recovered through annual fees assessed to the test and research reactor class of licenses for FY 2005. This amount is divided equally among the four test and research reactors subject to annual fees. This results in a FY 2005 annual fee of $54,400 for each licensee. While budgeted resources for test and research reactors increase in FY 2005, annual fees would decrease due to a projected increase in the proportion of these resources recovered through part 170 fees to test and research reactors.

f. *Rare Earth Facilities.* The FY 2005 budgeted costs of $71,000 for rare earth facilities to be recovered through annual fees will be assessed to the one licensee who has a specific license for receipt and processing of source material, resulting in a FY 2005 annual fee of $71,000. While total budgeted resources for the rare earth fee class increase in FY 2005, this increase is due to licensee-specific activities, the costs of which would be recovered under part 170. The annual fee for the operating rare earth facility would decrease due to a slight decrease in generic activities performed for this fee class.

g. *Materials Users.* To equitably and fairly allocate the $26.1 million in FY 2005 budgeted costs to be recovered in annual fees assessed to the approximately 4,500 diverse materials users and registrants, the NRC has continued to base the annual fees for each fee category within this class on the part 170 application fees and estimated inspection costs for each fee category. Because the application fees and inspection costs are indicative of the complexity of the license, this approach continues to provide a proxy for allocating the generic and other regulatory costs to the diverse categories of licenses based on how much it costs the NRC to regulate each category. Changes in FY 2005 annual fees for categories of licensees within the materials class reflect not only changes in budgeted resources for the materials class of licensees, but also changes in estimates of average professional staff time for materials users license applications and inspections, derived from the biennial review performed for the FY 2005 fee rule. (Large percentage increases in certain materials users fee categories, *e.g.*, 3H, 3I, 9A, and 9B, are the result of significant changes to these average professional staff time estimates.) The fee calculation also continues to consider the inspection frequency (priority), which is indicative of the safety risk and resulting regulatory costs associated with the categories of licenses. The annual fee for these categories of licenses is developed as follows:

Annual fee = Constant × [Application Fee + (Average Inspection Cost divided by Inspection Priority)] + Inspection Multiplier × (Average Inspection Cost divided by Inspection Priority) + Unique Category Costs.

The constant is the multiple necessary to recover approximately $20.9 million in general costs and is 1.27 for FY 2005. The inspection multiplier is the multiple necessary to recover approximately $4.5 million in inspection costs for FY 2005, and is 1.08 for FY 2005. The unique category costs are any special costs that the NRC has budgeted for a specific category of licenses. For FY 2005, approximately $36,000 in budgeted costs for the implementation of revised part 35, Medical Use of Byproduct Material (unique costs), has been allocated to holders of NRC human use licenses.

The annual fee assessed to each licensee also includes a share of the $60,000 in surcharge costs allocated to the materials user class of licenses and, for certain categories of these licenses, a share of the approximately $504,000 in LLW surcharge costs allocated to the class. The annual fee for each fee category is shown in § 171.16(d). Because the budgeted resources for this class of licensees increase in FY 2005, annual fees would increase for most of the fee categories in this class.

h. *Transportation.* Of the approximately $4.3 million in FY 2005 budgeted costs to be recovered through annual fees assessed to the transportation class of licenses, approximately $1.1 million will be recovered from annual fees assessed to DOE based on the number of part 71 Certificates of Compliance that it holds. Of the remaining $3.2 million, approximately 16 percent is allocated to the 84 quality assurance plans authorizing use only and the 35 quality assurance plans authorizing use and design/fabrication. The remaining 84 percent is allocated only to the 35 quality assurance plans authorizing use and design/fabrication. This results in an annual fee of $4,300 for each of the holders of quality assurance plans that authorize use only, and an annual fee of $80,200 for each of the holders of quality assurance plans that authorize use and design/fabrication. Fees would decrease for transportation licensees in FY 2005 due to a reduction in budgeted resources allocated to this fee class compared to FY 2004.

2. Small Entity Annual Fees

The NRC stated in the FY 2001 fee rule (66 FR 32452; June 14, 2001), that it would re-examine the small entity fees every two years, in the same years in which it conducts the biennial review of fees as required by the CFOs Act. Accordingly, the NRC has re-examined the small entity fees, and does not believe that a change to the small entity fees is warranted for FY 2005. The revision to the small entity fees in FY 2000 (65 FR 36946; June 12, 2000) was

based on the 25 percent increase in average total fees assessed to other materials licensees in selected categories (those categories that include a number of small entities) since the small entity fees were first established, and changes that had occurred in the fee structure for materials licensees over time. While proposed fees for many of these selected categories of materials licensees would increase in FY 2005 compared to FY 2004, these fees are still lower, on average, than those charged in FY 2000, when small entity fees were last revised.

Unlike the annual fees assessed to other licensees, the small entity fees are not designed to recover the agency costs associated with particular licensees. Instead, the reduced fees for small entities are designed to provide some fee relief for qualifying small entity licensees while at the same time recovering from them some of the agency's costs for activities that benefit them. The costs not recovered from small entities for activities that benefit them must be recovered from other licensees. Given the reduction in annual fees from FY 2000 to FY 2005, on average, for those categories of materials licensees that contain a number of small entities, the NRC has determined that the current small entity fees of $500 and $2,300 continue to meet the objective of providing relief to many small entities while recovering from them some of the costs that benefit them.

Therefore, the NRC is proposing to retain the $2,300 small entity annual fee and the $500 lower tier small entity annual fee for FY 2005. The NRC plans to re-examine the small entity fees again in FY 2007.

3. Agreement State Activities

On August 10, 2004, the NRC approved an Agreement with the State of Utah under Section 274 of the Atomic Energy Act (AEA) of 1954, as amended. This Agreement transferred to the State the Commission's regulatory responsibility for uranium mills and mill tailings sites. This Agreement became effective August 16, 2004. Utah previously had become an Agreement State for certain other categories of materials, effective April 1, 1984. This Agreement was amended to include commercial low-level waste disposal responsibilities, effective May 9, 1990.

As a result of this Agreement, four former NRC uranium recovery licensees are now Utah licensees, two of which are uranium mills that are in decommissioning and reclamation. Because NRC does not charge fees to Agreement States or their licensees, the NRC will not collect fees in FY 2005 or thereafter for these four former NRC licensees. (The NRC did not collect annual fees for the mills in decommissioning while under the NRC's regulatory authority, because licensees in decommissioning are exempt from annual fees.) The costs of Agreement State regulatory support and oversight activities for Utah, as for any other Agreement State, would be recovered through the surcharge, consistent with existing fee policy.

4. Fee Waivers

The NRC is proposing to modify § 171.11(c) to eliminate 'size of the reactor' as a consideration in evaluating annual fee exemption requests. In the Statement of Consideration in the 1986 final fee rule (51 FR 33227; September 18, 1986), the Commission decided against determining its fees based on the size of the reactor because it found no necessary relationship between the thermal megawatt rating of a reactor and the agency's regulatory costs. Because it was not the Commission's intent to issue a fee schedule that would have the effect of forcing smaller, older reactors to shut down, it added an annual fee exemption provision which takes reactor size, age, and other relevant factors into consideration.

However, none of these smaller reactors is still licensed to operate. For several years the NRC has issued no waivers on the basis of size. Moreover, the NRC streamlined its fee program in the FY 1995 final fee rule (60 FR 32218; June 20, 1995) by establishing a uniform annual fee for power reactors, based on an analysis that showed that the difference in fees resulting from a breakdown of reactors into different fee categories was small relative to the amount of the annual fee per reactor. Therefore, the NRC believes that the current reference to 'size of the reactor' in § 171.11(c), as a consideration in evaluating annual fee exemption requests, is no longer needed. No other class of licensee contains an exemption provision based on size.

5. Administrative Amendments

The NRC is proposing to eliminate reference to specific facility names under Category 1.A of the ''Schedule of Materials Annual Fees and Fees for Government Agencies Licensed by the NRC'' in § 171.16. This administrative change would be made to streamline the fee schedule in light of the fact that the listing of individual facilities within a fee category is not necessary to identify license fee amounts. Given this change, a licensee within Category 1.A would determine its annual fee amount by the fee subcategory assigned to its license, as is the practice for other licensees.

Additionally, the NRC is proposing to modify §§ 171.15(d)(1)(ii) and 171.16(e)(2) to clarify that activities comprising the annual fee surcharge include activities associated with unlicensed sites and unregistered general licensees. Currently, these paragraphs state that complex materials site decommissioning activities not covered under part 170 are included in the surcharge. Because this surcharge category also includes part 171, or generic costs associated with these decommissioning sites, the NRC is proposing to eliminate the phrase, ''not covered under part 170.'' (Note that if the regulatory revision to charge unlicensed sites in decommissioning, as previously discussed, is implemented, this surcharge category would not include part 170 activities associated with these sites.) In addition, activities associated with unregistered general licensees are included in this surcharge category.

Finally, the NRC is proposing to include, for each fee subcategory listed in the ''Schedule of Materials Annual Fees and Fees for Government Agencies Licensed by NRC'' at § 171.16(d), a unique number or letter identifier, and to make other minor administrative changes to enhance the consistency of fee categorizations between parts 170 and 171. This change would enhance the NRC's ability to track part 170 and part 171 fees for license categories and simplify communication to licensees about applicable fee categories.

In summary, the NRC is proposing to—

1. Establish rebaselined annual fees for FY 2005;
2. Retain the current reduced fees for small entities;
3. Adjust the annual fees to reflect changes in Agreement State activities;
4. Modify § 171.11 to eliminate ''size of reactor'' as a consideration in evaluating annual fee exemption requests; and
5. Eliminate reference to specific facility names under Category 1.A of § 171.16, revise §§ 171.15 and 171.16 to clarify the activities that comprise the annual fee surcharge, and make other minor administrative changes to enhance the consistency of fee categorizations between parts 170 and 171.

III. Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing'' directed that the Government's writing be in plain language. This memorandum was

published on June 10, 1998 (63 FR 31883). The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

IV. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104–113, requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless using these standards is inconsistent with applicable law or is otherwise impractical. In this proposed rule, the NRC would amend the licensing, inspection, and annual fees charged to its licensees and applicants as necessary to recover approximately 90 percent of its budget authority in FY 2005 as required by the Omnibus Budget Reconciliation Act of 1990, as amended. This action does not constitute the establishment of a standard that contains generally applicable requirements.

V. Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental assessment nor an environmental impact statement has been prepared for the proposed regulation. By its very nature, this regulatory action does not affect the environment and, therefore, no environmental justice issues are raised.

VI. Paperwork Reduction Act Statement

This proposed rule does not contain information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VII. Regulatory Analysis

With respect to 10 CFR Part 170, this proposed rule was developed under Title V of the Independent Offices Appropriation Act of 1952 (IOAA) (31 U.S.C. 9701) and the Commission's fee guidelines. When developing these guidelines the Commission took into account guidance provided by the U.S. Supreme Court on March 4, 1974, in *National Cable Television Association, Inc.* v. *United States,* 415 U.S. 36 (1974) and *Federal Power Commission* v. *New England Power Company,* 415 U.S. 345 (1974). In these decisions, the Court held that the IOAA authorizes an agency to charge fees for special benefits rendered to identifiable persons measured by the ''value to the recipient'' of the agency service. The meaning of the IOAA was further clarified on December 16, 1976, by four decisions of the U.S. Court of Appeals for the District of Columbia: *National Cable Television Association* v. *Federal Communications Commission,* 554 F.2d 1094 (D.C. Cir. 1976); *National Association of Broadcasters* v. *Federal Communications Commission,* 554 F.2d 1118 (D.C. Cir. 1976); *Electronic Industries Association* v. *Federal Communications Commission,* 554 F.2d 1109 (D.C. Cir. 1976); and *Capital Cities Communication, Inc.* v. *Federal Communications Commission,* 554 F.2d 1135 (D.C. Cir. 1976). The Commission's fee guidelines were developed based on these legal decisions.

The Commission's fee guidelines were upheld on August 24, 1979, by the U.S. Court of Appeals for the Fifth Circuit in *Mississippi Power and Light Co.* v. *U.S. Nuclear Regulatory Commission,* 601 F.2d 223 (5th Cir. 1979), *cert. denied,* 444 U.S. 1102 (1980). This court held that—

(1) The NRC had the authority to recover the full cost of providing services to identifiable beneficiaries;

(2) The NRC could properly assess a fee for the costs of providing routine inspections necessary to ensure a licensee's compliance with the Atomic Energy Act and with applicable regulations;

(3) The NRC could charge for costs incurred in conducting environmental reviews required by NEPA;

(4) The NRC properly included the costs of uncontested hearings and of administrative and technical support services in the fee schedule;

(5) The NRC could assess a fee for renewing a license to operate a low-level radioactive waste burial site; and

(6) The NRC's fees were not arbitrary or capricious.

With respect to 10 CFR Part 171, on November 5, 1990, the Congress passed Pub. L. 101–508, the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), which required that, for FYs 1991 through 1995, approximately 100 percent of the NRC budget authority be recovered through the assessment of fees. OBRA–90 was subsequently amended to extend the 100 percent fee recovery requirement through FY 2000. The FY 2001 Energy and Water Development Appropriations Act amended OBRA–90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount is 90 percent in FY 2005. The NRC's fee recovery amount for FY 2005 is 90 percent. To comply with this statutory requirement and in accordance with § 171.13, the NRC is publishing the amount of the FY 2005 annual fees for reactor licensees, fuel cycle licensees, materials licensees, and holders of Certificates of Compliance, registrations of sealed source and devices and QA program approvals, and Government agencies. OBRA–90, consistent with the accompanying Conference Committee Report, and the amendments to OBRA–90, provides that—

(1) The annual fees be based on approximately 90 percent of the Commission's FY 2005 budget of $669.3 million less the amounts collected from part 170 fees and funds directly appropriated from the NWF to cover the NRC's high-level waste program;

(2) The annual fees shall, to the maximum extent practicable, have a reasonable relationship to the cost of regulatory services provided by the Commission; and

(3) The annual fees be assessed to those licensees the Commission, in its discretion, determines can fairly, equitably, and practicably contribute to their payment.

10 CFR Part 171, which established annual fees for operating power reactors effective October 20, 1986 (51 FR 33224; September 18, 1986), was challenged and upheld in its entirety in *Florida Power and Light Company* v. *United States,* 846 F.2d 765 (D.C. Cir. 1988), *cert. denied,* 490 U.S. 1045 (1989). Further, the NRC's FY 1991 annual fee rule methodology was upheld by the D.C. Circuit Court of Appeals in *Allied Signal* v. *NRC,* 988 F.2d 146 (D.C. Cir. 1993).

VIII. Regulatory Flexibility Analysis

The NRC is required by the Omnibus Budget Reconciliation Act of 1990, as amended, to recover approximately 90 percent of its FY 2005 budget authority through the assessment of user fees. This Act further requires that the NRC establish a schedule of charges that fairly and equitably allocates the aggregate amount of these charges among licensees.

This proposed rule would establish the schedules of fees that are necessary to implement the Congressional mandate for FY 2005. The proposed rule would result in increases in the annual fees charged to certain licensees and holders of certificates, registrations, and approvals, and decreases in annual fees for others. Licensees affected by the annual fee increases and decreases include those that qualify as a small entity under NRC's size standards in 10 CFR 2.810. The Regulatory Flexibility

Analysis, prepared in accordance with 5 U.S.C. 604, is included as Appendix A to this proposed rule.

The Small Business Regulatory Enforcement Fairness Act of 1996 requires all Federal agencies to prepare a written compliance guide for each rule for which the agency is required by 5 U.S.C. 604 to prepare a regulatory flexibility analysis. Therefore, in compliance with the law, Attachment 1 to the Regulatory Flexibility Analysis is the small entity compliance guide for FY 2005.

IX. Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and that a backfit analysis is not required for this proposed rule. The backfit analysis is not required because these amendments do not require the modification of, or additions to systems, structures, components, or the design of a facility, or the design approval or manufacturing license for a facility, or the procedures or organization required to design, construct, or operate a facility.

List of Subjects

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, registrations, approvals, Intergovernmental relations, Non-payment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Parts 170 and 171.

PART 170—FEES FOR FACILITIES, MATERIALS, IMPORT AND EXPORT LICENSES, AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. The authority citation for part 170 continues to read as follows:

Authority: Sec. 9701, Pub. L. 97–258, 96 Stat. 1051 (31 U.S.C. 9701); sec. 301, Pub. L. 92–314, 86 Stat. 227 (42 U.S.C. 2201w); sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 205a, Pub. L. 101–576, 104 Stat. 2842, as amended (31 U.S.C. 901, 902); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

2. In § 170.2, paragraph (t) is added to read as follows:

§ 170.2 Scope.

* * * * *

(t) An owner or operator of an unlicensed site in decommissioning being conducted under NRC oversight.

3. In § 170.11, paragraphs (a)(1)(iii)(A)(*1*) and (*2*) are revised and paragraph (*3*) is added to read as follows:

§ 170.11 Exemptions.

(a) * * *

(1) * * *

(iii) * * *

(A) * * *

(1) It has been demonstrated that the report/request has been submitted to the NRC specifically for the purpose of supporting NRC's development of generic guidance and regulations (*e.g.*, rules, regulations, guides and policy statements);

(2) The NRC, at the time the document is submitted, plans to use it for one of the purposes given in paragraph (a)(1)(iii)(A)(1) of this section. In this case, the exemption applies even if ultimately the NRC does not use the document as planned; and

(3) The fee exemption is requested in writing by the person submitting the report/request to the Chief Financial Officer in accordance with 10 CFR 170.5, and the Chief Financial Officer grants this request in writing.

* * * * *

4. Section 170.20 is revised to read as follows:

§ 170.20 Average cost per professional staff-hour.

Fees for permits, licenses, amendments, renewals, special projects, part 55 re-qualification and replacement examinations and tests, other required reviews, approvals, and inspections under §§ 170.21 and 170.31 will be calculated using the following applicable professional staff-hour rates:

(a) Reactor Program (§ 170.21 Activities): $205 per hour.

(b) Nuclear Materials and Nuclear Waste Program (§ 170.31 Activities): $198 per hour.

5. In § 170.21, Category K in the table and footnote 1 are revised and footnote 4 is added to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities, review of standard referenced design approvals, special projects, inspections and import and export licenses.

* * * * *

SCHEDULE OF FACILITY FEES

[See footnotes at end of table]

Facility categories and type of fees	Fees [1 2]
* * * * * * *	
K. Import and export licenses:	
Licenses for the import and export only of production and utilization facilities or the export only of components for production and utilization facilities issued under 10 CFR Part 110.	
1. Application for import or export of production and utilization facilities [4] (including reactors and other facilities) and exports of components requiring Commission and Executive Branch review, for example, actions under 10 CFR 110.40(b).	
Application—new license, or amendment	$12,900
2. Application for export of reactor and other components requiring Executive Branch review only, for example, those actions under 10 CFR 110.41(a)(1)–(8).	
Application—new license, or amendment	$7,500
3. Application for export of components requiring only the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment	$2,400

SCHEDULE OF FACILITY FEES—Continued

[See footnotes at end of table]

Facility categories and type of fees	Fees [1 2]
4. Application for export of facility components and equipment (examples provided in 10 CFR part 110, Appendix A, Items (5) through (9)) not requiring Commission or Executive Branch review, or obtaining foreign government assurances.	
Application—new license, or amendment	$1,600
5. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms or conditions or to the type of facility or component authorized for export and therefore, do not require in-depth analysis or review or consultation with the Executive Branch, U.S. host state, or foreign government authorities.	
Amendment	$300
* * * * * * *	

[1] Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under § 2.202 of this chapter or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., 10 CFR 50.12, 73.5) and any other sections in effect now or in the future, regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. Fees for licenses in this schedule that are initially issued for less than full power are based on review through the issuance of a full power license (generally full power is considered 100 percent of the facility's full rated power). Thus, if a licensee received a low power license or a temporary license for less than full power and subsequently receives full power authority (by way of license amendment or otherwise), the total costs for the license will be determined through that period when authority is granted for full power operation. If a situation arises in which the Commission determines that full operating power for a particular facility should be less than 100 percent of full rated power, the total costs for the license will be at that determined lower operating power level and not at the 100 percent capacity.

* * * * * * *

[4] Imports only of major components for end-use at NRC-licensed reactors are now authorized under NRC general import license.

6. Section 170.31 is revised to read as follows:

§ 170.31 Schedule of fees for materials licenses and other regulatory services, including inspections, and import and export licenses.

Applicants for materials licenses, import and export licenses, and other regulatory services, and holders of materials licenses or import and export licenses shall pay fees for the following categories of services. The following schedule includes fees for health and safety and safeguards inspections where applicable:

SCHEDULE OF MATERIALS FEES

[See footnotes at end of table]

Category of materials licenses and type of fees[1]	Fee [2 3]
1. Special nuclear material:	
A.(1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium)	Full Cost.
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel	Full Cost.
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
(a) Facilities with limited operations	Full Cost.
(b) All Others	Full Cost.
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI):	
Licensing and inspection	Full Cost.
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers: [4]	
Application	$910.
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in § 150.11 of this chapter, for which the licensee shall pay the same fees as those for Category 1A: [4]	
Application	$1,800.
E. Licenses or certificates for construction and operation of a uranium enrichment facility:	
Licensing and inspection	Full Cost.
2. Source material:	
A.(1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride	Full Cost.
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Class I facilities [4]	Full Cost.
(b) Class II facilities [4]	Full Cost.
(c) Other facilities [4]	Full Cost.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees[1]	Fee[2 3]
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2A(2) or Category 2A(4).	Full Cost.
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2A(2).	Full Cost.
B. Licenses which authorize the possession, use, and/or installation of source material for shielding:	
Application	$220.
C. All other source material licenses:	
Application	$7,800.
3. Byproduct material:	
A. Licenses of broad scope for the possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution:	
Application	$9,300.
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution:	
Application	$3,500.
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter that authorize the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources and devices containing byproduct material. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4). These licenses are covered by fee Category 3D.	
Application	$4,700.
D. Licenses and approvals issued under §§ 32.72 and/or 32.74 of this chapter authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits, and/or sources or devices not involving processing of byproduct material. This category includes licenses issued under §§ 32.72 and/or 32.74 of this chapter to nonprofit educational institutions whose processing or manufacturing is exempt under § 170.11(a)(4).	
Application	$3,400.
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units):	
Application	$2,300.
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.	
Application	$4,600.
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials where the source is not exposed for irradiation purposes.	
Application	$11,000.
H. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter. The category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter:	
Application	$13,500.
I. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter:	
Application	$8,000.
J. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter:	
Application	$1,400.
K. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter. This category does not include specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter:	
Application	$810.
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution:	
Application	$7,800.
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution:	
Application	$3,100.
N. Licenses that authorize services for other licensees, except:	
(1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3P; and	
(2) Licenses that authorize waste disposal services are subject to the fees specified in fee Categories 4A, 4B, and 4C:	
Application	$3,500.
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations:	
Application	$3,200.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees[1]	Fee[2 3]
P. All other specific byproduct material licenses, except those in Categories 4A through 9D:	
Application	$1,100.
Q. Registration of a device(s) generally licensed under part 31 of this chapter:	
Registration	$630.
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material:	
Licensing and inspection	Full Cost.
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material:	
Application	$2,400.
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material:	
Application	$3,600.
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies:	
Application	$1,300.
B. Licenses for possession and use of byproduct material for field flooding tracer studies:	
Licensing	Full Cost.
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material:	
Application	$15,800.
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:	
Application	$8,600.
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:	
Application	$6,200.
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material, except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices:	
Application	$2,100.
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities:	
Application	$450.
9. Device, product, or sealed source safety evaluation:	
A. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution:	
Application—each device	$19,300.
B. Safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices:	
Application—each device	$19,300.
C. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution:	
Application—each source	$2,200.
D. Safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel:	
Application—each source	$750.
10. Transportation of radioactive material:	
A. Evaluation of casks, packages, and shipping containers:	
1. Spent Fuel, High-Level Waste, and plutonium air packages	
Licensing and inspection	Full Cost.
2. Other Casks	
Licensing and inspection	Full Cost.
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators	
Application	$5,200.
Inspections	Full Cost.
2. Users	
Application	$5,200.
Inspections	Full Cost.

SCHEDULE OF MATERIALS FEES—Continued

[See footnotes at end of table]

Category of materials licenses and type of fees[1]	Fee[2 3]
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices):	
Licensing and inspection	Full Cost.
11. Review of standardized spent fuel facilities:	
Licensing and inspection	Full Cost.
12. Special projects:	
Approvals and preapplication/Licensing activities	Full Cost.
Inspections	Full Cost.
13. A. Spent fuel storage cask Certificate of Compliance:	
Licensing	Full Cost.
Inspections	Full Cost.
B. Inspections related to storage of spent fuel under § 72.210 of this chapter	Full Cost.
14. A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter:	
Licensing and inspection	Full Cost.
B. Site-specific decommissioning activities associated with unlicensed sites, regardless of whether or not the sites have been previously licensed.	Full Cost.
15. Import and Export licenses:	
Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite.	
A. Application for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b). This category includes application for export and import of radioactive waste.	
Application—new license, or amendment	$12,900.
B. Application for export or import of nuclear material, including radioactive waste, requiring Executive Branch review, but not Commission review. This category includes application for the export and import of radioactive waste and requires NRC to consult with domestic host state authorities, Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc.	
Application—new license, or amendment	$7,500.
C. Application for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring only the assistance of the Executive Branch to obtain foreign government assurances.	
Application—new license, or amendment	$2,400.
D. Application for export or import of nuclear material, including radioactive waste, not requiring Commission or Executive Branch review, or obtaining foreign government assurances. This category includes application for export or import of radioactive waste where the NRC has previously authorized the export or import of the same form of waste to or from the same or similar parties located in the same country, requiring only confirmation from the receiving facility and licensing authorities that the shipments may proceed according to previously agreed understandings and procedures.	
Application—new license, or amendment	$1,600.
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities.	
Amendment	$300.
16. Reciprocity:	
Agreement State licensees who conduct activities under the reciprocity provisions of 10 CFR 150.20.	
Application	$1,800.
17. Master materials licenses of broad scope issued to Government agencies	N/A.[5]
18. Department of Energy	
A. Certificates of Compliance	N/A.[5]
B. Uranium Mill Tailing Radiation	N/A.[5]

[1] *Types of fees*—Separate charges, as shown in the schedule, will be assessed for pre-application consultations and reviews; applications for new licenses, approvals, or license terminations; possession only licenses; issuance of new licenses and approvals; certain amendments and renewals to existing licenses and approvals; safety evaluations of sealed sources and devices; generally licensed device registrations; and certain inspections. The following guidelines apply to these charges:

(a) *Application and registration fees.* Applications for new materials licenses and export and import licenses; applications to reinstate expired, terminated, or inactive licenses except those subject to fees assessed at full costs; applications filed by Agreement State licensees to register under the general license provisions of 10 CFR 150.20; and applications for amendments to materials licenses that would place the license in a higher fee category or add a new fee category must be accompanied by the prescribed application fee for each category.

(1) Applications for licenses covering more than one fee category of special nuclear material or source material must be accompanied by the prescribed application fee for the highest fee category.

(2) Applications for new licenses that cover both byproduct material and special nuclear material in sealed sources for use in gauging devices will pay the appropriate application fee for fee Category 1C only.

(b) *Licensing fees.* Fees for reviews of applications for new licenses and for renewals and amendments to existing licenses, for pre-application consultations and for reviews of other documents submitted to NRC for review, and for project manager time for fee categories subject to full cost fees (fee Categories 1A, 1B, 1E, 2A, 4A, 5B, 10A, 11, 12, 13A, and 14) are due upon notification by the Commission in accordance with § 170.12(b).

(c) *Amendment fees.* Applications for amendments to export and import licenses must be accompanied by the prescribed amendment fee for each license affected. An application for an amendment to a license or approval classified in more than one fee category must be accompanied by the prescribed amendment fee for the category affected by the amendment unless the amendment is applicable to two or more fee categories, in which case the amendment fee for the highest fee category would apply.

(d) *Inspection fees.* Inspections resulting from investigations conducted by the Office of Investigations and non-routine inspections that result from third-party allegations are not subject to fees. Inspection fees are due upon notification by the Commission in accordance with § 170.12(c).

(e) *Generally licensed device registrations under 10 CFR 31.5.* Submittals of registration information must be accompanied by the prescribed fee.

[2] Fees will not be charged for orders related to civil penalties or other civil sanctions issued by the Commission under 10 CFR 2.202 or for amendments resulting specifically from the requirements of these orders. For orders unrelated to civil penalties or other civil sanctions, fees will be charged for any resulting licensee-specific activities not otherwise exempted from fees under this chapter. Fees will be charged for approvals issued under a specific exemption provision of the Commission's regulations under Title 10 of the Code of Federal Regulations (e.g., 10 CFR 30.11, 40.14, 70.14, 73.5, and any other sections in effect now or in the future), regardless of whether the approval is in the form of a license amendment, letter of approval, safety evaluation report, or other form. In addition to the fee shown, an applicant may be assessed an additional fee for sealed source and device evaluations as shown in Categories 9A through 9D.

[3] Full cost fees will be determined based on the professional staff time multiplied by the appropriate professional hourly rate established in § 170.20 in effect at the time the service is provided, and the appropriate contractual support services expended. For applications currently on file for which review costs have reached an applicable fee ceiling established by the June 20, 1984, and July 2, 1990, rules, but are still pending completion of the review, the cost incurred after any applicable ceiling was reached through January 29, 1989, will not be billed to the applicant. Any professional staff-hours expended above those ceilings on or after January 30, 1989, will be assessed at the applicable rates established by § 170.20, as appropriate, except for topical reports whose costs exceed $50,000. Costs which exceed $50,000 for each topical report, amendment, revision, or supplement to a topical report completed or under review from January 30, 1989, through August 8, 1991, will not be billed to the applicant. Any professional hours expended on or after August 9, 1991, will be assessed at the applicable rate established in § 170.20.

[4] Licensees paying fees under Categories 1A, 1B, and 1E are not subject to fees under Categories 1C and 1D for sealed sources authorized in the same license except for an application that deals only with the sealed sources authorized by the license.

[5] The NRC does not charge part 170 fees to Federal agencies, per 31 U.S.C. 9701.

PART 171—ANNUAL FEES FOR REACTOR LICENSES AND FUEL CYCLE LICENSES AND MATERIALS LICENSES, INCLUDING HOLDERS OF CERTIFICATES OF COMPLIANCE, REGISTRATIONS, AND QUALITY ASSURANCE PROGRAM APPROVALS AND GOVERNMENT AGENCIES LICENSED BY THE NRC

7. The authority citation for part 171 continues to read as follows:

Authority: Sec. 7601, Pub. L. 99–272, 100 Stat. 146, as amended by sec. 5601, Pub. L. 100–203, 101 Stat. 1330, as amended by sec. 3201, Pub. L. 101–239, 103 Stat. 2132, as amended by sec. 6101, Pub. L. 101–508, 104 Stat. 1388, as amended by sec. 2903a, Pub. L. 102–486, 106 Stat. 3125 (42 U.S.C. 2213, 2214); sec. 301, Pub. L. 92–314, 86 Stat. 227 (42 U.S.C. 2201w); sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

§ 171.11 [Amended]

8. Section 171.11 is amended by removing paragraph (c)(2), and paragraphs (c)(3), (c)(4), and (c)(5) are redesignated as (c)(2), (c)(3), and (c)(4), respectively.

9. In § 171.15 paragraphs (b), (c), (d), and (e) are revised to read as follows:

§ 171.15 Annual Fees: Reactor licenses and independent spent fuel storage licenses.

* * * * *

(b)(1) The FY 2005 annual fee for each operating power reactor which must be collected by September 30, 2005, is $3,067,000.

(2) The FY 2005 annual fee is comprised of a base annual fee for power reactors licensed to operate, a base spent fuel storage/reactor decommissioning annual fee, and associated additional charges (surcharges). The activities comprising the FY 2005 spent storage/reactor decommissioning base annual fee are shown in paragraphs (c)(2)(i) and (ii) of this section. The activities comprising the FY 2005 surcharge are shown in paragraph (d)(1) of this section. The activities comprising the FY 2005 base annual fee for operating power reactors are as follows:

(i) Power reactor safety and safeguards regulation except licensing and inspection activities recovered under part 170 of this chapter and generic reactor decommissioning activities.

(ii) Research activities directly related to the regulation of power reactors, except those activities specifically related to reactor decommissioning.

(iii) Generic activities required largely for NRC to regulate power reactors (*e.g.*, updating part 50 of this chapter, or operating the Incident Response Center). The base annual fee for operating power reactors does not include generic activities specifically related to reactor decommissioning.

(c)(1) The FY 2005 annual fee for each power reactor holding a part 50 license that is in a decommissioning or possession only status and has spent fuel onsite and each independent spent fuel storage part 72 licensee who does not hold a part 50 license is $164,000.

(2) The FY 2005 annual fee is comprised of a base spent fuel storage/reactor decommissioning annual fee (which is also included in the operating power reactor annual fee shown in paragraph (b) of this section), and an additional charge (surcharge). The activities comprising the FY 2005 surcharge are shown in paragraph (d)(1) of this section. The activities comprising the FY 2005 spent fuel storage/reactor decommissioning rebaselined annual fee are:

(i) Generic and other research activities directly related to reactor decommissioning and spent fuel storage; and

(ii) Other safety, environmental, and safeguards activities related to reactor decommissioning and spent fuel storage, except costs for licensing and inspection activities that are recovered under part 170 of this chapter.

(d)(1) The activities comprising the FY 2005 surcharge are as follows:

(i) Low-level waste disposal generic activities;

(ii) Activities not attributable to an existing NRC licensee or class of licenses (*e.g.*, international cooperative safety program and international safeguards activities, support for the Agreement State program, decommissioning activities for unlicensed sites, and activities for unregistered general licensees); and

(iii) Activities not currently subject to 10 CFR part 170 licensing and inspection fees based on existing law or Commission policy (*e.g.*, reviews and inspections conducted of nonprofit educational institutions, licensing actions for Federal agencies, and costs that would not be collected from small entities based on Commission policy in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*).

(2) The total FY 2005 surcharge allocated to the operating power reactor class of licenses is $3.3 million, not including the amount allocated to the spent fuel storage/reactor decommissioning class. The FY 2005 operating power reactor surcharge to be assessed to each operating power reactor is approximately $31,700. This amount is calculated by dividing the total operating power reactor surcharge ($3.3 million) by the number of operating power reactors (104).

(3) The FY 2005 surcharge allocated to the spent fuel storage/reactor decommissioning class of licenses is $70,000. The FY 2005 spent fuel storage/reactor decommissioning surcharge to be assessed to each

operating power reactor, each power reactor in decommissioning or possession only status that has spent fuel onsite, and to each independent spent fuel storage part 72 licensee who does not hold a part 50 license is approximately $580. This amount is calculated by dividing the total surcharge costs allocated to this class by the total number of power reactor licenses, except those that permanently ceased operations and have no fuel onsite, and part 72 licensees who do not hold a part 50 license.

(e) The FY 2005 annual fees for licensees authorized to operate a test and research (non-power) reactor licensed under part 50 of this chapter, unless the reactor is exempted from fees under § 171.11(a), are as follows:

Research reactor	$54,400
Test reactor	54,400

10. In § 171.16, paragraphs (c), (d), and (e) are revised to read as follows:

§ 171.16 Annual Fees: Materials Licensees, Holders of Certificates of Compliance, Holders of Sealed Source and Device Registrations, Holders of Quality Assurance Program Approvals, and Government Agencies Licensed by the NRC.

* * * * *

(c) A licensee who is required to pay an annual fee under this section may qualify as a small entity. If a licensee qualifies as a small entity and provides the Commission with the proper certification along with its annual fee payment, the licensee may pay reduced annual fees as shown in the following table. Failure to file a small entity certification in a timely manner could result in the denial of any refund that might otherwise be due. The small entity fees are as follows:

	Maximum annual fee per licensed category
Small Businesses Not Engaged in Manufacturing and Small Not-For-Profit Organizations (Gross Annual Receipts):	
$350,000 to $5 million	$2,300
Less than $350,000	500
Manufacturing entities that have an average of 500 employees or less:	
35 to 500 employees	2,300
Less than 35 employees	500
Small Governmental Jurisdictions (Including publicly supported educational institutions) (Population):	
20,000 to 50,000	2,300
Less than 20,000	500
Educational Institutions that are not State or Publicly Supported, and have 500 Employees or Less	
35 to 500 employees	2,300
Less than 35 employees	500

(1) A licensee qualifies as a small entity if it meets the size standards established by the NRC (*See* 10 CFR 2.810).

(2) A licensee who seeks to establish status as a small entity for the purpose of paying the annual fees required under this section must file a certification statement with the NRC. The licensee must file the required certification on NRC Form 526 for each license under which it is billed. NRC Form 526 can be accessed through the NRC's Web site at *http://www.nrc.gov*. For licensees who cannot access the NRC's Web site, NRC Form 526 may be obtained through the local point of contact listed in the NRC's ''Materials Annual Fee Billing Handbook,'' NUREG/BR–0238, which is enclosed with each annual fee billing. The form can also be obtained by calling the fee staff at (301) 415–7554, or by e-mailing the fee staff at *fees@nrc.gov*.

(3) For purposes of this section, the licensee must submit a new certification with its annual fee payment each year.

(4) The maximum annual fee a small entity is required to pay is $2,300 for each category applicable to the license(s).

(d) The FY 2005 annual fees are comprised of a base annual fee and an additional charge (surcharge). The activities comprising the FY 2005 surcharge are shown for convenience in paragraph (e) of this section. The FY 2005 annual fees for materials licensees and holders of certificates, registrations or approvals subject to fees under this section are shown in the following table:

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
1. Special nuclear material:	
A. (1) Licenses for possession and use of U–235 or plutonium for fuel fabrication activities.	
(a) Strategic Special Nuclear Material (High Enriched Uranium)	$5,383,000
(b) Low Enriched Uranium in Dispersible Form Used for Fabrication of Power Reactor Fuel	1,612,000
(2) All other special nuclear materials licenses not included in Category 1.A.(1) which are licensed for fuel cycle activities.	
(a) Facilities with limited operations	633,000
(b) All Others	461,000
B. Licenses for receipt and storage of spent fuel and reactor-related Greater than Class C (GTCC) waste at an independent spent fuel storage installation (ISFSI)	[11] N/A
C. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems, including x-ray fluorescence analyzers	2,100
D. All other special nuclear material licenses, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical quantity, as defined in § 150.11 of this chapter, for which the licensee shall pay the same fees as those for Category 1.A.(2)	5,800

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
E. Licenses or certificates for the operation of a uranium enrichment facility	2,994,000
2. Source material:	
A. (1) Licenses for possession and use of source material for refining uranium mill concentrates to uranium hexafluoride	691,000
(2) Licenses for possession and use of source material in recovery operations such as milling, in-situ leaching, heap-leaching, ore buying stations, ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium, including licenses authorizing the possession of byproduct waste material (tailings) from source material recovery operations, as well as licenses authorizing the possession and maintenance of a facility in a standby mode.	
(a) Class I facilities [4]	27,700
(b) Class II facilities [4]	27,700
(c) Other facilities [4]	71,000
(3) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal, except those licenses subject to the fees in Category 2A(2) or Category 2A(4)	[5] N/A
(4) Licenses that authorize the receipt of byproduct material, as defined in Section 11e.(2) of the Atomic Energy Act, from other persons for possession and disposal incidental to the disposal of the uranium waste tailings generated by the licensee's milling operations, except those licenses subject to the fees in Category 2A(2)	27,700
B. Licenses that authorize only the possession, use and/or installation of source material for shielding	750
C. All other source material licenses	13,500
3. Byproduct material:	
A. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution	24,800
B. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution	8,200
C. Licenses issued under §§ 32.72 and/or 32.74 of this chapter authorizing the processing or manufacturing and distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources and devices containing byproduct material. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when included on the same license. This category does not apply to licenses issued to nonprofit educational institutions whose processing or manufacturing is exempt under § 171.11(a)(1). These licenses are covered by fee under Category 3D	10,200
D. Licenses and approvals issued under §§ 32.72 and/or 32.74 of this chapter authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits and/or sources or devices not involving processing of byproduct material. This category includes licenses issued under §§ 32.72 and 32.74 of this chapter to nonprofit educational institutions whose processing or manufacturing is exempt under § 171.11(a)(1). This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when included on the same license	6,100
E. Licenses for possession and use of byproduct material in sealed sources for irradiation of materials in which the source is not removed from its shield (self-shielded units)	4,300
F. Licenses for possession and use of less than 10,000 curies of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes	7,800
G. Licenses for possession and use of 10,000 curies or more of byproduct material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category also includes underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes	26,800
H. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material that require device review to persons exempt from the licensing requirements of part 30 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter	18,400
I. Licenses issued under Subpart A of part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require device evaluation to persons exempt from the licensing requirements of part 30 of this chapter, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from the licensing requirements of part 30 of this chapter	11,100
J. Licenses issued under Subpart B of part 32 of this chapter to distribute items containing byproduct material that require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter	2,800
K. Licenses issued under Subpart B of part 31 of this chapter to distribute items containing byproduct material or quantities of byproduct material that do not require sealed source and/or device review to persons generally licensed under part 31 of this chapter, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons generally licensed under part 31 of this chapter	1,700
L. Licenses of broad scope for possession and use of byproduct material issued under parts 30 and 33 of this chapter for research and development that do not authorize commercial distribution	14,700
M. Other licenses for possession and use of byproduct material issued under part 30 of this chapter for research and development that do not authorize commercial distribution	6,100
N. Licenses that authorize services for other licensees, except: (1) Licenses that authorize only calibration and/or leak testing services are subject to the fees specified in fee Category 3P; and (2) Licenses that authorize waste disposal services are subject to the fees specified in fee categories 4A, 4B, and 4C	6,600
O. Licenses for possession and use of byproduct material issued under part 34 of this chapter for industrial radiography operations. This category also includes the possession and use of source material for shielding authorized under part 40 of this chapter when authorized on the same license	12,800

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
P. All other specific byproduct material licenses, except those in Categories 4A through 9D	2,500
Q. Registration of devices generally licensed under part 31 of this chapter	[13] N/A
4. Waste disposal and processing:	
A. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of contingency storage or commercial land disposal by the licensee; or licenses authorizing contingency storage of low-level radioactive waste at the site of nuclear power reactors; or licenses for receipt of waste from other persons for incineration or other treatment, packaging of resulting waste and residues, and transfer of packages to another person authorized to receive or dispose of waste material	[5] N/A
B. Licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of packaging or repackaging the material. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material	10,500
C. Licenses specifically authorizing the receipt of prepackaged waste byproduct material, source material, or special nuclear material from other persons. The licensee will dispose of the material by transfer to another person authorized to receive or dispose of the material	8,500
5. Well logging:	
A. Licenses for possession and use of byproduct material, source material, and/or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies	4,100
B. Licenses for possession and use of byproduct material for field flooding tracer studies	[5] N/A
6. Nuclear laundries:	
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, or special nuclear material	25,200
7. Medical licenses:	
A. Licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license	13,700
B. Licenses of broad scope issued to medical institutions or two or more physicians under parts 30, 33, 35, 40, and 70 of this chapter authorizing research and development, including human use of byproduct material except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9]	27,300
C. Other licenses issued under parts 30, 35, 40, and 70 of this chapter for human use of byproduct material, source material, and/or special nuclear material except licenses for byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category also includes the possession and use of source material for shielding when authorized on the same license.[9]	5,100
8. Civil defense:	
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities	1,600
9. Device, product, or sealed source safety evaluation:	
A. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material, except reactor fuel devices, for commercial distribution	24,600
B. Registrations issued for the safety evaluation of devices or products containing byproduct material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel devices	24,600
C. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, except reactor fuel, for commercial distribution	2,800
D. Registrations issued for the safety evaluation of sealed sources containing byproduct material, source material, or special nuclear material, manufactured in accordance with the unique specifications of, and for use by, a single applicant, except reactor fuel	960
10. Transportation of radioactive material:	
A. Certificates of Compliance or other package approvals issued for design of casks, packages, and shipping containers.	
1. Spent Fuel, High-Level Waste, and plutonium air packages	[6] N/A
2. Other Casks	[6] N/A
B. Quality assurance program approvals issued under part 71 of this chapter.	
1. Users and Fabricators	80,200
2. Users	4,300
C. Evaluation of security plans, route approvals, route surveys, and transportation security devices (including immobilization devices)	[6] N/A
11. Standardized spent fuel facilities	[6] N/A
12. Special Projects	[6] N/A
13. A. Spent fuel storage cask Certificate of Compliance	[6] N/A
B. General licenses for storage of spent fuel under 10 CFR 72.210	[12] N/A
14. Decommissioning/Reclamation:	
A. Byproduct, source, or special nuclear material licenses and other approvals authorizing decommissioning, decontamination, reclamation, or site restoration activities under parts 30, 40, 70, 72, and 76 of this chapter	[7] N/A
B. Site-specific decommissioning activities associated with unlicensed sites, regardless of whether or not the sites have been previously licensed	[7] N/A
15. Import and Export licenses:	

SCHEDULE OF MATERIALS ANNUAL FEES AND FEES FOR GOVERNMENT AGENCIES LICENSED BY NRC—Continued

[See footnotes at end of table]

Category of materials licenses	Annual fees [1 2 3]
Licenses issued under part 110 of this chapter for the import and export only of special nuclear material, source material, tritium and other byproduct material, and the export only of heavy water, or nuclear grade graphite.	
A. Licenses for export or import of nuclear materials, including radioactive waste requiring Commission and Executive Branch review, for example, those actions under 10 CFR 110.40(b). This category includes licenses for export and import of radioactive waste	[8] N/A
B. Licenses for export or import of nuclear material, radioactive waste, requiring Executive Branch review, but not Commission review. This category includes licenses for the export and import of radioactive waste and requires NRC to consult with domestic host state authorities, Low-Level Radioactive Waste Compact Commission, the U.S. Environmental Protection Agency, etc	[8] N/A
C. Licenses for export of nuclear material, for example, routine reloads of low enriched uranium reactor fuel and/or natural uranium source material requiring only the assistance of the Executive Branch to obtain foreign government assurances	[8] N/A
D. Licenses for export or import of nuclear material, including radioactive waste, not requiring Commission or Executive Branch review, or obtaining foreign government assurances. This category includes licenses for export or import of radioactive waste where the NRC has previously authorized the export or import of the same form of waste to or from the same or similar parties located in the same country, requiring only confirmation from the receiving facility and licensing authorities that the shipments may proceed according to previously agreed understandings and procedures	[8] N/A
E. Minor amendment of any active export or import license, for example, to extend the expiration date, change domestic information, or make other revisions which do not involve any substantive changes to license terms and conditions or to the type/quantity/chemical composition of the material authorized for export and therefore, do not require in-depth analysis, review, or consultations with other Executive Branch, U.S. host state, or foreign government authorities	[8] N/A
16. Reciprocity	[8] N/A
17. Master materials licenses of broad scope issued to Government agencies	251,000
18. Department of Energy:	
A. Certificates of Compliance	[10] 1,087,000
B. Uranium Mill Tailing Radiation Control Act (UMTRCA) activities	539,000

[1] Annual fees will be assessed based on whether a licensee held a valid license with the NRC authorizing possession and use of radioactive material, or a construction authorization for a mixed oxide fuel facility, during the current fiscal year. However, the annual fee is waived for those materials licenses and holders of certificates, registrations, and approvals who either filed for termination of their licenses or approvals or filed for possession only/storage licenses before October 1, 2004, and permanently ceased licensed activities entirely by September 30, 2004. Annual fees for licensees who filed for termination of a license, downgrade of a license, or for a possession only license during the fiscal year and for new licenses issued during the fiscal year will be prorated in accordance with the provisions of § 171.17. If a person holds more than one license, certificate, registration, or approval, the annual fee(s) will be assessed for each license, certificate, registration, or approval held by that person. For licenses that authorize more than one activity on a single license (*e.g.*, human use and irradiator activities), annual fees will be assessed for each category applicable to the license. Licensees paying annual fees under Category 1A(1) are not subject to the annual fees for Category 1C and 1D for sealed sources authorized in the license.

[2] Payment of the prescribed annual fee does not automatically renew the license, certificate, registration, or approval for which the fee is paid. Renewal applications must be filed in accordance with the requirements of parts 30, 40, 70, 71, 72, or 76 of this chapter.

[3] Each fiscal year, fees for these materials licenses will be calculated and assessed in accordance with § 171.13 and will be published in the **Federal Register** for notice and comment.

[4] A Class I license includes mill licenses issued for the extraction of uranium from uranium ore. A Class II license includes solution mining licenses (in-situ and heap leach) issued for the extraction of uranium from uranium ores including research and development licenses. An "other" license includes licenses for extraction of metals, heavy metals, and rare earths.

[5] There are no existing NRC licenses in these fee categories. If NRC issues a license for these categories, the Commission will consider establishing an annual fee for this type of license.

[6] Standardized spent fuel facilities, 10 CFR parts 71 and 72 Certificates of Compliance, and special reviews, such as topical reports, are not assessed an annual fee because the generic costs of regulating these activities are primarily attributable to users of the designs, certificates, and topical reports.

[7] Licensees in this category are not assessed an annual fee because they are charged an annual fee in other categories while they are licensed to operate.

[8] No annual fee is charged because it is not practical to administer due to the relatively short life or temporary nature of the license.

[9] Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under Categories 7B or 7C.

[10] This includes Certificates of Compliance issued to DOE that are not under the Nuclear Waste Fund.

[11] See § 171.15(c).

[12] See § 171.15(c).

[13] No annual fee is charged for this category because the cost of the general license registration program applicable to licenses in this category will be recovered through 10 CFR part 170 fees.

(e) The activities comprising the surcharge are as follows:

(1) LLW disposal generic activities;

(2) Activities not directly attributable to an existing NRC licensee or class(es) of licenses (*e.g.*, international cooperative safety program and international safeguards activities; support for the Agreement State program; decommissioning activities for unlicensed sites; and activities for unregistered general licensees); and

(3) Activities not currently assessed licensing and inspection fees under 10 CFR part 170 based on existing law or Commission policy (*e.g.*, reviews and inspections of nonprofit educational institutions and reviews for Federal agencies; activities related to decommissioning and reclamation; and costs that would not be collected from small entities based on Commission policy in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*).

Dated at Rockville, Maryland, this 10th day of February, 2005.

For the Nuclear Regulatory Commission.

Jesse L. Funches,

Chief Financial Officer.

Note: This appendix will not appear in the Code of Federal Regulations.

Appendix A to This Proposed Rule—Draft Regulatory Flexibility Analysis for the Amendments to 10 CFR Part 170 (License Fees) and 10 CFR Part 171 (Annual Fees)

I. Background

The Regulatory Flexibility Act (RFA), as amended (5 U.S.C. 601 *et seq.*), requires that agencies consider the impact of their rulemakings on small entities and, consistent with applicable statutes, consider alternatives to minimize these impacts on the businesses, organizations, and government jurisdictions to which they apply.

The NRC has established standards for determining which NRC licensees qualify as small entities (10 CFR 2.810). These size standards were established based on the Small Business Administration's most common receipts-based size standards and include a size standard for business concerns that are manufacturing entities. The NRC uses the size standards to reduce the impact of annual fees on small entities by establishing a licensee's eligibility to qualify for a maximum small entity fee. The small entity fee categories in § 171.16(c) of this proposed rule are based on the NRC's size standards.

From FY 1991 through FY 2000, the Omnibus Budget Reconciliation Act (OBRA–90), as amended, required that the NRC recover approximately 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund, by assessing license and annual fees. The FY 2001 Energy and Water Development Appropriations Act amended OBRA–90 to decrease the NRC's fee recovery amount by 2 percent per year beginning in FY 2001, until the fee recovery amount is 90 percent in FY 2005. The amount to be recovered for FY 2005 is approximately $540.7 million.

OBRA–90 requires that the schedule of charges established by rulemaking should fairly and equitably allocate the total amount to be recovered from the NRC's licensees and be assessed under the principle that licensees who require the greatest expenditure of agency resources pay the greatest annual charges. Since FY 1991, the NRC has complied with OBRA–90 by issuing a final rule that amends its fee regulations. These final rules have established the methodology used by NRC in identifying and determining the fees to be assessed and collected in any given fiscal year.

In FY 1995, the NRC announced that, to stabilize fees, annual fees would be adjusted only by the percentage change (plus or minus) in NRC's total budget authority, adjusted for changes in estimated collections for 10 CFR part 170 fees, the number of licensees paying annual fees, and as otherwise needed to assure the billed amounts resulted in the required collections. The NRC indicated that if there were a substantial change in the total NRC budget authority or the magnitude of the budget allocated to a specific class of licenses, the annual fee base would be recalculated.

In FY 1999, the NRC concluded that there had been significant changes in the allocation of agency resources among the various classes of licenses and established rebaselined annual fees for FY 1999. The NRC stated in the final FY 1999 rule that to stabilize fees it would continue to adjust the annual fees by the percent change method established in FY 1995, unless there is a substantial change in the total NRC budget or the magnitude of the budget allocated to a specific class of licenses, in which case the annual fee base would be reestablished.

Based on the change in the magnitude of the budget to be recovered through fees, the Commission has determined that it is appropriate to rebaseline its part 171 annual fees again in FY 2005. Rebaselining fees will result in decreased annual fees for the majority of the fee classes of licensees. However, annual fees would increase for other classes including most materials licensees in the materials users class.

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) is intended to reduce regulatory burdens imposed by Federal agencies on small businesses, nonprofit organizations, and governmental jurisdictions. SBREFA also provides Congress with the opportunity to review agency rules before they go into effect. Under this legislation, the NRC annual fee rule is considered a ''major'' rule and must be reviewed by Congress and the Comptroller General before the rule becomes effective. SBREFA also requires that an agency prepare a guide to assist small entities in complying with each rule for which a final regulatory flexibility analysis is prepared. This Regulatory Flexibility Analysis (RFA) and the small entity compliance guide (Attachment 1) have been prepared for the FY 2005 fee rule as required by law.

II. Impact on Small Entities

The fee rule results in substantial fees being charged to those individuals, organizations, and companies that are licensed by the NRC, including those licensed under the NRC materials program. The comments received on previous proposed fee rules and the small entity certifications received in response to previous final fee rules indicate that NRC licensees qualifying as small entities under the NRC's size standards are primarily materials licensees. Therefore, this analysis will focus on the economic impact of the annual fees on materials licensees. About 26 percent of these licensees (approximately 1,200 licensees for FY 2004) have requested small entity certification in the past. A 1993 NRC survey of its materials licensees indicated that about 25 percent of these licensees could qualify as small entities under the NRC's size standards.

The commenters on previous fee rulemakings consistently indicated that the following results would occur if the proposed annual fees were not modified:

1. Large firms would gain an unfair competitive advantage over small entities. Commenters noted that small and very small companies (''Mom and Pop'' operations) would find it more difficult to absorb the annual fee than a large corporation or a high-volume type of operation. In competitive markets, such as soil testing, annual fees would put small licensees at an extreme competitive disadvantage with their much larger competitors because the proposed fees would be the same for a two-person licensee as for a large firm with thousands of employees.

2. Some firms would be forced to cancel their licenses. A licensee with receipts of less than $500,000 per year stated that the proposed rule would, in effect, force it to relinquish its soil density gauge and license, thereby reducing its ability to do its work effectively. Other licensees, especially well-loggers, noted that the increased fees would force small businesses to get rid of the materials license altogether. Commenters stated that the proposed rule would result in about 10 percent of the well-logging licensees terminating their licenses immediately and approximately 25 percent terminating their licenses before the next annual assessment.

3. Some companies would go out of business.

4. Some companies would have budget problems. Many medical licensees noted that, along with reduced reimbursements, the proposed increase of the existing fees and the introduction of additional fees would significantly affect their budgets. Others noted that, in view of the cuts by Medicare and other third party carriers, the fees would produce a hardship and some facilities would experience a great deal of difficulty in meeting this additional burden.

Approximately 3,000 license, approval, and registration terminations have been requested since the NRC first established annual fees for materials licenses. Although some of these terminations were requested because the license was no longer needed or licenses or registrations could be combined, indications are that other termination requests were due to the economic impact of the fees.

To alleviate the significant impact of the annual fees on a substantial number of small entities, the NRC considered the following alternatives in accordance with the RFA in developing each of its fee rules since FY 1991.

1. Base fees on some measure of the amount of radioactivity possessed by the licensee (*e.g.*, number of sources).

2. Base fees on the frequency of use of the licensed radioactive material (*e.g.*, volume of patients).

3. Base fees on the NRC size standards for small entities.

The NRC has reexamined its previous evaluations of these alternatives and continues to believe that establishment of a maximum fee for small entities is the most appropriate and effective option for reducing the impact of its fees on small entities.

III. Maximum Fee

The RFA and its implementing guidance do not provide specific guidelines on what constitutes a significant economic impact on a small entity; therefore, the NRC has no benchmark to assist it in determining the amount or the percent of gross receipts that should be charged to a small entity. In developing the maximum small entity annual fee in FY 1991, the NRC examined its 10 CFR part 170 licensing and inspection fees and Agreement State fees for those fee categories which were expected to have a substantial number of small entities. Six Agreement

States (Washington, Texas, Illinois, Nebraska, New York, and Utah), were used as benchmarks in the establishment of the maximum small entity annual fee in FY 1991. Because small entities in those Agreement States were paying the fees, the NRC concluded that these fees did not have a significant impact on a substantial number of small entities. Therefore, those fees were considered a useful benchmark in establishing the NRC maximum small entity annual fee.

The NRC maximum small entity fee was established as an annual fee only. In addition to the annual fee, NRC small entity licensees were required to pay amendment, renewal and inspection fees. In setting the small entity annual fee, NRC ensured that the total amount small entities paid annually would not exceed the maximum paid in the six benchmark Agreement States.

Of the six benchmark states, the maximum Agreement State fee of $3,800 in Washington was used as the ceiling for the total fees. Thus the NRC's small entity fee was developed to ensure that the total fees paid by NRC small entities would not exceed $3,800. Given the NRC's FY 1991 fee structure for inspections, amendments, and renewals, a small entity annual fee established at $1,800 allowed the total fee (small entity annual fee plus yearly average for inspections, amendments and renewal fees) for all categories to fall under the $3,800 ceiling.

In FY 1992, the NRC introduced a second, lower tier to the small entity fee in response to concerns that the $1,800 fee, when added to the license and inspection fees, still imposed a significant impact on small entities with relatively low gross annual receipts. For purposes of the annual fee, each small entity size standard was divided into an upper and lower tier. Small entity licensees in the upper tier continued to pay an annual fee of $1,800 while those in the lower tier paid an annual fee of $400.

Based on the changes that had occurred since FY 1991, the NRC re-analyzed its maximum small entity annual fees in FY 2000, and determined that the small entity fees should be increased by 25 percent to reflect the increase in the average fees paid by other materials licensees since FY 1991, as well as changes in the fee structure for materials licensees. The structure of the fees that NRC charged to its materials licensees changed during the period between 1991 and 1999. Costs for materials license inspections, renewals, and amendments, which were previously recovered through part 170 fees for services, are now included in the part 171 annual fees assessed to materials licensees. As a result, the maximum small entity annual fee increased from $1,800 to $2,300 in FY 2000. By increasing the maximum annual fee for small entities from $1,800 to $2,300, the annual fee for many small entities was reduced while at the same time materials licensees, including small entities, would pay for most of the costs attributable to them. The costs not recovered from small entities are allocated to other materials licensees and to power reactors.

While reducing the impact on many small entities, the NRC determined that the maximum annual fee of $2,300 for small entities may continue to have a significant impact on materials licensees with annual gross receipts in the thousands of dollars range. Therefore, the NRC continued to provide a lower-tier small entity annual fee for small entities with relatively low gross annual receipts, and for manufacturing concerns and educational institutions not State or publicly supported, with less than 35 employees. The NRC also increased the lower tier small entity fee by the same percentage increase to the maximum small entity annual fee. This 25 percent increase resulted in the lower tier small entity fee increasing from $400 to $500 in FY 2000.

The NRC examined the small entity fees again in FY 2003 (68 FR 36717; June 18, 2003), and determined that a change was not warranted to the small entity fees established in FY 2003. The NRC stated in the Regulatory Flexibility Analysis for the FY 2001 final fee rule that it would re-examine the small entity fees every two years, in the same years in which it conducts the biennial review of fees as required by the CFO Act.

Accordingly, the NRC re-examined the small entity fees for FY 2005, and did not believe that a change to the small entity fees was warranted. Unlike the annual fees assessed to other licensees, the small entity fees are not designed to recover the agency costs associated with particular licensees. Instead, the reduced fees for small entities are designed to provide some fee relief for qualifying small entity licensees while at the same time recovering from them some of the agency's costs for activities that benefit them. The costs not recovered from small entities for activities that benefit them must be recovered from other licensees. Given the reduction in annual fees from FY 2000 to FY 2005, on average, for those categories of materials licensees that contain a number of small entities, the NRC has determined that the current small entity fees of $500 and $2,300 continue to meet the objective of providing relief to many small entities while recovering from them some of the costs that benefit them.

Therefore, the NRC proposed to retain the $2,300 small entity annual fee and the $500 lower tier small entity annual fee for FY 2005. The NRC plans to re-examine the small entity fees again in FY 2007.

IV. Summary

The NRC has determined that the 10 CFR part 171 annual fees significantly impact a substantial number of small entities. A maximum fee for small entities strikes a balance between the requirement to recover 90 percent of the NRC budget and the requirement to consider means of reducing the impact of the fee on small entities. Based on its regulatory flexibility analysis, the NRC concludes that a maximum annual fee of $2,300 for small entities and a lower-tier small entity annual fee of $500 for small businesses and not-for-profit organizations with gross annual receipts of less than $350,000, small governmental jurisdictions with a population of less than 20,000, small manufacturing entities that have less than 35 employees, and educational institutions that are not State or publicly supported and have less than 35 employees reduces the impact on small entities. At the same time, these reduced annual fees are consistent with the objectives of OBRA–90. Thus, the fees for small entities maintain a balance between the objectives of OBRA–90 and the RFA. Therefore, the analysis and conclusions previously established remain valid for FY 2005.

Attachment 1 to Appendix A—U.S. Nuclear Regulatory Commission Small Entity Compliance Guide Fiscal Year 2005

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NRC Definition of Small Entity
NRC Small Entity Fees
Instructions for Completing NRC Form 526

Introduction

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires all Federal agencies to prepare a written guide for each ''major'' final rule, as defined by the Act. The NRC's fee rule, published annually to comply with the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), as amended, is considered a ''major'' rule under SBREFA. Therefore, in compliance with the law, this guide has been prepared to assist NRC materials licensees in complying with the FY 2005 fee rule.

Licensees may use this guide to determine whether they qualify as a small entity under NRC regulations and are eligible to pay reduced FY 2005 annual fees assessed under 10 CFR part 171. The NRC has established two tiers of annual fees for those materials licensees who qualify as small entities under the NRC's size standards.

Licensees who meet the NRC's size standards for a small entity must submit a completed NRC Form 526 ''Certification of Small Entity Status for the Purposes of Annual Fees Imposed Under 10 CFR Part 171'' to qualify for the reduced annual fee. This form can be accessed on the NRC's Web site at *http://www.nrc.gov*. The form can then be accessed by selecting ''License Fees'' and under ''Forms'' selecting NRC Form 526. For licensees who cannot access the NRC's Web site, NRC Form 526 may be obtained through the local point of contact listed in the NRC's ''Materials Annual Fee Billing Handbook,'' NUREG/BR–0238, which is enclosed with each annual fee billing. Alternatively, the form may be obtained by calling the fee staff at (301) 415–7554, or by e-mailing the fee staff at *fees@nrc.gov*. The completed form, the appropriate small entity fee, and the payment copy of the invoice should be mailed to the U.S. Nuclear Regulatory Commission, License Fee Team, at the address indicated on the invoice.

Failure to file the NRC small entity certification Form 526 in a timely manner may result in the denial of any refund that might otherwise be due.

NRC Definition of Small Entity

For purposes of compliance with its regulations (10 CFR 2.810), the NRC has defined a small entity as follows:

(1) *Small business*—a for-profit concern that provides a service, or a concern that is not engaged in manufacturing, with average

gross receipts of $5 million or less over its last 3 completed fiscal years;

(2) *Manufacturing industry*—a manufacturing concern with an average of 500 or fewer employees based on employment during each pay period for the preceding 12 calendar months;

(3) *Small organizations*—a not-for-profit organization that is independently owned and operated and has annual gross receipts of $5 million or less;

(4) *Small governmental jurisdiction*—a government of a city, county, town, township, village, school district or special district, with a population of less than 50,000;

(5) *Small educational institution*—an educational institution supported by a qualifying small governmental jurisdiction, or one that is not State or publicly supported and has 500 or fewer employees.[1]

To further assist licensees in determining if they qualify as a small entity, the following guidelines are provided, which are based on the Small Business Administration's regulations (13 CFR part 121).

(1) A small business concern is an independently owned and operated entity which is not considered dominant in its field of operations.

(2) The number of employees means the total number of employees in the parent company, any subsidiaries and/or affiliates, including both foreign and domestic locations (*i.e.*, not solely the number of employees working for the licensee or conducting NRC licensed activities for the company).

(3) Gross annual receipts includes all revenue received or accrued from any source, including receipts of the parent company, any subsidiaries and/or affiliates, and account for both foreign and domestic locations. Receipts include all revenues from sales of products and services, interest, rent, fees, and commissions, from whatever sources derived (*i.e.*, not solely receipts from NRC licensed activities).

(4) A licensee who is a subsidiary of a large entity does not qualify as a small entity.

NRC Small Entity Fees

In 10 CFR 171.16 (c), the NRC has established two tiers of fees for licensees that qualify as a small entity under the NRC's size standards. The fees are as follows:

	Maximum annual fee per licensed category
Small business not engaged in manufacturing and small not-for-profit organizations (Gross Annual Receipts):	
$350,000 to $5 million	$2,300
Less than $350,000	500
Manufacturing entities that have an average of 500 employees or less:	
35 to 500 employees	2,300
Less than 35 employees	500
Small Governmental Jurisdictions (Including publicly supported educational institutions) (population):	
20,000 to 50,000	2,300
Less than 20,000	500
Educational institutions that are not State or publicly supported, and have 500 Employees or less:	
35 to 500 employees	2,300
Less than 35 employees	500

To pay a reduced annual fee, a licensee must use NRC Form 526. Licensees can access this form on the NRC's Web site at *http://www.nrc.gov.* The form can then be accessed by selecting ''License Fees'' and under ''Forms'' selecting NRC Form 526. Those licensees that qualify as a ''small entity'' under the NRC size standards at 10 CFR 2.810 can complete the form in accordance with the instructions provided, and submit the completed form and the appropriate payment to the address provided on the invoice. For licensees who cannot access the NRC's Web site, NRC Form 526 may be obtained through the local point of contact listed in the NRC's ''Materials Annual Fee Billing Handbook,'' NUREG/BR–0238, which is enclosed with each annual fee invoice. Alternatively, licensees may obtain the form by calling the fee staff at (301) 415–7554, or by e-mailing us at *fees@nrc.gov*.

Instructions for Completing NRC Small Entity Form 526

(1) File a separate NRC Form 526 for each annual fee invoice received.

(2) Complete all items on NRC Form 526, as follows:

a. Enter the license number and invoice number exactly as they appear on the annual fee invoice.

b. Enter the Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) if known.

c. Enter the licensee's name and address as they appear on the invoice. Name and/or address changes for billing purposes must be annotated on the invoice. Correcting the name and/or address on NRC Form 526, or on the invoice does not constitute a request to amend the license. Any request to amend a license must be submitted to the respective licensing staff in the NRC's regional or headquarters offices.

d. Check the appropriate size standard for which the licensee qualifies as a small entity. Check only one box. Note the following:

(i) A licensee who is a subsidiary of a large entity does not qualify as a small entity.

(ii) The size standards apply to the licensee, including all parent companies and affiliates—not the individual authorized users listed in the license or the particular segment of the organization that uses licensed material.

(iii) Gross annual receipts means all revenue in whatever form received or accrued from whatever sources—not solely receipts from licensed activities. There are limited exceptions as set forth at 13 CFR 121.104. These are: the term receipts excludes net capital gains or losses; taxes collected for and remitted to a taxing authority (if included in gross or total income), proceeds from the transactions between a concern and its domestic or foreign affiliates (if also excluded from gross or total income on a consolidated return filed with the IRS); and amounts collected for another entity by a travel agent, real estate agent, advertising agent, or conference management service provider.

(iv) The owner of the entity, or an official empowered to act on behalf of the entity, must sign and date the small entity certification.

The NRC sends invoices to its licensees for the full annual fee, even though some licensees qualify for reduced fees as small entities. Licensees who qualify as small entities and file NRC Form 526, which certifies eligibility for small entity fees, may pay the reduced fee, which is either $2,300 or $500 for a full year, depending on the size of the entity, for each fee category shown on the invoice. Licensees granted a license during the first 6 months of the fiscal year, and licensees who file for termination or for a ''possession only'' license and permanently cease licensed activities during the first 6 months of the fiscal year, pay only 50 percent of the annual fee for that year. Such invoices state that the ''amount billed represents 50% proration.'' This means that the amount due from a small entity is not the prorated amount shown on the invoice, but rather one-half of the maximum annual fee shown on NRC Form 526 for the size standard under

[1] An educational institution referred to in the size standards is an entity whose primary function is education, whose programs are accredited by a nationally recognized accrediting agency or association, who is legally authorized to provide a program of organized instruction or study, who provides an educational program for which it awards academic degrees, and whose educational programs are available to the public.

which the licensee qualifies, resulting in a fee of either $1,150 or $250 for each fee category billed (instead of the full small entity annual fee of $2,300 or $500).

Licensees must file a new small entity form (NRC Form 526) with the NRC each fiscal year to qualify for reduced fees in that year. Because a licensee's ''size,'' or the size standards, may change from year to year, the invoice reflects the full fee and licensees must complete and return form 526 for the fee to be reduced to the small entity fee amount. LICENSEES WILL NOT RECEIVE A NEW INVOICE FOR THE REDUCED AMOUNT. The completed NRC Form 526, the payment of the appropriate small entity fee, and the ''Payment Copy'' of the invoice should be mailed to the U.S. Nuclear Regulatory Commission, License Fee Team at the address indicated on the invoice.

If you have questions regarding the NRC's annual fees, please contact the license fee staff at (301) 415–7554, e-mail the fee staff at *fees@nrc.gov*, or write to the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Office of the Chief Financial Officer.

False certification of small entity status could result in civil sanctions being imposed by the NRC under the Program Fraud Civil Remedies Act, 31 U.S.C. 3801 *et seq.* NRC's implementing regulations are found at 10 CFR part 13.

[FR Doc. 05–3128 Filed 2–18–05; 8:45 am]

BILLING CODE 7590–01–P

Federal Register

Tuesday,
February 22, 2005

Part IV

Department of Housing and Urban Development

24 CFR Part 570

Community Development Block Grant Program; Small Cities and Insular Areas Programs; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 570

[Docket No. FR–4919–F–02]

RIN 2506–AC17

Community Development Block Grant Program; Small Cities and Insular Areas Programs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule makes final a June 10, 2004, interim rule that established regulations to implement a statutory change moving Community Development Block Grant (CDBG) program assistance for insular areas from section 107 (Special Purpose Grants) to section 106 (Allocation and Distribution of Funds) of the Housing and Community Development Act of 1974. The June 10, 2004, interim rule solicited public comments. No comments were received by HUD on the interim rule. This final rule adopts the interim rule, therefore, without change.

DATES: *Effective Date:* March 24, 2005.

FOR FURTHER INFORMATION CONTACT: Stephen Rhodeside, Community Planning and Development Specialist, State and Small Cities Division, Office of Block Grant Assistance, Office of Community Planning and Development, Room 7184, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–1322 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: On June 10, 2004, HUD published an interim rule at 69 FR 32774 that amended part 570 regulations for the CDBG program to establish the policies and procedures governing the Insular Areas CDBG program consistent with section 106 of the Housing and Community Development Act of 1974 (HCD Act) (42 U.S.C. 5301 *et seq.*). The CDBG program, authorized under the HCD Act has provided discretionary assistance as special purpose grants to qualifying insular area jurisdictions since Fiscal Year (FY) 1982. Through the CDBG program, HUD allocates funds by formula among eligible state and local governments, and also makes funds available to insular areas, for activities which principally benefit low- and moderate-income persons, aid in the elimination of slums or blighting conditions, or meet other community development needs having a particular urgency. HUD's regulations for the portions of the CDBG program administered by HUD's Office of Community Planning and Development are located in 24 CFR part 570.

Title V of Public Law 108–186 (117 Stat. 2685, approved December 16, 2003) (title V) amended title I of the HCD Act, moving the insular areas funding authorization from section 107(a) (42 U.S.C. 5307(a)) to section 106(a) (42 U.S.C. 5306(a)). This revision identified a specific portion of the CDBG allocation for insular areas that is separate from the distribution for special purpose grants as well as from the entitlement and state formula distribution. The change provides the insular areas of Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa with greater assurance of annual CDBG program funding.

With respect to the allocation of funds, title V establishes total ongoing annual insular areas funding at a level of $7,000,000, consistent with the level of funding received by insular areas while under the special purpose grant section of the HCD Act. Title V provides for the distribution of amounts to insular areas on the basis of the ratio of the population of each insular area to the population of all insular areas, which is also consistent with the past basis for distribution under the special purpose grant section. Title V also provides HUD with the authority to include other statistical criteria in the distribution formula as additional data become available from the Bureau of the Census, if such distribution criteria are contained in a regulation promulgated by HUD after notice and public comment. Finally, the greater assurance of continued funding provided by inclusion under section 106 of the HCD Act and the placement of the Insular Areas CDBG regulations in subpart F provide insular areas with the opportunity to apply for loan guarantees as described in section 108 of the HCD Act and subpart M of 24 CFR 570.

This final rule follows publication of the June 10, 2004, interim rule. As noted above, HUD received no comment on the interim rule. Accordingly, the final rule adopts the interim rule without changes.

Findings and Certifications

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This final rule does not impose any federal mandates on any State, local, or tribal government or the private sector within the meaning of UMRA.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on state and local governments and is not required by statute, or preempts state law, unless the relevant requirements of section 6 of the executive order are met. This rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the executive order.

Impact on Small Entities

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule does not impose any new or modify existing regulatory requirements. This rule only codifies in HUD's regulations statutory policies and procedures that transfer the Insular Areas program from eligibility under section 107 of the HCD Act to eligibility under section 106 of the HCD Act and makes existing sections of 24 CFR parts 91 and 570 that apply to section 106 nonentitlement grants also applicable to the Insular Areas program. Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) at the interim rule stage of this final rule, and continues to apply. The FONSI is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban

Development, 451 Seventh Street, SW., Washington, DC 20410–0500.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number for the CDBG Small Cities Program is 14.219.

List of Subjects in 24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants, Grant programs—education, Grant programs—housing and community development, Guam, Indians, Lead poisoning, Loan programs—housing and community development, Low and moderate income housing, New communities, Northern Mariana Islands, Pacific Islands Trust Territory, Pockets of poverty, Puerto Rico, Reporting and recordkeeping requirements, Small cities, Student aid, Virgin Islands.

■ Accordingly, the interim rule amending 24 CFR part 570 that was published at 69 FR 32774 on June 10, 2004, is adopted as a final rule without change.

Dated: February 10, 2005.

Nelson R. Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 05–3316 Filed 2–18–05; 8:45 am]

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Paiute cutthroat trout; Open for comments until further notice; published 9-10-04 [FR 04-20517]

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H-2B petitions in all occupations other than excepted occupations; post-adjudication audits; comments due by 2-28-05; published 1-27-05 [FR 05-01222]

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First use of rules applicable to negotiated service agreements; request for comments; comments due by 2-28-05; published 1-31-05 [FR 05-01732]

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Maine; Open for comments until further notice; published 2-17-04 [FR 04-03374]

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2003 Annual Product Review, 2002 Annual Country Practices Review, and previously deferred product decisions; petitions disposition; Open for comments until further notice; published 7-6-04 [FR 04-15361]

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Airbus; comments due by 3-2-05; published 1-31-05 [FR 05-01725]
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Boeing; comments due by 2-28-05; published 1-12-05 [FR 05-00537]
Bombardier; comments due by 3-3-05; published 2-1-05 [FR 05-01808]
CFM International; comments due by 2-28-05; published 12-28-04 [FR 04-28384]
Empresa Brasileira de Aeronautica S.A. (EMBRAER); comments due by 2-28-05; published 2-1-05 [FR 05-01795]
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05; published 1-12-05 [FR 05-00615]

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LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

A cumulative List of Public Laws for the second session of the 108th Congress will appear in the issue of January 31, 2005.

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. 241/P.L. 109-1

To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami. (Jan. 7, 2005; 119 Stat. 3)

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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.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–052–00001–9)	9.00	[4] Jan. 1, 2004
3 (2003 Compilation and Parts 100 and 101)	(869–052–00002–7)	35.00	[1] Jan. 1, 2004
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[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.

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