Federal Register

4–5–05 Tuesday
Vol. 70 No. 64 Apr. 5, 2005

Pages 17197–17300

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

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street
Washington, DC 20002

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

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# Presidential Documents

**Title 3—**

**The President**

**Proclamation 7877 of March 31, 2005**

## National Crime Victims' Rights Week, 2005

**By the President of the United States of America**

**A Proclamation**

In proclaiming the first Victims' Rights Week in 1981, President Reagan said, ''it is time all of us paid greater heed to the plight of victims.'' Since then, America has made great progress in treating crime victims with greater respect, meeting their needs, and providing them with help, hope, and healing. Each year, during National Crime Victims' Rights Week, we remember those who have lost their lives in violent crimes. We also renew our commitment to address the needs of victims and their families and to build public awareness of crime victims' rights.

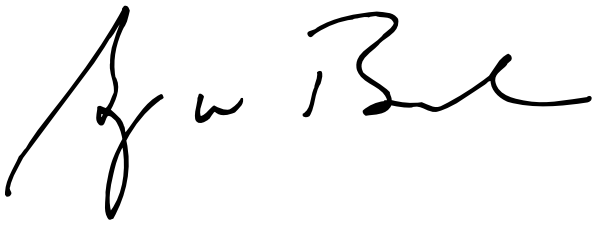
The violent crime rate is at its lowest point in three decades. We must remain steadfast in our efforts to make America safer for all citizens and fairer for victims of crime. The Department of Justice has received historic levels of funding for programs to protect women and prosecute criminals. Family Justice Centers are helping local communities provide comprehensive services to victims of domestic crime and their loved ones. State and local law enforcement officials are continuing to serve the public and assist victims of crime. I signed into law the Justice for All Act of 2004, which expands DNA testing and enhances the scope and enforceability of crime victims' rights.

As we work to combat crime and support victims, we must also ensure the fairness and effectiveness of our criminal justice system. All 50 States and the Federal Government have passed important legal protections for victims of violent crime, and more than half the States have amended their constitutions to guarantee rights for victims. My Administration continues to support the bipartisan Crime Victims' Rights Amendment to the Constitution, which would safeguard basic rights for victims regarding their safety, notification of public proceedings involving the crime, and claims of restitution.

Across our Nation, individuals and organizations—including faith-based and community groups—are dedicated to defending and securing the rights of crime victims and providing hope and healing to those who hurt. Together, their commitment and compassion help ensure that our legal system stands up for the rights of victims and that our communities step forward to lend a hand to people in need. During this week, we honor their extraordinary work and renew our pledge to protect the rights of crime victims.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 10 through April 16, 2005, as National Crime Victims' Rights Week. I encourage all Americans to highlight and advance the cause of victims' rights in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of March, in the year of our Lord two thousand five, and of the Independence of the United States of America the two hundred and twenty-ninth.



[FR Doc. 05–6847
Filed 4–4–05; 8:45 am]
Billing code 3195–01–P

# Rules and Regulations

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

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

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

### 7 CFR Parts 1700 and 1709

**RIN 0572–AB91**

### Assistance to High Energy Cost Rural Communities

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of confirmation of direct final rule.

**SUMMARY:** The Rural Utilities Service (RUS) hereby gives notice that no adverse comments were received regarding the direct final rule on Assistance to High Energy Cost Rural Communities, and confirms the effective date of the direct final rule.

**DATES:** The direct final rule published in the **Federal Register** on February 2, 2005 (70 FR 5349) is effective March 21, 2005.

**FOR FURTHER INFORMATION CONTACT:** Karen Larsen, Management Analyst, U.S. Department of Agriculture, Rural Utilities Service, Electric Program, 1400 Independence Ave., SW., Stop 1560, Room 5165–S, Washington, DC 20250–1560. Telephone (202) 720–9545, fax (202) 690–0717, e-mail address: *Karen.Larsen@usda.gov*.

**SUPPLEMENTARY INFORMATION:**

#### Background

The Rural Utilities Service (RUS) is adopting regulations at 7 CFR parts 1700 and 1709 implementing its financial assistance programs for rural communities with extremely high energy costs. These programs are authorized under section 19 of the Rural Electrification Act of 1936, as amended. This direct final rule is intended to establish and clarify eligibility and application requirements, the review and approval process, and grant administration procedures for RUS grants to rural communities with extremely high energy costs and for grants to State entities for bulk fuel revolving loan funds.

#### Confirmation of Effective Date

This is to confirm the effective date of March 21, 2005, for the direct final rule, 7 CFR parts 1700 and 1709, Assistance to High Energy Cost Rural Communities, published in the **Federal Register** on February 2, 2005.

Dated: March 29, 2005.

**Curtis M. Anderson,**

*Acting Administrator, Rural Utilities Service.*

[FR Doc. 05–6717 Filed 4–4–05; 8:45 am]

**BILLING CODE 3410–15–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 2004–NE–06–AD; Amendment 39–14033; AD 2005–07–09]**

**RIN 2120–AA64**

### Airworthiness Directives; General Electric Company CF34–8E Series Turbofan Engines

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD) for General Electric Company (GE) CF34–8E series turbofan engines with certain serial number (SN) master variable geometry (VG) actuators installed. That AD currently requires initial and repetitive reviews of the airplane computer systems for master VG actuator fault messages. That AD also requires replacement of actuators reported faulty by the Full Authority Digital Engine Control (FADEC). This AD requires the same reviews. This AD also prohibits installation of affected master VG actuators onto any CF34–8E series turbofan engine after the effective date of the AD. This AD results from the need to add to the list of affected parts, master VG actuators made by a parts manufacturing approval (PMA) holder. We are issuing this AD to prevent dual-channel electrical signal faults in the master VG actuator which will cause an uncommanded reduction of thrust to idle with a subsequent loss of the ability to advance thrust above idle, and will result in a multiengine loss of thrust if dual-channel faults occur on more than one engine simultaneously.

**DATES:** Effective April 20, 2005. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 20, 2005.

We must receive any comments on this AD by June 6, 2005.

**ADDRESSES:** Use one of the following addresses to submit comments on this AD:

- By mail: Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2004–NE–06–AD, 12 New England Executive Park, Burlington, MA 01803–5299.
- By fax: (781) 238–7055.
- By e-mail: *9-ane-adcomment@faa.gov*

You can get the service information referenced in this AD from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672–8400, fax (513) 672–8422.

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.

**FOR FURTHER INFORMATION CONTACT:** Robert Grant, Aerospace Engineer, Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA; telephone (781) 238–7757; fax (781) 238–7199.

**SUPPLEMENTARY INFORMATION:** On February 13, 2004, the FAA issued AD 2004–04–04, Amendment 39–13485 (69 FR 8098, February 23, 2004). That AD requires initial and repetitive reviews of the airplane computer systems for master VG actuator fault messages of certain SN master VG actuators. That AD also requires replacement of actuators reported faulty by the FADEC. The background for that AD is as follows:

In September of 2002, GE, the manufacturer of CF34–8E series turbofan engines, replaced its supplier

of dual-channel linear variable differential transformers (LVDTs), installed on the master VG actuator, part number 4120T02P02. Since that changing of suppliers, four master VG actuators, installed on CF34–8E engines, with LVDTs produced by the new supplier have been reported with single-channel electrical signal faults. The CF34–8E engines use the same part number VG master actuator as the CF34–8C series engines, which have experienced 54 LVDT faults in service, to date. One of these master VG actuators also experienced a failure of the second LVDT channel, seventeen days after the first single-channel fault report, resulting in the FADEC commanding the engine power to idle. The manufacturer's investigation revealed LVDT coil wire deformation and breakage, caused by thermal expansion of potting material. That condition, if not corrected, could result in dual channel electrical signal faults in the master VG actuator, which will cause an uncommanded reduction of thrust to idle with a subsequent loss of the ability to advance thrust above idle, and result in multiengine loss of thrust if dual-channel faults occur on more than one engine simultaneously, and possible loss of the airplane.

**Actions Since AD 2004–04–04 Was Issued**

Since AD 2004–04–04 was issued, we learned that PMA holder, Arkwin Industries, Inc., has master VG actuators in service with affected LVDTs installed. The same unsafe condition described previously for master VG actuators, SN APM238AE, and SNs APM242AE and up, is likely to exist or develop on these PMA master VG actuators. The PMA actuators are identified by P/N 1211508–002, SN 238AE, and SNs 241AE and up. These actuators also have GE P/N 4120T02P02 marked on them.

**Relevant Service Information**

We have reviewed and approved the technical contents of GE Alert Service Bulletin (ASB) No. CF34–8E–AL S/B 75–A0001, Revision 3, dated February 14, 2005, that describes procedures for initial and repetitive reviews of the airplane computer systems for fault messages, and replacement of actuators reported faulty by the FADEC.

**FAA's Determination and Requirements of This AD**

The unsafe condition described previously is likely to exist or develop on other CF34–8E series turbofan engines of the same type design. We are issuing this AD to prevent dual-channel electrical signal faults in the master VG actuator, which will cause an uncommanded reduction of thrust to idle with a subsequent loss of the ability to advance thrust above idle, and will result in a multiengine loss of thrust if dual-channel faults occur on more than one engine simultaneously.

This AD prohibits installation of any master VG actuator specified in this AD, onto any CF34–8E series turbofan engine after the effective date of the AD. This AD also requires an initial review within 10 days after the effective date of the AD, of the airplane computer systems for fault messages, and replacement of actuators reported faulty by the FADEC. Actuator hardware troubleshooting may be required to identify faulty actuators. Also, this AD requires the same repetitive reviews, at intervals not to exceed 10 days. Replacement of actuators reported faulty by the FADEC is required either before further flight or within 10 days of the first fault occurrence, based on requirements defined in the service information described previously, for the actual fault reported. You must use the service information described previously to perform the actions required by this AD.

**FAA's Determination of the Effective Date**

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES.** Include ''AD Docket No. 2004–NE–06–AD'' in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it; we will date-stamp your postcard and mail it back to you. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify it. If a person contacts us verbally, and that contact relates to a substantive part of this 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 the AD in light of those comments.

**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.

**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 the 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 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. 2004–NE–06–AD'' in your request.

## List of Subjects in 14 CFR Part 39

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

## Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–13485 (69 FR 8098, February 23, 2004), and by adding a new airworthiness directive, Amendment 39–14033, to read as follows:

**2005–07–09 General Electric Company:** Amendment 39–14033. Docket No. 2004–NE–06–AD.

**Effective Date**

(a) This airworthiness directive (AD) becomes effective April 20, 2005.

**Affected ADs**

(b) This AD supersedes AD 2004–04–04, Amendment 39–13485.

**Applicability**

(c) This AD applies to General Electric Company (GE) CF34–8E series turbofan engines with the master variable geometry (VG) actuators, GE part number (P/N) 4120T02P02, serial number (SN) APM238AE, and SNs APM242AE and up; and Arkwin Industries, Inc. Parts Manufacturer Approval (PMA) P/N 1211508–002, SN 238AE, and SNs 242AE and up installed. The Arkwin PMA parts are also marked with P/N 4120T02P02. These engines are installed on, but not limited to, Embraer 170 series airplanes.

**Unsafe Condition**

(d) This AD results from the need to add to the list of affected parts, master VG actuators made by PMA holder, Arkwin Industries, Inc. We are issuing this AD to prevent dual-channel electrical signal faults in the VG master actuator, which will cause an uncommanded reduction of thrust to idle with a subsequent loss of the ability to advance thrust above idle, and which will result in a multiengine loss of thrust if dual-channel faults occur on more than one engine simultaneously.

**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.

(f) After the effective date of this AD, do not install master VG actuators specified in this AD onto any engine.

**Initial Review**

(g) Within 10 days after the effective date of this AD, initially review the airplane computer systems for fault messages, and replace actuators with faults reported by the full-authority digital electronic control (FADEC). Follow the review and replacement requirements of paragraph 3 of the Accomplishment Instructions of GE Alert Service Bulletin (ASB) No. CF34–8E–AL S/B 75–A0001, Revision 3, dated February 14, 2005. The specific review instructions depend on the version of FADEC software installed at the time of the review, as detailed in the ASB.

**Repetitive Review**

(h) At intervals not to exceed 10 days, repetitively review the computer systems for fault messages, and replace actuators with faults reported by the FADEC. Follow the review and replacement requirements of paragraph 3 of the Accomplishment Instructions of GE ASB No. CF34–8E–AL S/B 75–A0001, Revision 3, dated February 14, 2005. The specific review instructions depend on the version of FADEC software installed at the time of the review, as detailed in the ASB.

**Optional Terminating Action**

(i) As an optional terminating action to the repetitive reviews specified in this AD, replace the master VG actuator with a master VG actuator not specified in this AD.

**Previous Credit**

(j) Previous credit is allowed for reviews and replacements of master VG actuators performed before the effective date of this AD, using paragraph 3 of GE ASB No. CF34–8E–AL S/B 75–A0001 Revision 1, dated February 10, 2004, or Revision 2, dated December 15, 2004, or Revision 3, dated February 14, 2005.

**Alternative Methods of Compliance**

(k) 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.

**Special Flight Permits**

(l) Under 39.23, the FAA imposes the following conditions and limitations on the issuance and use of Special Flight Permits for this AD:

(1) If both engines report FADEC status messages, with dispatch classification the same as an actuator LVDT fault, at the same time, whether intermittent or continuous, at least one engine must be cleared of faults before further flight, even if none of the faults are VG actuator-related.

(2) If both engines report FADEC status messages with dispatch classification the same as an actuator LVDT fault, at the same time, whether intermittent or continuous, the airplane computer systems must be reviewed for master VG actuator faults before further flight. If actuator faults are present for both engines, then at least one master VG actuator must be replaced before further flight.

(3) If intermittent status messages are posted for both engines, with the same dispatch classification as LVDT faults, and the cause cannot be found, one of the actuators must be replaced before further flight.

(4) If a master VG actuator with a single channel fault switches channels, the actuator must be replaced before further flight.

**Material Incorporated by Reference**

(m) You must use GE Alert Service Bulletin No. CF34–8E-AL S/B 75-A0001, Revision 3, dated February 14, 2005, to perform the reviews and actuator dispositions required by this AD. You can get a copy from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672–8400, fax (513) 672–8422. You may 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**

(n) None.

Issued in Burlington, Massachusetts, on March 25, 2005.

**Jay J. Pardee,**

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

[FR Doc. 05–6343 Filed 4–4–05; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF THE TREASURY

## Office of Foreign Assets Control

## 31 CFR Part 542

## Syrian Sanctions Regulations

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Office of Foreign Assets Control of the U.S. Department of the Treasury is adding new part 542 to chapter V of 31 CFR to carry out the purposes of Executive Order 13338 of May 11, 2004, ''Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria.''

**DATES:** *Effective Date:* March 31, 2005.

**FOR FURTHER INFORMATION CONTACT:** Chief of Policy Planning and Program Management, tel. 202/622–4855, Chief of Licensing, tel.: 202/622–2480, Chief of Compliance, tel. 202/622–2490, or Chief Counsel, tel.: 202/622–2410, Office of Foreign Assets Control, Department of the Treasury,

Washington, DC 20220 (not toll free numbers).

**SUPPLEMENTARY INFORMATION:**

**Electronic and Facsimile Availability**

This file is available for download without charge in ASCII and Adobe Acrobat readable (*.PDF) formats at GPO Access. GPO Access supports HTTP, FTP, and Telnet at *fedbbs.access.gpo.gov*. It may also be accessed by modem dialup at 202/512–1387 followed by typing ''/GO/FAC.'' Paper copies of this document can be obtained by calling the Government Printing Office at 202/512–1530. This document and additional information concerning the programs of the Office of Foreign Assets Control are available for downloading from the Office's Internet Home Page: *http://www.treas.gov/ofac*, or via FTP at *ofacftp.treas.gov*. Facsimiles of information are available through the Office's 24-hour fax-on-demand service: call 202/622–0077 using a fax machine, fax modem, or (within the United States) a touch-tone telephone.

**Background**

On May 11, 2004, the President, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA'') and the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, Public Law 108–175 (the ''SAA''), issued Executive Order 13338 (69 FR 26751, May 13, 2004) (the ''Order''). The President found that ''the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq'' constituted an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and declared a national emergency to deal with that threat.

Section 9 of the Order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, ''to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the IEEPA as may be necessary to carry out sections 3, 4, and 5'' of the Order. (As also set forth in section 9, other Federal agencies are responsible for implementing sanctions imposed in other sections of the Order. For example, see Department of Commerce, Bureau of Industry and Security General Order Implementing the Syria Accountability and Lebanese Sovereignty Act of 2003 (69 FR 26766, May 14, 2004) for the implementation of an export ban against Syria.)

Section 3 of the Order blocks, with certain exceptions, all property and interests in property of those persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, pursuant to criteria set forth in the Order. This blocking of property and interests in property includes, but is not limited to, the prohibition of (i) the making of any contribution of funds, goods, or services by, to, or for the benefit of any person whose property or interests in property are blocked pursuant to the Order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Section 4 of the Order prohibits any transaction by a United States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Order, as well as any conspiracy formed to violate such prohibitions. Section 5 of the Order prohibits the exportation or reexportation of donated articles to Syria and the making of such donations by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 3 of the Order.

Pursuant to section 9 of the Order, the Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is promulgating the Syrian Sanctions Regulations, 31 CFR part 542 (the ''Regulations'').

Subpart B of the Regulations sets forth the prohibitions contained in sections 3, 4, and 5 of the Order. See §§ 542.201 and 542.205. Persons designated under section 3 of the Order are referred to throughout the Regulations as ''persons whose property or interests in property are blocked pursuant to § 542.201(a).'' Their names will be published on OFAC's Web site, announced in the **Federal Register**, and incorporated on an ongoing basis into Appendix A to 31 CFR chapter V, which lists persons that are the targets of various sanctions programs administered by OFAC.

Section 542.201, with certain exceptions, blocks all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession of control of U.S. persons, of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet the criteria set forth in section 3 of the Order. These criteria include directing or otherwise significantly contributing to: (1) The Government of Syria's provision of safe haven to or other support for any persons whose property is blocked under U.S. law for terrorism-related reasons; (2) the Government of Syria's military or security presence in Lebanon; (3) the Government of Syria's pursuit of the development and production of weapons of mass destruction and medium- and long-range surface-to-surface missiles; and (4) any steps taken by the Government of Syria to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq. Also subject to designation are those individuals or entities owned or controlled by, or acting for or on behalf of, directly or indirectly, any person whose property or interests in property is blocked pursuant to the Order.

Sections 542.202 and 542.203 of subpart B detail the effect of transfers of blocked property in violation of the Regulations and the required holding of blocked property in interest-bearing blocked accounts, respectively. Section 542.204 of subpart B provides that all expenses incident to the maintenance of blocked physical property shall be the responsibility of the owners and operators of such property, and that such expenses shall not be met from blocked funds. The section further provides that blocked property may, in the discretion of the Director of OFAC, be sold or liquidated and the net proceeds placed in a blocked interest-bearing account in the name of the owner of the property.

Section 542.205 implements the prohibitions in section 4 of the Order on any transaction that evades or avoids, has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Order, and on any conspiracy formed to violate such prohibitions.

Section 542.206 of subpart B details transactions that are exempt from the prohibitions of part 542 pursuant to sections 203(b)(1), (3) and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)). These exemptions relate to personal communications, the importation and exportation of information or informational materials, and transactions relating to travel. The President determined in section 5 of the Order that donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), *i.e.,* articles such as food, clothing, and medicine intended to relieve human suffering, would seriously impair the President's ability to deal with the declared national emergency. Accordingly, the donation of such items

is not exempt from the scope of these Regulations and is prohibited, unless authorized by OFAC or otherwise authorized by law.

Subpart C of part 542 defines key terms used throughout the Regulations and subpart D sets forth interpretations regarding the general prohibitions contained in subpart B. Transactions otherwise prohibited under part 542 but found to be consistent with U.S. policy may be authorized by one of the general licenses contained in subpart E or by a specific license issued pursuant to the procedures described in subpart D of part 501 of 31 CFR chapter V.

Subpart F of part 542 refers to subpart C of part 501 for applicable recordkeeping and reporting requirements. Subpart G describes the civil and criminal penalties applicable to violations of the Regulations, as well as the procedures governing the potential imposition of a civil monetary penalty.

Subpart H of part 542 refers to subpart D of part 501 for applicable provisions relating to administrative procedures. Subpart I of the Regulations sets forth a Paperwork Reduction Act notice.

**Public Participation**

Because the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) (the ''APA'') requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply. However, OFAC encourages interested persons who wish to comment to do so in writing by any of the following methods:

- Agency Web Site: *http://www.treas.gov/offices/enforcement/ofac/comment.html.*
- Fax: Chief of Records, 202/622–1657.
- Mail: Chief of Records, ATTN: Request for Comments, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

OFAC will not accept public comments in languages other than English or accompanied by a request that a part or all of the submission be treated confidentially because of its business proprietary nature or for any other reason. OFAC will return any such submission to the originator. All public comments on these Regulations will be a matter of public record. Copies of the public record concerning these Regulations will be made available not sooner than July 5, 2005 and will be obtainable from OFAC's Web site (*http://www.treas.gov/ofac).* If that service is unavailable, written requests for copies may be sent to: Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220, Attn: Chief, Records Division.

**Paperwork Reduction Act**

The collections of information related to the Regulations are contained in 31 CFR part 501 (the ''Reporting, Procedures and Penalties Regulations''). Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), those collections of information have been approved by the Office of Management and Budget under control number 1505–0164. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

**List of Subjects in 31 CFR Part 542**

Administrative practice and procedure, Banks, Banking, Blocking of assets, Credit, Penalties, Reporting and recordkeeping requirements, Securities, Services, Syria.

■ For the reasons set forth in the preamble, part 542 is added to 31 CFR chapter V to read as follows:

## PART 542—SYRIAN SANCTIONS REGULATIONS

### Subpart A—Relation of This Part to Other Laws and Regulations

Sec.
542.101 Relation of this part to other laws and regulations.
542.102 Relation of this part to part 596 of this chapter.

### Subpart B—Prohibitions

542.201 Prohibited transactions involving blocked property.
542.202 Effect of transfers violating the provisions of this part.
542.203 Holding of funds in interest-bearing accounts; investment and reinvestment.
542.204 Expenses of maintaining blocked property; liquidation of blocked property.
542.205 Evasions; attempts; conspiracies.
542.206 Exempt transactions.

### Subpart C—General Definitions

542.301 Blocked account; blocked property.
542.302 Effective date.
542.303 Entity.
542.304 Information or informational materials.
542.305 Interest.
542.306 Licenses; general and specific.
542.307 Person.
542.308 Property; property interest.
542.309 Transfer.
542.310 United States.
542.311 U.S. financial institution.
542.312 United States person; U.S. person.

### Subpart D—Interpretations

542.401 Reference to amended sections.
542.402 Effect of amendment.
542.403 Termination and acquisition of an interest in blocked property.
542.404 Transactions incidental to a licensed transaction.
542.405 Provision of services.
542.406 Offshore transactions.
542.407 Payments from blocked accounts to satisfy obligations prohibited.
542.408 Charitable contributions.
542.409 Credit extended and cards issued by U.S. financial institutions.
542.410 Setoffs prohibited.

### Subpart E—Licenses, Authorizations and Statements of Licensing Policy

542.501 General and specific licensing procedures.
542.502 Effect of license or authorization.
542.503 Exclusion from licenses.
542.504 Payments and transfers to blocked accounts in U.S. financial institutions.
542.505 Entries in certain accounts for normal service charges authorized.
542.506 Investment and reinvestment of certain funds.
542.507 Provision of certain legal services authorized.
542.508 Authorization of emergency medical services.

### Subpart F—Reports

542.601 Records and reports.

### Subpart G—Penalties

542.701 Penalties.
542.702 Prepenalty notice.
542.703 Response to prepenalty notice; informal settlement.
542.704 Penalty imposition or withdrawal.
542.705 Administrative collection; referral to United States Department of Justice.

### Subpart H—Procedures

542.801 Procedures.
542.802 Delegation by the Secretary of the Treasury.

### Subpart I—Paperwork Reduction Act

542.901 Paperwork Reduction Act notice.

**Authority:** 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; E.O. 13338, 69 FR 26751, May 13, 2004.

## Subpart A—Relation of This Part to Other Laws and Regulations

### § 542.101 Relation of this part to other laws and regulations.

This part is separate from, and independent of, the other parts of this chapter, with the exception of part 501 of this chapter, the recordkeeping and reporting requirements and license application and other procedures of which apply to this part. Actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken

pursuant to this part. Differing foreign policy and national security circumstances may result in differing interpretations of similar language among the parts of this chapter. No license or authorization contained in or issued pursuant to those other parts authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to any other provision of law or regulation authorizes any transaction prohibited by this part. No license or authorization contained in or issued pursuant to this part relieves the involved parties from complying with any other applicable laws or regulations.

**§ 542.102 Relation of this part to part 596 of this chapter.**

For the purposes of the Terrorism List Government Sanctions Regulations set forth in part 596 of this chapter, the Government of Syria in its entirety is not subject to the regulations set forth in this part. Consequently, 31 CFR 596.503 does not apply to financial transactions with the Government of Syria, while 31 CFR 596.504 and 596.505 continue to apply.

## Subpart B—Prohibitions

**§ 542.201 Prohibited transactions involving blocked property.**

(a) Except as authorized by regulations, orders, directives, rulings, instructions, licenses or otherwise, and notwithstanding any contracts entered into or any license or permit granted prior to the effective date, all property and interests in property of the following persons that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(1) [Reserved]

(2) Any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(i) To be or to have been directing or otherwise significantly contributing to the Government of Syria's provision of safe haven to or other support for any person whose property or interests in property are blocked under United States law for terrorism-related reasons, including, but not limited to, Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine-General Command, and any persons designated pursuant to Executive Order 13224 of September 23, 2001;

(ii) To be or to have been directing or otherwise significantly contributing to the Government of Syria's military or security presence in Lebanon;

(iii) To be or to have been directing or otherwise significantly contributing to the Government of Syria's pursuit of the development and production of chemical, biological, or nuclear weapons and medium- and long-range surface-to-surface missiles;

(iv) To be or to have been directing or otherwise significantly contributing to any steps taken by the Government of Syria to undermine United States and international efforts with respect to the stabilization and reconstruction of Iraq; or

(v) To be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property or interests in property are blocked pursuant to this section.

**Note to paragraph (a) of § 542.201:** The names of persons whose property or interests in property are blocked pursuant to § 542.201(a) will be published on OFAC's Web site, announced in the **Federal Register**, and incorporated on an ongoing basis with the identifier [SYRIA] in appendix A to 31 CFR chapter V. Section 501.807 of this chapter V sets forth the procedures to be followed by persons seeking administrative reconsideration of their designations pursuant to § 542.201(a) or who wish to assert that the circumstances resulting in a designation no longer apply. Similarly, when a transaction results in the blocking of funds at a financial institution pursuant to this section and a party to the transaction believes the funds to have been blocked due to mistaken identity, that party may seek to have such funds unblocked pursuant to the administrative procedures set forth in § 501.806 of this chapter.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) explicitly authorizes the blocking of property and interests in property of a person during the pendency of an investigation. The name of any individual or entity whose property or interests in property are blocked under this part pending investigation will be published as noted above with the descriptor ''[BPI–SYRIA].'' The scope of the blocking of property or interests in property during the pendency of an investigation may be more limited than the scope of the blocking set forth in §542.201(a). Inquiries regarding the scope of any such blocking should be directed to OFAC's Compliance Division at 202/622–2490.

(b) The blocking of property and interests in property pursuant to § 542.201(a) includes, but is not limited to, the prohibition of:

(1) The making of any contribution of funds, goods, or services by, to, or for the benefit of any person whose property or interests in property are blocked pursuant to this section; and

(2) The receipt of any contribution or provision of funds, goods, or services from any such person.

(c) Unless otherwise authorized by this part or by a specific license expressly referring to this section, any dealing in any security (or evidence thereof) held within the possession or control of a U.S. person and either registered or inscribed in the name of or known to be held for the benefit of any person whose property or interests in property are blocked pursuant to § 542.201(a) is prohibited. This prohibition includes but is not limited to the transfer (including the transfer on the books of any issuer or agent thereof), disposition, transportation, importation, exportation, or withdrawal of any such security or the endorsement or guaranty of signatures on any such security. This prohibition applies irrespective of the fact that at any time (whether prior to, on, or subsequent to the effective date) the registered or inscribed owner of any such security may have or might appear to have assigned, transferred, or otherwise disposed of the security.

**§ 542.202 Effect of transfers violating the provisions of this part.**

(a) Any transfer after the effective date that is in violation of any provision of this part or of any regulation, order, directive, ruling, instruction, or license issued pursuant to this part, and that involves any property or interest in property blocked pursuant to § 542.201(a), is null and void and shall not be the basis for the assertion or recognition of any interest in, or right, remedy, power, or privilege with respect to, such property or property interests.

(b) No transfer before the effective date shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or any interest in, any property or interest in property blocked pursuant to § 542.201(a), unless the person with whom such property is held or maintained, prior to that date, had written notice of the transfer or by any written evidence had recognized such transfer.

(c) Unless otherwise provided, an appropriate license or other authorization issued by or pursuant to the direction or authorization of the Director of the Office of Foreign Assets Control before, during, or after a transfer shall validate such transfer or make it enforceable to the same extent that it would be valid or enforceable but for the provisions of the International Emergency Economic Powers Act, this part, and any regulation, order, directive, ruling, instruction, or license issued pursuant to this part.

(d) Transfers of property that otherwise would be null and void or unenforceable by virtue of the provisions of this section shall not be deemed to be null and void or unenforceable as to any person with whom such property was held or maintained (and as to such person only) in cases in which such person is able to establish to the satisfaction of the Director of the Office of Foreign Assets Control each of the following:

(1) Such transfer did not represent a willful violation of the provisions of this part by the person with whom such property was held or maintained;

(2) The person with whom such property was held or maintained did not have reasonable cause to know or suspect, in view of all the facts and circumstances known or available to such person, that such transfer required a license or authorization issued pursuant to this part and was not so licensed or authorized, or, if a license or authorization did purport to cover the transfer, that such license or authorization had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained; and

(3) The person with whom such property was held or maintained filed with the Office of Foreign Assets Control a report setting forth in full the circumstances relating to such transfer promptly upon discovery that:

(i) Such transfer was in violation of the provisions of this part or any regulation, ruling, instruction, license, or other direction or authorization issued pursuant to this part;

(ii) Such transfer was not licensed or authorized by the Director of the Office of Foreign Assets Control; or

(iii) If a license did purport to cover the transfer, such license had been obtained by misrepresentation of a third party or withholding of material facts or was otherwise fraudulently obtained.

**Note to paragraph (d) of § 542.202:** The filing of a report in accordance with the provisions of paragraph (d)(3) of this section shall not be deemed evidence that the terms of paragraphs (d)(1) and (d)(2) of this section have been satisfied.

(e) Except to the extent otherwise provided by law or unless licensed pursuant to this part, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property in which, on or since the effective date, there existed an interest of a person whose property or interests in property are blocked pursuant to § 542.201(a).

**§ 542.203 Holding of funds in interest-bearing accounts; investment and reinvestment.**

(a) Except as provided in paragraph (c) or (d) of this section, or as otherwise directed by the Office of Foreign Assets Control, any U.S. person holding funds, such as currency, bank deposits, or liquidated financial obligations subject to § 542.201(a) shall hold or place such funds in a blocked interest-bearing account located in the United States.

(b)(1) For purposes of this section, the term *blocked interest-bearing account* means a blocked account:

(i) In a federally-insured U.S. bank, thrift institution, or credit union, provided the funds are earning interest at rates that are commercially reasonable; or

(ii) With a broker or dealer registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934, provided the funds are invested in a money market fund or in U.S. Treasury Bills.

(2) For purposes of this section, a rate is commercially reasonable if it is the rate currently offered to other depositors on deposits or instruments of comparable size and maturity.

(3) Funds held or placed in a blocked account pursuant to this paragraph (b) may not be invested in instruments the maturity of which exceeds 180 days. If interest is credited to a separate blocked account or subaccount, the name of the account party on each account must be the same.

(c) Blocked funds held in instruments the maturity of which exceeds 180 days at the time the funds become subject to § 542.201(a) may continue to be held until maturity in the original instrument, provided any interest, earnings, or other proceeds derived therefrom are paid into a blocked interest-bearing account in accordance with paragraph (b) or (d) of this section.

(d) Blocked funds held in accounts or instruments outside the United States at the time the funds become subject to § 542.201(a) may continue to be held in the same type of accounts or instruments, provided the funds earn interest at rates that are commercially reasonable.

(e) This section does not create an affirmative obligation for the holder of blocked tangible property, such as chattels or real estate, or of other blocked property, such as debt or equity securities, to sell or liquidate such property at the time the property becomes subject to § 542.201(a). However, the Office of Foreign Assets Control may issue licenses permitting or directing such sales in appropriate cases.

(f) Funds subject to this section may not be held, invested, or reinvested in a manner that provides immediate financial or economic benefit or access to any person whose property or interests in property are blocked pursuant to § 542.201(a), nor may their holder cooperate in or facilitate the pledging or other attempted use of blocked funds or other assets as collateral.

**Note to § 542.203:** See § 542.506 regarding investment and reinvestment of certain funds.

**§ 542.204 Expenses of maintaining blocked property; liquidation of blocked property.**

(a) Except as otherwise authorized, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or contract entered into or any license or permit granted before 12:01 a.m., eastern daylight time, May 12, 2004, all expenses incident to the maintenance of physical property blocked pursuant to § 542.201(a) shall be the responsibility of the owners or operators of such property, which expenses shall not be met from blocked funds.

(b) Property blocked pursuant to § 542.201(a) may, in the discretion of the Director, Office of Foreign Assets Control, be sold or liquidated and the net proceeds placed in a blocked interest-bearing account in the name of the owner of the property.

**§ 542.205 Evasions; attempts; conspiracies.**

(a) Except as otherwise authorized, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, any transaction by any U.S. person or within the United States on or after the effective date that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this part is prohibited.

(b) Except as otherwise authorized, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, any conspiracy formed for the purpose of engaging in a transaction prohibited by this part is prohibited.

**§ 542.206 Exempt transactions.**

(a) *Personal communications.* The prohibitions contained in this part do not apply to any postal, telegraphic, telephonic, or other personal communication that does not involve the transfer of anything of value.

(b) *Information or informational materials.* (1) The importation from any

country and the exportation to any country of information or informational materials, as defined in § 542.304, whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions of this part.

(2) This section does not exempt from regulation or authorize transactions related to information or informational materials not fully created and in existence at the date of the transactions, or to the substantive or artistic alteration or enhancement of informational materials, or to the provision of marketing and business consulting services. Such prohibited transactions include, but are not limited to, payment of advances for information or informational materials not yet created and completed (with the exception of prepaid subscriptions for widely-circulated magazines and other periodical publications); provision of services to market, produce or co-produce, create, or assist in the creation of information or informational materials; and, with respect to information or informational materials imported from persons whose property or interests in property are blocked pursuant to § 542.201(a), payment of royalties with respect to income received for enhancements or alterations made by U.S. persons to such information or informational materials.

(3) This section does not exempt from regulation or authorize transactions incident to the exportation of software subject to the Export Administration Regulations, 15 CFR parts 730 through 799, or to the exportation of goods, technology or software, or to the provision, sale, or leasing of capacity on telecommunications transmission facilities (such as satellite or terrestrial network connectivity) for use in the transmission of any data. The exportation of such items or services and the provision, sale, or leasing of such capacity or facilities to a person whose property or interests in property are blocked pursuant to § 542.201(a) are prohibited.

(c) *Travel.* The prohibitions contained in this part do not apply to transactions ordinarily incident to travel to or from any country, including exportation or importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.

## Subpart C—General Definitions

### § 542.301 Blocked account; blocked property.

The terms *blocked account* and *blocked property* shall mean any account or property subject to the prohibitions in § 542.201 held in the name of a person whose property or interests in property are blocked pursuant to § 542.201(a), or in which such person has an interest, and with respect to which payments, transfers, exportations, withdrawals, or other dealings may not be made or effected except pursuant to an authorization or license from the Office of Foreign Assets Control expressly authorizing such action.

### § 542.302 Effective date.

With respect to a person whose property or interests in property are blocked pursuant to a designation under § 542.201(a), the effective date is the earlier of the date on which either actual notice or constructive notice is received of such person's designation.

### § 542.303 Entity.

The term *entity* means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization.

### § 542.304 Information or informational materials.

(a) For purposes of this part, the term *information or informational materials* includes, but is not limited to publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds.

**Note to paragraph (a) of § 542.304.** To be considered information or informational materials, artworks must be classified under chapter heading 9701, 9702, or 9703 of the Harmonized Tariff Schedule of the United States.

(b) The term *information or informational materials*, with respect to United States exports, does not include items:

(1) That were, as of April 30, 1994, or that thereafter become, controlled for export pursuant to section 5 of the Export Administration Act of 1979, 50 U.S.C. App. 2401–2420 (1979) (the ''EAA''), or section 6 of the EAA to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States; or

(2) With respect to which acts are prohibited by 18 U.S.C. chapter 37.

### § 542.305 Interest.

Except as otherwise provided in this part, the term *interest* when used with respect to property (*e.g.*, ''an interest in property'') means an interest of any nature whatsoever, direct or indirect.

### § 542.306 Licenses; general and specific.

(a) Except as otherwise specified, the term license means any license or authorization contained in or issued pursuant to this part.

(b) The term *general license* means any license or authorization the terms of which are set forth in subpart E of this part.

(c) The term *specific license* means any license or authorization not set forth in subpart E of this part but issued pursuant to this part.

**Note to § 542.306:** See § 501.801 of this chapter on licensing procedures.

### § 542.307 Person.

The term person means an individual or entity.

### § 542.308 Property; property interest.

The terms *property* and *property interest* include, but are not limited to, money, checks, drafts, bullion, bank deposits, savings accounts, debts, indebtedness, obligations, notes, guarantees, debentures, stocks, bonds, coupons, any other financial instruments, bankers acceptances, mortgages, pledges, liens or other rights in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, letters of credit and any documents relating to any rights or obligations thereunder, powers of attorney, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, deeds of trust, vendors' sales agreements, land contracts, leaseholds, ground rents, real estate and any other interest therein, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, services of any nature whatsoever, contracts of any nature whatsoever, and any other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future or contingent.

### § 542.309 Transfer.

The term *transfer* means any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, convey, transfer, or alter, directly or indirectly, any right, remedy,

power, privilege, or interest with respect to any property and, without limitation upon the foregoing, shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the making of any payment; the setting off of any obligation or credit; the appointment of any agent, trustee, or fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or levy of or under any judgment, decree, attachment, injunction, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition; the exercise of any power of appointment, power of attorney, or other power; or the acquisition, disposition, transportation, importation, exportation, or withdrawal of any security.

**§ 542.310 United States.**

The term *United States* means the United States, its territories and possessions, and all areas under the jurisdiction or authority thereof.

**§ 542.311 U.S. financial institution.**

The term *U.S. financial institution* means any U.S. entity (including its foreign branches) that is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange, securities, commodity futures or options, or procuring purchasers and sellers thereof, as principal or agent, including but not limited to: Depository institutions; banks; savings banks; trust companies; securities brokers and dealers; commodity futures and options brokers and dealers; forward contract and foreign exchange merchants; securities and commodities exchanges; clearing corporations; investment companies; employee benefit plans; and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of any of the foregoing. This term includes those branches, offices and agencies of foreign financial institutions that are located in the United States, but not such institutions' foreign branches, offices, or agencies.

**§ 542.312 United States person; U.S. person.**

The term *United States person* or U.S. person means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

## Subpart D—Interpretations

**§ 542.401 Reference to amended sections.**

Except as otherwise specified, reference to any provision in or appendix to this part or chapter or to any regulation, ruling, order, instruction, direction, or license issued pursuant to this part refers to the same as currently amended.

**§ 542.402 Effect of amendment.**

Unless otherwise specifically provided, any amendment, modification, or revocation of any provision in or appendix to this part or chapter or of any order, regulation, ruling, instruction, or license issued by or under the direction of the Director of the Office of Foreign Assets Control does not affect any act done or omitted, or any civil or criminal suit or proceeding commenced or pending prior to such amendment, modification, or revocation. All penalties, forfeitures, and liabilities under any such order, regulation, ruling, instruction, or license continue and may be enforced as if such amendment, modification, or revocation had not been made.

**§ 542.403 Termination and acquisition of an interest in blocked property.**

(a) Whenever a transaction licensed or authorized by or pursuant to this part results in the transfer of property (including any property interest) away from a person, such property shall no longer be deemed to be property blocked pursuant to § 542.201(a), unless there exists in the property another interest that is blocked pursuant to § 542.201(a) or any other part of this chapter, the transfer of which has not been effected pursuant to license or other authorization.

(b) Unless otherwise specifically provided in a license or authorization issued pursuant to this part, if property (including any property interest) is transferred or attempted to be transferred to a person whose property or interests in property are blocked pursuant to § 542.201(a), such property shall be deemed to be property in which that person has an interest and therefore blocked.

**§ 542.404 Transactions incidental to a licensed transaction.**

Any transaction ordinarily incident to a licensed transaction and necessary to give effect thereto is also authorized, except:

(a) An incidental transaction, not explicitly authorized within the terms of the license, by or with a person whose property or interests in property are blocked pursuant to § 542.201(a); or

(b) An incidental transaction, not explicitly authorized within the terms of the license, involving a debit to a blocked account or a transfer of blocked property.

**§ 542.405 Provision of services.**

(a) Except as provided in § 542.206, the prohibitions on transactions involving blocked property contained in § 542.201 apply to services performed in the United States or by U.S. persons, wherever located, including by an overseas branch of an entity located in the United States:

(1) On behalf of or for the benefit of a person whose property or interests in property are blocked pursuant to § 542.201(a); or

(2) With respect to property interests subject to § 542.201.

(b) *Example:* U.S. persons may not, except as authorized by or pursuant to this part, provide legal, accounting, financial, brokering, freight forwarding, transportation, public relations, or other services to a person whose property or interests in property are blocked pursuant to § 542.201(a).

**Note to § 542.405:** See §§ 542.507 and 542.508, respectively, on licensing policy with regard to the provision of certain legal or medical services.

**§ 542.406 Offshore transactions.**

The prohibitions in § 542.201 on transactions involving blocked property apply to transactions by any U.S. person in a location outside the United States with respect to property that the U.S. person knows, or has reason to know, is held in the name of a person whose property or interests in property are blocked pursuant to § 542.201(a) or in which the U.S. person knows, or has reason to know, a person whose property or interests in property are blocked pursuant to § 542.201(a) has or has had an interest since the effective date.

**§ 542.407 Payments from blocked accounts to satisfy obligations prohibited.**

Pursuant to § 542.201, no debits may be made to a blocked account to pay obligations to U.S. persons or other persons, except as authorized pursuant to this part.

**§ 542.408 Charitable contributions.**

Unless otherwise specifically authorized by the Office of Foreign

Assets Control by or pursuant to this part, no charitable contribution or donation of funds, goods, services, or technology, including those to relieve human suffering, such as food, clothing or medicine, may be made by, to, or for the benefit of a person whose property or interests in property are blocked pursuant to § 542.201(a). For purposes of this part, a contribution or donation is made by, to, or for the benefit of a person whose property or interests in property are blocked pursuant to § 542.201(a) if made by, to, or in the name of such a person; if made by, to, or in the name of an entity or individual acting for or on behalf of, or owned or controlled by, such a person; or if made in an attempt to violate, to evade, or to avoid the bar on the provision of contributions or donations by, to, or for such a person.

**§ 542.409 Credit extended and cards issued by U.S. financial institutions.**

The prohibition in § 542.201 on dealing in property subject to that section prohibits U.S. financial institutions from performing under any existing credit agreements, including, but not limited to, charge cards, debit cards, or other credit facilities issued by a U.S. financial institution to a person whose property or interests in property are blocked pursuant to § 542.201(a).

**§ 542.410 Setoffs prohibited.**

A setoff against blocked property (including a blocked account), whether by a U.S. bank or other U.S. person, is a prohibited transfer under § 542.201 if effected after the effective date.

## Subpart E—Licenses, Authorizations and Statements of Licensing Policy

**§ 542.501 General and specific licensing procedures.**

For provisions relating to licensing procedures, see part 501, subpart E of this chapter. Licensing actions taken pursuant to part 501 of this chapter with respect to the prohibitions contained in this part are considered actions taken pursuant to this part.

**§ 542.502 Effect of license or authorization.**

(a) No license or other authorization contained in this part, or otherwise issued by or under the direction of the Director of the Office of Foreign Assets Control, authorizes or validates any transaction effected prior to the issuance of the license, unless specifically provided in such licenses or authorization.

(b) No regulation, ruling, instruction, or license authorizes any transaction prohibited under this part unless the regulation, ruling, instruction or license is issued by the Office of Foreign Assets Control and specifically refers to this part. No regulation, ruling, instruction, or license referring to this part shall be deemed to authorize any transaction prohibited by any provision of this chapter unless the regulation, ruling, instruction, or license specifically refers to such provision.

(c) Any regulation, ruling, instruction, or license authorizing any transaction otherwise prohibited under this part has the effect of removing a prohibition contained in this part from the transaction, but only to the extent specifically stated by its terms. Unless the regulation, ruling, instruction, or license otherwise specifies, such an authorization does not create any right, duty, obligation, claim, or interest in, or with respect to, any property which would not otherwise exist under ordinary principles of law.

**§ 542.503 Exclusion from licenses.**

The Director of the Office of Foreign Assets Control reserves the right to exclude any person, property, or transaction from the operation of any license or from the privileges conferred by any license. The Director of the Office of Foreign Assets Control also reserves the right to restrict the applicability of any license to particular persons, property, transactions, or classes thereof. Such actions are binding upon all persons receiving actual or constructive notice of the exclusions or restrictions.

**§ 542.504 Payments and transfers to blocked accounts in U.S. financial institutions.**

Any payment of funds or transfer of credit in which a person whose property or interests in property are blocked pursuant to § 542.201(a) has any interest, that comes within the possession or control of a U.S. financial institution, must be blocked in an account on the books of that financial institution. A transfer of funds or credit by a U.S. financial institution between blocked accounts in its branches or offices is authorized, provided that no transfer is made from an account within the United States to an account held outside the United States, and further provided that a transfer from a blocked account may only be made to another blocked account held in the same name.

**Note to § 542.504.** Please refer to § 501.603 of this chapter for mandatory reporting requirements regarding financial transfers. See also § 542.203 concerning the obligation to hold blocked funds in interest-bearing accounts.

**§ 542.505 Entries in certain accounts for normal service charges authorized.**

(a) A U.S. financial institution is authorized to debit any blocked account held at that financial institution in payment or reimbursement for normal service charges owed it by the owner of that blocked account.

(b) As used in this section, the term normal service charge shall include charges in payment or reimbursement for interest due; cable, telegraph, internet, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, notary and protest fees, and charges for reference books, photocopies, credit reports, transcripts of statements, registered mail, insurance, stationery and supplies, and other similar items.

**§ 542.506 Investment and reinvestment of certain funds.**

Subject to the requirements of § 542.203, U.S. financial institutions are authorized to invest and reinvest assets blocked pursuant to § 542.201, subject to the following conditions:

(a) The assets representing such investments and reinvestments are credited to a blocked account or subaccount which is held in the same name at the same U.S. financial institution, or within the possession or control of a U.S. person, but funds shall not be transferred outside the United States for this purpose;

(b) The proceeds of such investments and reinvestments shall not be credited to a blocked account or subaccount under any name or designation that differs from the name or designation of the specific blocked account or subaccount in which such funds or securities were held; and

(c) No immediate financial or economic benefit accrues (*e.g.*, through pledging or other use) to persons whose property or interests in property are blocked pursuant to § 542.201(a).

**§ 542.507 Provision of certain legal services authorized.**

(a) The provision of the following legal services to or on behalf of persons whose property or interests in property are blocked pursuant to § 542.201(a) is authorized, provided that all receipts of payment of professional fees and reimbursement of incurred expenses must be specifically licensed:

(1) Provision of legal advice and counseling on the requirements of and compliance with the laws of any jurisdiction within the United States, provided that such advice and counseling is not provided to facilitate transactions in violation of this part;

(2) Representation of persons when named as defendants in or otherwise made parties to domestic U.S. legal, arbitration, or administrative proceedings;

(3) Initiation and conduct of domestic U.S. legal, arbitration, or administrative proceedings in defense of property interests subject to U.S. jurisdiction;

(4) Representation of persons before any Federal or State agency with respect to the imposition, administration, or enforcement of U.S. sanctions against such persons; and

(5) Provision of legal services in any other context in which prevailing U.S. law requires access to legal counsel at public expense.

(b) The provision of any other legal services to persons whose property or interests in property are blocked pursuant to § 542.201(a), not otherwise authorized in this part, requires the issuance of a specific license.

(c) Entry into a settlement agreement affecting property or interests in property or the enforcement of any lien, judgment, arbitral award, decree, or other order through execution, garnishment, or other judicial process purporting to transfer or otherwise alter or affect property or interests in property blocked pursuant to § 542.201(a) is prohibited unless specifically licensed in accordance with § 542.202(e).

#### § 542.508 Authorization of emergency medical services.

The provision of nonscheduled emergency medical services in the United States to persons whose property or interests in property are blocked pursuant to § 542.201(a) is authorized, provided that all receipt of payment for such services must be specifically licensed.

### Subpart F—Reports

#### § 542.601 Records and reports.

For provisions relating to required records and reports, see part 501, subpart C, of this chapter. Recordkeeping and reporting requirements imposed by part 501 of this chapter with respect to the prohibitions contained in this part are considered requirements arising pursuant to this part.

### Subpart G—Penalties

#### § 542.701 Penalties.

(a) Attention is directed to section 206 of the International Emergency Economic Powers Act (the ''Act'') (50 U.S.C. 1705), which is applicable to violations of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Act. Section 206 of the Act, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410, as amended, 28 U.S.C. 2461 note), provides that:

(1) A civil penalty not to exceed $11,000 per violation may be imposed on any person who violates or attempts to violate any license, order, or regulation issued under the Act;

(2) Whoever willfully violates or willfully attempts to violate any license, order, or regulation issued under the Act, upon conviction, shall be fined not more than $50,000, and if a natural person, may also be imprisoned for not more than 10 years; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(b) The criminal penalties provided in the Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is also directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device, a material fact, or makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

(d) Violations of this part may also be subject to relevant provisions of other applicable laws.

#### § 542.702 Prepenalty notice.

(a) *When required.* If the Director of the Office of Foreign Assets Control has reason to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the International Emergency Economic Powers Act, and the Director determines that further civil proceedings are warranted, the Director shall notify the alleged violator of the agency's intent to impose a monetary penalty by issuing a prepenalty notice. The prepenalty notice shall be in writing. The prepenalty notice may be issued whether or not another agency has taken any action with respect to the matter.

(b) *Contents of notice*—(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty.

(2) *Right to respond.* The prepenalty notice also shall inform the respondent of the respondent's right to make a written presentation within the applicable 30 day period set forth in § 542.703 as to why a monetary penalty should not be imposed or why, if imposed, the monetary penalty should be in a lesser amount than proposed.

(c) *Informal settlement prior to issuance of prepenalty notice.* At any time prior to the issuance of a prepenalty notice, an alleged violator may request in writing that, for a period not to exceed sixty (60) days, the agency withhold issuance of the prepenalty notice for the exclusive purpose of effecting settlement of the agency's potential civil monetary penalty claims. In the event the Director of the Office of Foreign Assets Control grants the request, under terms and conditions within his discretion, the Office of Foreign Assets Control will agree to withhold issuance of the prepenalty notice for a period not to exceed 60 days and will enter into settlement negotiations of the potential civil monetary penalty claim.

#### § 542.703 Response to prepenalty notice; informal settlement.

(a) *Deadline for response.* The respondent may submit a response to the prepenalty notice within the applicable 30-day period set forth in this paragraph. The Director of the Office of Foreign Assets Control may grant, at his discretion, an extension of time in which to submit a response to the prepenalty notice. The failure to submit a response within the applicable time period set forth in this paragraph shall be deemed to be a waiver of the right to respond.

(1) *Computation of time for response.* A response to the prepenalty notice must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to the Office of Foreign Assets Control by courier) on or before the 30th day after the postmark date on the envelope in which the prepenalty notice was mailed. If the respondent refused delivery or otherwise avoided receipt of the prepenalty notice, a response must be postmarked or date-stamped on or before the 30th day after the date on the

stamped postal receipt maintained at the Office of Foreign Assets Control. If the prepenalty notice was personally delivered to the respondent by a non-U.S. Postal Service agent authorized by the Director, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(2) *Extensions of time for response.* If a due date falls on a Federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of the Director of the Office of Foreign Assets Control, only upon the respondent's specific request to the Office of Foreign Assets Control.

(b) *Form and method of response.* The response must be submitted in handwritten or typed form and signed by the respondent or a representative thereof. The response need not be in any particular form. A copy of the written response may be sent by facsimile, but the original also must be sent to the Office of Foreign Assets Control Civil Penalties Division by mail or courier and must be postmarked or date-stamped, in accordance with paragraph (a) of this section.

(c) *Contents of response.* A written response must contain information sufficient to indicate that it is in response to the prepenalty notice and must include the Office of Foreign Assets Control identification number listed on the prepenalty notice.

(1) A written response must include the respondent's full name, address, telephone number, and facsimile number, if available, or those of the representative of the respondent.

(2) A written response should either admit or deny each specific violation alleged in the prepenalty notice and also state if the respondent has no knowledge of a particular violation. If the written response fails to address any specific violation alleged in the prepenalty notice, that alleged violation shall be deemed to be admitted.

(3) A written response should include any information in defense, evidence in support of an asserted defense, or other factors that the respondent requests the Office of Foreign Assets Control to consider. Any defense or explanation previously made to the Office of Foreign Assets Control or any other agency must be repeated in the written response. Any defense not raised in the written response will be considered waived. The written response also should set forth the reasons why the respondent believes the penalty should not be imposed or why, if imposed, it should be in a lesser amount than proposed.

(d) *Failure to respond.* Where the Office of Foreign Assets Control receives no response to a prepenalty notice within the applicable time period set forth in paragraph (a) of this section, a penalty notice generally will be issued, taking into account the mitigating and/or aggravating factors present in the record. If there are no mitigating factors present in the record, or the record contains a preponderance of aggravating factors, the proposed prepenalty amount generally will be assessed as the final penalty.

(e) *Informal settlement.* In addition to or as an alternative to a written response to a prepenalty notice, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. However, the requirements set forth in paragraph (f) of this section as to oral communication by the representative must first be fulfilled. In the event of settlement at the prepenalty stage, the claim proposed in the prepenalty notice will be withdrawn, the respondent will not be required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the time limit specified in paragraph (a) of this section for written response to the prepenalty notice will remain in effect unless additional time is granted by the Office of Foreign Assets Control.

(f) *Representation.* A representative of the respondent may act on behalf of the respondent, but any oral communication with the Office of Foreign Assets Control prior to a written submission regarding the specific allegations contained in the prepenalty notice must be preceded by a written letter of representation, unless the prepenalty notice was served upon the respondent in care of the representative.

### § 542.704 Penalty imposition or withdrawal.

(a) *No violation.* If, after considering any response to the prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director shall notify the respondent in writing of that determination and of the cancellation of the proposed monetary penalty.

(b) *Violation.* (1) If, after considering any written response to the prepenalty notice, or default in the submission of a written response, and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director is authorized to issue a written penalty notice to the respondent of the determination of the violation and the imposition of the monetary penalty.

(2) The penalty notice shall inform the respondent that payment or arrangement for installment payment of the assessed penalty must be made within 30 days of the date of mailing of the penalty notice by the Office of Foreign Assets Control.

(3) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collecting and reporting on any delinquent penalty amount.

(4) The issuance of the penalty notice finding a violation and imposing a monetary penalty shall constitute final agency action. The respondent has the right to seek judicial review of that final agency action in Federal District Court.

### § 542.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the date of mailing of the penalty notice, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal District Court.

## Subpart H—Procedures

### § 542.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see part 501, subpart E, of this chapter.

### § 542.802 Delegation by the Secretary of the Treasury.

Any action that the Secretary of the Treasury is authorized to take pursuant

to Executive Order 13338 of May 11, 2004 (69 FR 26751, May 13, 2004), and any further Executive orders relating to the national emergency declared therein, may be taken by the Director of the Office of Foreign Assets Control or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

## Subpart I—Paperwork Reduction Act

### § 542.901 Paperwork Reduction Act notice.

For approval by the Office of Management and Budget (''OMB'') under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, licensing procedures (including those pursuant to statements of licensing policy), and other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Dated: February 10, 2005.

**Robert W. Werner,**

*Director, Office of Foreign Assets Control.*

Approved: February 18, 2005.

**Juan C. Zarate,**

*Assistant Secretary (Terrorist Financing), Department of the Treasury.*

[FR Doc. 05–6692 Filed 3–31–05; 4:46 pm]

BILLING CODE 4810–25–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 223

## Threatened Marine and Anadromous Species

*CFR Correction*

In Title 50 of the Code of Federal Regulations, parts 200 to 599, revised as of October 1, 2004, in § 223.206, on page 176, remove paragraphs (B) *Regulated waters*, (C) *Reporting requirement*, (D) *Monitoring*, and (E) *Expedited modification of restrictions and effective dates*.

[FR Doc. 05–55503 Filed 4–4–05; 8:45 am]

BILLING CODE 1505–01–D

# Proposed Rules

Federal Register
Vol. 70, No. 64
Tuesday, April 5, 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 TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2005–20794; Directorate Identifier 2004–NM–172–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes); and Model A310 Series Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) that applies to all Airbus Model A300 B2 and B4 series airplanes; Model A300–600 series airplanes; and Model A310 series airplanes. The existing AD currently requires, among other actions, repetitive tests to detect desynchronization of the rudder servo actuators, and adjustment or replacement of the spring rods of the rudder servo actuators, if necessary. This proposed AD would require new repetitive tests/inspections/analyses of the rudder servo actuators, and related investigative/corrective actions if necessary. Accomplishment of the new actions ends the existing repetitive requirements. This proposed AD is prompted by new reports of desynchronization of the rudder servo actuators. We are proposing this AD to prevent desynchronization of one of the three rudder servo actuators, which, if combined with an engine failure could result in the loss of the related hydraulic system and could cause the loss of one of the two synchronized actuators. This condition could create additional fatigue loading and possible cracking on the attachment fittings and could result in the inability of the remaining synchronized actuator to maintain the commanded rudder deflection, which could result in reduced controllability of the airplane.

**DATES:** We must receive comments on this proposed AD by May 5, 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.
- *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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

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–2005–20794; the directorate identifier for this docket is 2004–NM–172–AD.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2797; 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–2005–20794; Directorate Identifier 2004–NM–172–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 received 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

On June 16, 1998, we issued AD 98–13–33, amendment 39–10624 (63 FR 34580, June 25, 1998), for all Airbus Model A300 B2 and B4 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model C4–605R variant F airplanes (collectively called A300–600 series airplanes); and Model A310 series airplanes. That AD requires repetitive tests to detect desynchronization of the rudder servo actuators, and adjustment or replacement of the spring rods of the rudder servo actuators, if necessary. For certain airplanes, that AD also requires repetitive inspections to detect cracking of the rudder attachments, and repair, if necessary; or modification of the rudder attachments. That AD was prompted by issuance of mandatory continuing airworthiness information by an international civil airworthiness

authority. We issued that AD to detect and correct desynchronization of the rudder servo actuators, which could result in reduced structural integrity of the rudder attachments and reduced controllability of the airplane.

**Actions Since Existing AD Was Issued**

Since we issued AD 98–13–33, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that there have been new reports of desynchronization of the rudder servo actuators on in-service airplanes. The primary cause, which is not addressed by AD 98–13–33, is a malfunction or mis-adjustment of the input spring rods of the rudder servo actuators. With the hydraulic systems of all three rudder servo actuators pressurized, one desynchronized actuator, while having no noticeable effect on the operation of the rudder, could create an opposing force. This force is reacted by the structural attachments of the actuators and creates additional fatigue loading and possible cracking on the attachment fittings.

If a desynchronized rudder servo actuator is combined with an engine failure, the loss of the related hydraulic system could cause the loss of one of the two synchronized actuators. This condition could create additional fatigue loading and possible cracking on the attachment fittings and could result in the inability of the remaining synchronized actuator to maintain the commanded rudder deflection, which could result in reduced controllability of the airplane.

**Relevant Service Information**

Airbus has issued the following primary service bulletins:

PRIMARY SERVICE BULLETINS

| Airbus service bulletin— | For— |
|---|---|
| A300–27–0188, Revision 05, including Appendix 01 and Reporting Sheet, dated April 16, 2004 | Model A300 B2 and B4 series airplanes. |
| A300–27–6036, Revision 08, including Appendix 01 and Reporting Sheet, dated April 16, 2004 | Model A300–600. |
| A310–27–2082, Revision 05, including Appendix 01 and Reporting Sheet, dated April 16, 2004 | Model A310 series airplanes. |

The primary service bulletins describe the following procedures:

1. Doing repetitive operational tests of the rudder system with each hydraulic system pressurized in turn;
2. Doing repetitive static inspections for correct synchronization of the rudder servo controls with each hydraulic system;
3. Doing repetitive inspections to find dead travel of the input lever of the rudder servo control for each hydraulic system;
4. Analyzing the results of each inspection;
5. Submitting a report to the airplane manufacturer; and
6. Doing any applicable related investigative/corrective actions if necessary. The related investigative actions include doing inspections of the attachment fittings of the rudder servo actuators for cracks when the limits are exceeded in accordance with the applicable secondary service bulletin described below, and contacting the airplane manufacturer for disposition of repairs if necessary. The corrective actions include adjusting the spring rods, replacing the spring rods with new spring rods, and replacing the rudder servo control with a new servo control.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information and issued French airworthiness directive F–2004–092, issued June 23, 2004, to ensure the continued airworthiness of these airplanes in France.

The primary service bulletins refer to the following secondary service bulletins as additional sources of service information for accomplishing the related investigative actions for certain conditions:

SECONDARY SERVICE BULLETINS

| Airbus service bulletin— | For— |
|---|---|
| A300–55–0044, Revision 03, dated April 16, 2004 | Model A300 B2 and B4 series airplanes. |
| A310–55–2026, Revision 02, dated April 16, 2004 | Model A310 series airplanes. |
| A300–55–6023, Revision 05, dated April 16, 2004 | Model A300–600. |

**FAA's Determination and Requirements of the Proposed AD**

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that AD action is necessary for airplanes of this type design that are certificated for operation in the United States.

This proposed AD would supersede AD 98–13–33. This proposed AD would retain the requirements of the existing AD. This proposed AD would also require accomplishing the actions specified in the primary service bulletins described previously, except as discussed under ''Differences Between the Proposed AD and Primary Service Bulletins.''

**Differences Between the Proposed AD and the Primary Service Bulletins**

The primary service bulletins specify that you may contact the airplane manufacturer for instructions on how to repair certain conditions, but this proposed AD would require you to repair those conditions using a method that we or the DGAC (or its delegated agent) approve. In light of the type of repair that would be required to address the unsafe condition, and consistent with existing bilateral airworthiness agreements, we have determined that, for this proposed AD, a repair we or the DGAC approve would be acceptable for compliance with this proposed AD.

**Change to Existing AD**

This proposed AD would retain all requirements of AD 98–13–33. Since AD

98–13–33 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

| Requirement in AD 98–13–33 | Corresponding requirement in this proposed AD |
|---|---|
| paragraph (a) ..... | paragraph (f). |
| paragraph (b) ..... | paragraph (g). |
| paragraph (c) ..... | paragraph (h). |

## Costs of Compliance

The following table provides the estimated costs for U.S. operators to comply with this proposed AD. The average labor rate is $65 per hour.

ESTIMATED COSTS

| Action | Work hour | Parts | Cost per airplane, per cycle | Number of U.S.-registered airplanes | Fleet cost (per cycle) |
|---|---|---|---|---|---|
| Tests (required by AD 98–13–13) ..... | 1 | None | $65 | 179 | $11,635 |
| Tests/inspections/analyses (new proposed actions) ..... | 1 | None | 65 | 179 | 11,635 |

## 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 removing amendment 39–10624 (63 FR 34580, June 25, 1998) and adding the following new airworthiness directive (AD):

**Airbus:** Docket No. FAA–2005–20794; Directorate Identifier 2004–NM–172–AD.

**Comments Due Date**

(a) The Federal Aviation Administration must receive comments on this AD action by May 5, 2005.

**Affected ADs**

(b) This AD supersedes AD 98–13–33, amendment 39–10624 (63 FR 34580, June 25, 1998).

**Applicability**

(c) This AD applies to all Airbus Model A300 B2 and B4 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model C4–605R Variant F airplanes (collectively called A300–600); and Model A310 series airplanes; certificated in any category.

**Unsafe Condition**

(d) This AD was prompted by new reports of desynchronization of the rudder servo actuators. We are issuing this AD to prevent desynchronization of one of three rudder servo actuators, which, if combined with an engine failure, could result in the loss of the related hydraulic system and could cause the loss of one of the two synchronized actuators. This condition could create additional fatigue loading and possible cracking on the attachment fittings and could result in the inability of the remaining synchronized actuator to maintain the commanded rudder deflection, which could result in reduced controllability of the airplane.

**Compliance**

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

**Requirements of AD 98–13–33**

*Repetitive Tests and Adjustment or Replacement*

(f) Prior to accumulation of 1,300 total flight hours, or within 500 flight hours after July 30, 1998 (the effective date of AD 98–13–33), whichever occurs later, and thereafter at intervals not to exceed 1,300 flight hours: Perform a test to detect desynchronization of the rudder servo actuators in accordance with Airbus Service Bulletin A300–27–0188, Revision 2, dated October 1, 1997 (for Model A300 series airplanes); A300–27–6036, Revision 2, dated October 1, 1997 (for Model A300–600 series airplanes); or A310–27–2082, Revision 2, dated October 1, 1997 (for Model A310 series airplanes); as applicable. If any desynchronization (rudder movement) is detected, prior to further flight, either adjust or replace, as applicable, the spring rod of the affected rudder servo actuator in accordance with the applicable service bulletin.

**Note 1:** A test to detect desynchronization of the rudder servo actuators, if accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A300–27–0188, dated October 24, 1996, or Revision 1, dated November 5, 1996 (for Model A300 series airplanes); A300–27–6036, dated October 24, 1996, or Revision 1, dated November 5, 1996 (for Model A300–600 series airplanes); or A310–27–2082, dated October 24, 1996, or Revision 1, dated November 5, 1996 (for Model A310 series airplanes); is considered acceptable for

compliance with the initial test required by paragraph (f) of this AD.

(g) Except as provided by paragraph (h) of this AD, if any desynchronization (rudder movement) greater than the limit specified in Paragraph B of the Accomplishment Instructions of the applicable service bulletin is detected during any test required by paragraph (f), prior to further flight, accomplish either paragraph (g)(1) or (g)(2) of this AD, in accordance with Airbus Service Bulletin A300–55–0044, dated October 22, 1996 (for Model A300 series airplanes); A300–55–6023, dated October 22, 1996 (for Model A300–600 series airplanes); or A310–55–2026, dated October 22, 1996 (for Model A310 series airplanes); as applicable.

(1) Conduct a visual inspection, high frequency eddy current inspection, or ultrasonic inspection, as applicable, to detect cracking of the rudder attachments; and repeat the inspection thereafter, as applicable, at the intervals specified in the applicable service bulletin. Or

(2) Modify the rudder attachments to cold expand the rivet holes.

(h) If any crack is found during any inspection or modification required by paragraph (g) of this AD, and the applicable service bulletin specifies to contact Airbus for an appropriate action: Prior to further flight, repair the affected structure in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or in accordance with a method approved by the Direction Générale de l'Aviation Civile (DGAC).

**New Requirements of This AD**

*Service Bulletins*

(i) The term ''primary service bulletin,'' as hereafter used in this AD, means the Accomplishment Instructions of the applicable primary service bulletin in Table 1 of this AD.

TABLE 1.—PRIMARY SERVICE BULLETINS

| Airbus service bulletin— | For— |
|---|---|
| (1) A300–27–0188, including Appendix 01 and Reporting Sheet, Revision 05, dated April 16, 2004. | Model A300 B2 and B4 series airplanes. |
| (2) A300–27–6036, including Appendix 01 and Reporting Sheet, Revision 08, dated April 16, 2004. | Model A300–600 series airplanes. |
| (3) A310–27–2082, including Appendix 01 and Reporting Sheet, Revision 05, dated April 16, 2004. | Model A310 series airplanes. |

(j) The primary service bulletin refers to the applicable secondary service bulletin in Table 2 of this AD as an additional source of service information for accomplishing the related investigative actions for certain conditions.

TABLE 2.—SECONDARY SERVICE BULLETINS

| Airbus service bulletin— | For— |
|---|---|
| (1) A300–55–0044, Revision 03, dated April 16, 2004 | Model A300 B2 and B4 series airplanes. |
| (2) A310–55–2026, Revision 02, dated April 16, 2004 | Model A310 series airplanes. |
| (3) A300–55–6023, Revision 05, dated April 16, 2004 | Model A300–600 series airplanes. |

*Compliance Times*

(k) Do the actions specified in paragraph (l) of this AD at the following times:

(1) Within 700 flight hours after the effective date of this AD or within 1,300 flight hours after the last inspection required by either paragraph (f) or (g) of this AD, whichever occurs first; and

(2) Thereafter at intervals not to exceed 1,300 flight hours.

*Tests/Inspections/Analyses and Related Investigative/Corrective Actions*

(l) Do the actions specified in paragraphs (l)(1) through (l)(4) of this AD and any applicable related investigative/corrective actions by doing all the actions in accordance with the primary service bulletin, except as required by paragraph (m) of this AD. Related investigative and corrective actions must be done before further flight. Accomplishing these actions ends the requirements of paragraphs (f) through (h) of this AD.

(1) Do an operational test of the rudder system with each hydraulic system pressurized in turn.

(2) Do a static inspection for correct synchronization of the rudder servo controls with each hydraulic system.

(3) Inspect to find dead travel of the input lever of the rudder servo control for each hydraulic system.

(4) Analyze the results of the static inspection required by paragraph (l)(2) of this AD and the inspection to find dead travel required by paragraph (l)(3) of this AD.

(m) If the primary/secondary service bulletin recommends contacting Airbus for appropriate action: Before further flight, repair any discrepancy in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate; or the DGAC (or its delegated agent).

*Reporting*

(n) At the applicable time specified in paragraph (n)(1) or (n)(2) of this AD, submit a report in accordance with the primary service bulletin. Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements contained in this AD and has assigned OMB Control Number 2120–0056.

(1) If the action specified in the primary service bulletin was done after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the action specified in the primary service bulletin was accomplished before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

*Alternative Methods of Compliance (AMOCs)*

(o)(1) The Manager, International Branch, ANM–116, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) AMOCs approved previously according to AD 98–13–33 are not approved as AMOCs with this AD.

*Related Information*

(p) French airworthiness directive F–2004–092, issued June 23, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on March 22, 2005.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05–6678 Filed 4–4–05; 8:45 am]

BILLING CODE 4910–13–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA–2005–20797; Directorate Identifier 2004–NM–256–AD]**

**RIN 2120–AA64**

# Airworthiness Directives; McDonnell Douglas Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 Airplanes; Model DC–8F–54 and DC–8F–55 Airplanes; Model DC–8–50, –60, –60F, –70, and –70F Series Airplanes; Model DC–9–10, –20, –30, –40, and –50 Series Airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) Airplanes; and Model MD–88 Airplanes

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The FAA proposes to supersede an existing airworthiness directive (AD) that applies to certain McDonnell Douglas airplanes, as listed above. The existing AD currently requires an initial general visual or dye penetrant inspection, repetitive dye penetrant inspections, and replacement, as necessary, of the rudder pedal bracket. This proposed AD would also require, for certain airplanes, replacing the rudder pedal bracket assemblies with new, improved parts, which would terminate the repetitive inspections. This proposed AD is prompted by a report of numerous cracked rudder pedal brackets found during inspections of certain affected airplanes. We are proposing this AD to prevent failure of the rudder pedal bracket assembly, which could result in the loss of rudder and braking control at either the captain's or first officer's position.

**DATES:** We must receive comments on this proposed AD by May 20, 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.
- 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 Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024).

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–2005–20797; the directorate identifier for this docket is 2004–NM–256–AD.

**FOR FURTHER INFORMATION CONTACT:** Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5324; fax (562) 627–5210.

**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–2005–20797; Directorate Identifier 2004–NM–256–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 received 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

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## Discussion

On June 9, 1989, we issued AD 89–14–02, amendment 39–6245 (54 FR 27156, June 28, 1989), for certain McDonnell Douglas Model DC–8, DC–9 and C–9 (Military) series airplanes, including Model DC–9–80 series airplanes and Model MD–88 airplanes. That AD requires an initial general visual or dye penetrant inspection, repetitive dye penetrant inspections, and replacement, as necessary, of the rudder pedal bracket. That AD was prompted by several reports of fatigue failures in the captain's rudder pedal bracket assembly on Model DC–9 series airplanes. We issued that AD to prevent failure of the rudder pedal bracket assembly, which could result in the loss of rudder and braking control at either the captain's or first officer's position.

## Actions Since Existing AD Was Issued

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America agreed to undertake the task of identifying and implementing procedures to ensure the continued structural airworthiness of aging transport category airplanes. An Airworthiness Assurance Working Group (AAWG) was established in August 1988, with members representing aircraft manufacturers, operators, regulatory authorities, and other aviation industry representatives worldwide. The objective of the AAWG was to sponsor ''Steering Task Groups (STG)'' to:

1. Select service bulletins, applicable to each airplane model in the transport fleet, to be recommended for mandatory modification of aging airplanes;
2. Develop corrosion-directed inspections and prevention programs;
3. Review the adequacy of each operator's structural maintenance program;
4. Review and update the Supplemental Inspection Documents (SID); and
5. Assess repair quality.

Based on the results of this review, the DC–9 STG for Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes; has determined that for these airplanes, further corrective action is necessary to prevent failure of the rudder pedal bracket assembly, which could result in the loss of rudder and braking control at either the captain's or first officer's positions.

In addition, we have received a report of numerous cracked rudder pedal brackets found during inspections of Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes.

AD 89–14–02 does not provide a terminating action for these certain airplanes and instead requires repetitive inspections after the replacement of the rudder pedal bracket assemblies. Since operators could fly these airplanes another 40,000 landings after the replacement of the rudder pedal bracket assemblies, new, improved parts made of aluminum casting were developed to address the unsafe condition of AD 89–14–02.

We have determined we can better ensure long-term continued operational safety by modifications or design changes to remove the source of the problem, rather than by repetitive inspections. Therefore, for certain airplanes, the proposed AD would require replacement of the rudder pedal bracket assemblies with new, improved parts made of aluminum casting, which would terminate the repetitive inspections. The proposed AD would require that the replacement with new, improved parts be accomplished before the accumulation of 75,000 total landings on a rudder pedal bracket assembly, or within 60 months after the effective date of this AD, whichever occurs later.

We have also determined that the other affected Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 airplanes; Model DC–8F–54 and DC–8F–55 airplanes; and Model DC–8–50, –60, –60F, –70, and –70F series airplanes in AD 89–14–02 do not require replacement of rudder pedal bracket assemblies with new, improved parts made of aluminum casting. Replacement with a new part having the same part number, if cracks are detected, is sufficient in addressing the unsafe condition of this proposed AD, since these airplanes are not expected to fly another 40,000 landings after the replacement.

**Relevant Service Information**

We have reviewed McDonnell Douglas Alert Service Bulletin A27–307, Revision 6, dated December 19, 1994. The service bulletin describes procedures for replacing the captain's and first officer's rudder pedal bracket assemblies with parts having the same part number; or replacing with new, improved parts, which ends the repetitive inspections for McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

**FAA's Determination and Requirements of the Proposed AD**

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design that may be registered in the U.S. at some time in the future. We are proposing to supersede AD 89–14–02. This proposed AD would retain the requirements of the existing AD. This proposed AD would also require, for certain airplanes, accomplishing the actions specified in the service bulletin described previously, except as discussed under ''Differences Between the Proposed AD and Service Bulletin.''

**Differences Between Proposed Rule and Service Bulletin**

This proposed AD would require replacement of the rudder pedal bracket assemblies with new, improved parts, which would terminate the repetitive inspections. The service bulletin provides the termination action as an option.

The service bulletin does not recommend a compliance time for accomplishing the terminating action (replacement is on-condition). This proposed AD, however, would require operators to accomplish, for certain airplanes, the terminating action before the accumulation of 75,000 total landings on a rudder pedal bracket assembly, or within 60 months after the effective date of this AD, whichever occurs later.

**Changes to Existing AD**

This proposed AD would retain all requirements of AD 89–14–02. Since AD 89–14–02 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH IDENTIFIERS

| Requirement in AD 89–14–02 | Corresponding requirement in this proposed AD |
|---|---|
| paragraph A ..... | paragraph (f). |
| paragraph B ..... | paragraph (g). |

We have also changed all references to any ''visual inspection'' in AD 89–14–02 to ''general visual inspection'' in this proposed AD and added a note to clarify the definition of a general visual inspection.

In this proposed AD, we have also revised the applicability of AD 89–14–02 to identify model designations as published in the most recent type certificate data sheet for the affected models.

We have clarified the compliance time in paragraphs (f) and (g) of this AD to specify 40,000 total landings.

**Costs of Compliance**

There are about 2,025 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD. The new replacements of this proposed AD are applicable only to Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes.

ESTIMATED COSTS

| Action | Work hours | Average labor rate per hour | Parts | Cost per airpalne | Number of fleet U.S.-registered airplanes | Fleet cost |
|---|---|---|---|---|---|---|
| General visual inspection (required by AD 89–14–02). | 3 | $65 | None | $195 | 1,381 | $269,295. |
| Dye penetrant inspection (required by AD 89–14–02). | 5 | 65 | None | 325, per inspection cycle. | 1,381 | 448,825, per inspection cycle. |
| Replacements (new proposed action). | 9 | 65 | $5,320 | 5,905 | 1,131 | 6,678,555. |

**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 removing amendment 39–6245 (54 FR 27156, June 28, 1989) and adding the following new airworthiness directive (AD):

**McDonnell Douglas:** Docket No. FAA–2005–20797; Directorate Identifier 2004–NM–256–AD.

**Comments Due Date**

(a) The Federal Aviation Administration must receive comments on this AD action by May 20, 2005.

**Affected ADs**

(b) This AD supersedes AD 89–14–02, amendment 39–6245 (54 FR 27156, June 28, 1989).

**Applicability**

(c) This AD applies to the airplanes listed in Table 1 of this AD, certificated in any category.

TABLE 1.—APPLICABILITY

| McDonnell Douglas | As identified in |
|---|---|
| Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 airplanes; Model DC–8–51, DC–8–52, DC–8–53, and DC–8–55 airplanes; Model DC–8F–54 and DC–8F–55 airplanes; Model DC–8–61, DC–8–62, and DC–8–63 airplanes; Model DC–8–61F, DC–8–62F, and DC–8–63F airplanes; Model DC–8–71, DC–8–72, and DC–8–73 airplanes. | McDonnell Douglas Alert Service Bulletin A27–273, dated May 16, 1989. |
| Model DC–9–11, DC–9–12, DC–9–13, DC–9–14, DC–9–15, and DC–9–15F airplanes; Model DC–9–21 airplanes; Model DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–33F, DC–9–34, DC–9–34F, and DC–9–32F (C–9A, C–9B) airplanes; Model DC–9–41 airplanes; Model DC–9–51 airplanes; DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes. | McDonnell Douglas Alert Service Bulletin Model A27–307, Revision 6, dated December 19, 1994. |

**Unsafe Condition**

(d) This AD was prompted by a report of numerous cracked rudder pedal brackets found during inspections of certain affected airplanes. We are issuing this AD to prevent failure of the rudder pedal bracket assembly, which could result in the loss of rudder and braking control at either the captain's or first officer's position.

**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.

**Requirements of AD 89–14–02**

(f) Prior to the accumulation of 40,000 total landings or within 30 days after July 5, 1989 (the effective date of AD 89–14–02), whichever occurs later, perform either a general visual inspection or dye penetrant inspection for cracks of the captain's and first officer's rudder pedal bracket, part numbers (P/N) 5616067 and 5616068, respectively, in accordance with McDonnell Douglas Alert Service Bulletins A27–273 (for Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 airplanes; Model DC–8F–54 and DC–8F–55 airplanes; and Model DC–8–50, –60, –60F, –70, and –70F series airplanes) or A27–307 (for Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes), as applicable, both dated May 16, 1989.

**Note 1:** For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

**Note 2:** McDonnell Douglas Alert Service Bulletins A27–273 and A27–307, both dated May 16, 1989, are hereinafter referred to as ASB A27–273 and ASB A27–307, respectively.

(1) If an initial general visual inspection is accomplished, and no cracks are found, perform a dye penetrant inspection of the rudder pedal bracket assembly within 180 days after the general visual inspection, and thereafter accomplish dye penetrant inspections at intervals not to exceed 12 months or 2,500 landings, whichever occurs earlier.

(2) If an initial dye penetrant inspection is accomplished, and no cracks are found, accomplish repetitive dye penetrant inspections at intervals not to exceed 12 months or 2,500 landings, whichever occurs earlier.

(g) If cracks are detected, prior to further flight, remove and replace the rudder pedal bracket assembly in accordance with ASB A27–273 or A27–307, as applicable. Prior to the accumulation of 40,000 total landings after replacement with the new part, resume the repetitive inspections in accordance with paragraph (f) in this AD.

**New Requirements of This AD**

*Terminating Action for Certain Airplanes*

(h) For McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 series airplanes; Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87) airplanes; and Model MD–88 airplanes: Do the actions in paragraphs (h)(1) and (h)(2) of this AD in accordance with the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin A27–307, Revision 6, dated December 19, 1994.

(1) Before the accumulation of 75,000 total landings on the captain's rudder pedal bracket assembly, P/N 5616067–501, or within 60 months after the effective date of this AD, whichever occurs later: Remove the rudder pedal bracket assembly and replace it with new, improved P/N 5962903–501. Accomplishment of the replacement terminates the repetitive inspections of the captain's rudder pedal bracket assembly required by paragraphs (f) and (g) of this AD.

(2) Before the accumulation of 75,000 total landings on the first officer's rudder pedal bracket assembly, P/N 5616068–501, or within 60 months after the effective date of this AD, whichever occurs later: Remove the rudder pedal bracket assembly and replace it with new, improved P/N 5962904–501. Accomplishment of the replacement terminates the repetitive inspections of the first officer's rudder pedal bracket assembly required by paragraphs (f) and (g) of this AD.

*Credit for Previous Service Bulletins*

(i) Actions done before the effective date of this AD in accordance with McDonnell Douglas Alert Service Bulletin A27–307, Revision 5, dated February 14, 1992; or Revision 4, dated June 3, 1991, are acceptable for compliance with the corresponding requirements of this AD.

*Alternative Methods of Compliance (AMOCs)*

(j)(1) The Manager, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) AMOCs, approved previously in accordance with AD 89–14–02, amendment 39–6245, are approved as AMOCs for the corresponding requirements of this AD.

Issued in Renton, Washington, on March 22, 2005.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05–6679 Filed 4–4–05; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 45

**[Docket No. RM05–6–000]**

## Commission Authorization To Hold Interlocking Directorates

March 25, 2005.

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is proposing to amend its regulations to clarify the time frame within which individuals must file applications for authorization to hold interlocking positions, and the information provided in certain informational reports required for automatic authorization of certain interlocking positions.

**DATES:** Comments are due June 6, 2005.

**ADDRESSES:** Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* Commentors unable to file comments electronically must send original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE., Washington, DC 20426. Refer to the Comment Procedures section of the preamble for additional information on how to file comments.

**FOR FURTHER INFORMATION CONTACT:**

James Akers (Technical Information), Office of Markets, Tariffs and Rates, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8101.

Melissa Mitchell (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6038.

**SUPPLEMENTARY INFORMATION:**

1. Section 305(b) of the Federal Power Act (FPA) [1] prohibits individuals from concurrently holding positions as officer or director of more than one public utility; or to hold the positions of officer or director of a public utility and of an entity authorized by law to underwrite or participate in the marketing of public utility securities; or to hold the positions of officer or director of a public utility and a company supplying electrical equipment to that particular public utility, unless the holding of

[1] 16 U.S.C. 825d(b)(2000).

such positions has been authorized by the Commission upon a showing that neither public nor private interests will be adversely affected thereby.[2]

2. The Commission implemented Congress' mandate in part 45 of the Commission's regulations.[3] Section 45.3 of the regulations currently states that ''the holding of positions within the purview of [section 305(b)] shall be unlawful unless the holding shall have been authorized by order of the Commission. Nothing in this part shall be construed as authorizing the holding of positions prior to the order of the Commission on application therefor. Applications shall be filed within 30 days after election or appointment to any positions within the purview of section 305(b) of the Act.'' [4]

3. In this Notice of Proposed Rulemaking (NOPR), the Commission is proposing to clarify the time at which a person must apply for authorization to hold interlocking positions under section 305(b) of the FPA and part 45 of the Commission's regulations. Specifically, and as described more fully below, we propose to clarify in revised section 45.3 that persons are prohibited from holding interlocking positions prior to receiving authorization from the Commission, and that ''holding'' shall mean acting as, serving as, voting as, or otherwise performing or assuming the duties and responsibilities of the interlocking positions for which the authorization is requested. Similarly, we propose to clarify in revised section 45.9 when filings need to be made. Finally, we solicit comments on the continued waiver of the full requirements of part 45 for officers and directors of certain public utilities with market-based rate authority.

## Background

4. Section 305(b) of the FPA prohibits persons from concurrently holding positions as an officer or director of more than one public utility; or to hold the positions of officer or director of a public utility and of an entity authorized by law to underwrite or participate in the marketing of public utility securities; [5] or to hold the positions of an officer or director of a public utility and of a company supplying electrical equipment to that particular public utility, unless the holding of such positions ''shall have been authorized by order of the Commission'' upon a finding that neither public nor private interests will be adversely affected thereby. The Commission's regulations, 18 CFR part 45 (2004), currently require that an application for approval be filed within 30 days of election or appointment to a qualifying position. If an application is filed after 30 days, it is considered late. The Commission has stated in previous orders that it does not look favorably on late-filed applications for authorization to hold interlocking positions.[6]

5. In examining Congress' intent in enacting section 305(b) of the FPA, the Commission has explained that ''among the evils sought to be eliminated by the enactment of section 305(b)'' was ''the lack of arm's length dealings between public utilities and organizations furnishing financial services or electrical equipment.'' [7] In this regard, the legislative history indicates that with respect to section 305(b) of the FPA ''Congress exhibited a relentless interest in, bordering on an obsession with, the evils of concentration of economic power in the hands of a few individuals. It recognized that the conflicts of interest stemming from the presence of the same few persons on boards of companies with intersecting interests generated subtle and difficult-to-prove failures in the arm's length bargaining process.'' [8]

## Applications for Authorization to Hold Interlocking Positions

6. While the statute requires prior authorization to hold otherwise proscribed interlocking positions, the regulations allow for applications to be filed up to 30 days after the fact and also do not expressly address how applications filed more than 30 days late should be treated.

7. Consistent with the statute's express direction as well as its underlying intent, the Commission proposes to clarify § 45.3 to provide that an application must be filed, and authorization granted, before a person may hold otherwise proscribed interlocking positions, and that late-filed applications will be denied.

## Automatic Authorization of Certain Interlocking Positions

8. In addition to clarifying § 45.3, the Commission also proposes to clarify § 45.9, which governs automatic authorization for certain interlocking positions. Section 45.9 of the Commission's regulations provides that a person seeking to hold the positions of (1) an officer or director of a public utility and officer or director of another public utility (or utilities), where the same holding company owns, directly or indirectly, wholly or in part, the other public utility, (2) an officer or director of two public utilities, if one utility is owned, wholly or in part, by the other and (3) an officer or director of more than one public utility, if such person is already authorized under part 45 to hold different positions where the interlock involves affiliated public utilities, may apply for ''automatic authorization'' to hold the interlocking positions.[9] The regulations require that, as a condition of such authorization, persons seeking automatic authorization under § 45.9 must file with the Commission an informational report containing the full name and business address of the person requesting authorization, the names of all public utilities that the person holds or seeks to hold positions with, the names of any other entity that the person serves as an officer or director of and a brief description of those positions, and an explanation of the corporate relationship between or among the public utilities involved. This informational report is required to be filed ''not later than 30 days after assuming the duties of the position.'' [10] The Commission proposes to change the current regulation to require that informational reports for automatic authorization must be filed with the Commission prior to an officer or director assuming the duties of the requested interlocking position.

9. The Commission proposes to address the issue of the timeliness of the informational filings for automatic authorization. Increasingly, the Commission is receiving informational reports under § 45.9 that are filed after the 30-day deadline specified for submitting the informational reports. While the Commission believes that the current regulation regarding automatic authorization is clear with regard to

[2] *Id.*

[3] 18 CFR part 45 (2004).

[4] 18 CFR 45.3 (2004).

[5] However, section 305(b)(2) of the FPA, 16 U.S.C. 825d(b)(2) (2000), exempts from this prohibition certain interlocks between public utilities and securities underwriters and marketers.

[6] *William T. Coleman,* 21 FERC ¶ 61,242 at 61,535 n.3 (1982).

[7] *Paul H. Henson,* 51 FERC ¶ 61,104 at 61,231 (1990), *citing John Edward Aldred,* 2 FPC 247,261 (1940).

[8] *Hatch* v. *FERC,* 654 f.2d 825, 831 (DC Cir. 1981) (*Hatch*), *citing, e.g.,* 79 Cong. Rec. 10379 (1935) (remarks of Representative Lea), 79 Cong. Rec. 8524 (1935) (remarks of Sen. Norris), and 15 U.S.C. 79a(b)(2)(2000); *see also Paul H. Henson,* 51 FERC ¶ 61,104 at 61,230 n.5 (1990) (discussing this quotation).

[9] Automatic authorization is only for interlocking positions between two or more public utilities; it does not authorize a person to hold an interlocking position with, for example, an electrical equipment supplier. For those interlocking positions, an application under section 45.3 is required.

[10] 18 CFR 45.9(b) (2004)

when a person must file an informational report, the Commission proposes to include an additional requirement in the informational report. Currently, the informational report outlined in § 45.9(c) does not require persons to state when they assumed the positions for which they seek automatic authorization. Therefore, in order to assist the Commission in determining the timeliness of the informational report, the Commission proposes to add a requirement that persons state the dates that they assumed the positions for which they seek automatic authorization under § 45.9; a person will not be entitled to automatic authorization if that person's informational report is untimely, as the person will not have satisfied the condition of timely submission of an informational report.

**Waiver of Part 45 in Commission Orders Granting Market-Based Rate Authority**

10. The Commission provides certain persons with a waiver of the full requirements of part 45. An ''abbreviated'' filing requirement, with essentially ''automatic authorization'', has developed in Commission orders granting market-based rates for certain public utilities. While the Commission has explained that it cannot waive the statutory requirements regarding authorization of interlocking positions, the Commission did lessen the filing requirements and permit the filing of an ''abbreviated statement identifying any jurisdictional interlock.'' [11] The authority to make these abbreviated filings is granted in orders that permit companies to charge market-based rates. Typical language in these market-based rates orders, regarding abbreviated filings, states:

> [U]ntil further order of this Commission, the full requirements of Part 45 of the Commission's regulations, except as noted below, are hereby waived with respect to any person now holding or who may hold an otherwise proscribed interlocking directorate involving the applicants. Any such person instead shall file a sworn application providing the following information:
> (a) Full name and business address; and
> (b) All jurisdictional interlocks, identifying the affected companies and the positions held by that person.[12]

11. Since the abbreviated filings only require the identification of affected companies and positions held by the applicant, there is no description in the abbreviated filing of what business the affected company is engaged in. This lack of information makes it difficult for the Commission to determine the nature of the interlock and how, if at all, it might adversely affect public or private interests. In addition, this abbreviated filing is not required before the person begins holding the interlocking position. Since the provisions of section 305(b) of the FPA are intended to be prophylactic in nature and prevent any harm from a person holding otherwise prohibited interlocking positions, the lack of timely information from these abbreviated filings can make it very difficult to determine if the interlock might adversely affect public or private interests.

12. Therefore, the Commission is examining the possibility of no longer granting a waiver of the full requirements of part 45 in its orders granting market-based rate authority. Rather, the Commission would require that for public utilities that receive authority to charge market-based rates, their officers and directors would still need to comply with the full requirements of part 45 and timely file any applications for Commission authorization to hold any interlocking positions that meet the requirements set forth in § 305(b) of the FPA. The Commission seeks comments.

13. It is important to note, however, that this proposal essentially to cease granting waivers of part 45 in orders granting market-based rate authority would not apply to those persons who may qualify for automatic authorization of their interlocking positions under § 45.9 of the Commission's regulations. Automatic authorization would remain unchanged should we cease to grant waivers of the full requirements of part 45 in orders granting market-based rate authority.

**Information Collection Statement**

14. The following collection of information contained in this proposed rule has been submitted to the Office of Management and Budget (OMB) for review under § 3507(d) of the Paperwork Reduction Act of 1995.[13] OMB's regulations require OMB to approve certain information collection requirements imposed by agency rule.[14]

Comments are solicited on the need for this information, whether the information will have practical utility, the accuracy of the provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondent's burden, including the use of automated information techniques. The additional information the Commission proposes to require should have a minimal impact on the current reporting burden which is as follows:

| Data collection | Number of respondents | Number of responses | Hours per response | Total annual hours |
|---|---|---|---|---|
| FERC–520 | 28 | 1 | 51.8 | 1,450 |

Total Annual Hours for Collection (reporting + recordkeeping, if appropriate) = 1,450.

*Information Collection Costs:* The Commission seeks comments on the costs to comply with these requirements. It has projected the average annualized cost of all respondents to be: 1,450 hours ÷ 2,080 hours × $108,558 = $75,677. Cost per respondent is $2,703. The estimate of costs for respondents is based upon salaries for professional and clerical support, as well as direct and indirect costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost of information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

*Title:* FERC–520, ''Application for Authority to Hold Interlocking Positions''.

*Action:* Proposed Data Collection.

*OMB Control Nos.* 1902–0083.

The applicant will not be penalized for failure to respond to this information collection unless the information collection displays a valid OMB control

[11] *E.g. Citizens Energy Corporation,* 35 FERC ¶ 61,198 at 61,455 (1986); *Howell Gas Management Company,* 40 FERC ¶ 61,336 at 62,025 (1987); *Torco Energy Marketing, Inc.,* 48 FERC ¶ 61,294 at 61,948 (1989); *National Electric Associates. Limited Partnership,* 50 FERC ¶ 61,378 at 62,157 (1990).

[12] *CLECO Energy, LLC,* 82 FERC ¶ 61,152 at 61,557 (1998).

[13] 44 U.S.C. 3507(d).

[14] 5 CFR 1320.11.

number or the Commission has provided justification as to why the control number should not be displayed.

*Respondents:* Businesses or other for profit.

*Necessity of the Information:* The information collected under the requirements of FERC–520 is used by the Commission to implement the statutory provisions of Section 305(b) of the Federal Power Act and implemented by the Commission in the Code of Federal Regulations under 18 CFR part 45. Under part 45, each person that desires to hold an interlocking position(s) must submit an application to the Commission, or if qualified, comply with the requirements for automatic authorization. Section 305(b) of the FPA makes the holding of certain defined interlocking positions unlawful unless the Commission has authorized the interlocks to be held, and requires the applicant to show in a form or manner as prescribed by the Commission, that neither public nor private interests will be adversely affected by the holding of the position. The proposed rule will clarify (1) the time at which a person must apply for authorization to hold interlocking positions under section 305(b) of the Federal Power Act and part 45 of the Commission's regulations, (2) clarify automatic authorizations for certain interlocking positions authorization is requested and (3) add a requirement that persons state the dates that they assumed the positions for which they seek automatic authorization under section 45.9. It is necessary to make these clarifications and require the additional information to ensure the Commission receives timely submissions and also to have sufficient information to make a determination as the appropriateness of the position.

*Internal Review:* The Commission has reviewed these requirements pertaining to holding of interlocking positions and has determined the proposed revision is necessary because the Commission needs to have adequate information filed in a timely manner. These requirements conform to the Commission's plan for efficient information collection, communication, and management within the electric industries. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

15. Interested persons may obtain information on the information collection by contacting the following: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, Attention: Michael Miller, Office of the Executive Director, Phone: (202) 502–8415, fax: (202) 273–0873, e-mail: *michael.miller@ferc.gov.*

16. For submitting comments concerning the collection of information and the associated burden estimate, please send your comments to the contact listed above and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–4650, fax: (202) 395–7285.

**Environmental Analysis**

17. The Commission is required to prepare an environmental assessment or an environmental impact statement for any action that may have a significant adverse effect on the human environment.[15] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are procedural, ministerial, or internal management programs or decisions,[16] as well as actions under section 305(b) of the FPA.[17] The rules proposed in this NOPR address the need to make a timely filing of an application for authorization to hold otherwise prohibited interlocking positions. Therefore, this NOPR falls within the categorical exemptions provided in the Commission's regulations, and, as a result neither an environmental impact statement nor an environmental assessment is required.

**Regulatory Flexibility Act [Analysis or Certification]**

18. The Regulatory Flexibility Act of 1980 (RFA)[18] generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities.[19]The Commission is not required to make such analyses if a rule would not have such an effect.

19. The Commission does not believe that this proposed rule would have such an impact on small entities. Most persons affected by this proposed rule are officers or directors of companies that do not fall within the RFA's definition of a small entity. Further, the proposed rule does not substantially change the current requirements and regulations that persons who are officers and directors must comply with. Therefore, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities.

**Comment Procedures**

20. The Commission invites comments on the matters and proposals in this notice, including any related matters or alternative proposals that commentors may wish to discuss. Comments are due June 6, 2005. Reply comments will be due 30 days thereafter. Comments must refer to Docket No. RM05–6–000, and must include the commentor's name, the organization they represent, if applicable, and their address in their comments. Comments may be filed either in electronic or paper format.

21. Comments may be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov*. The Commission accepts most standard word processing formats and commentors may attach additional files with supporting information in certain other file formats. Commentors filing electronically do not need to make a paper filing. Commentors that are not able to file comments electronically must send original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street NE., Washington, DC 20426.

22. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commentors on this proposal are not required to serve copies of their comments on other commentors.

**Document Availability**

23. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. eastern time) at 888 First

[15] Regulations Implementing National Environmental Policy Act, 52 FR 47897 (Order No. 486, 1987), FERC Stats. & Regulations Preambles 1986–1990 ¶ 30,783 (Dec. 10, 1987).

[16] 18 CFR 380.4(a)(1) (2004).

[17] 18 CFR 380.4(a)(16) (2004).

[18] 5 U.S.C. 601–12 (2000).

[19] The RFA definition of ''small entity'' refers to the definition provided in the Small Business Act, which defines a ''small business concern'' as a business that is independently owned and operated and that is not dominant in its field of operation. 15 U.S.C. 632 (2000). The Small Business Size Standards component of the North American Industry Classification System defines a small electric utility as on that, including its affiliates, is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and whose total electric output for the preceding fiscal years did not exceed 4 million MWh. 13 CFR 121.201 (2004) (Section 22, Utilities, North American Industry Classification System, NAICS).

Street, NE., Room 2A, Washington DC 20426.

24. From FERC's Home Page on the Internet, this information is available in the Federal Energy Regulatory Records Information System (FERRIS). The full text of this document is available on FERRIS in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in FERRIS, type the docket number excluding the last three digits of this document in the docket number field.

25. User assistance is available for FERRIS and the FERC's Web site during normal business hours from our Help line at (202) 502–8222 or the Public Reference Room at (202) 502–8371 Press 0, TTY (202) 502–8659. E-Mail the Public Reference Room at *public.referenceroom@ferc.gov.*

**List of Subjects in 18 CFR part 45**

Electric utilities; Reporting and recordkeeping requirements.

By direction of the Commission.

**Linda Mitry,**

*Deputy Secretary.*

In consideration of the foregoing, the Commission proposes to amend part 45, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

## PART 45—APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS

1. The authority citation for part 45 is revised to read as follows:

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 3 CFR 142.

2. Section 45.3 is revised to read as follows:

**§ 45.3 Timing of filing application.**

The holding of positions within the purview of section 305(b) of the Act shall be unlawful unless the holding shall have been authorized by order of the Commission. Nothing in this part shall be construed as authorizing the holding of positions within the purview of section 305(b) of the Act prior to order of the Commission on application therefor. Applications must be filed and authorization must be granted prior to holding any interlocking positions within the purview of section 305(b) of the Act; late-filed applications will be denied. The term ''holding'', as used in this section, shall mean acting as, serving as, voting as, or otherwise performing or assuming the duties and responsibilities of officer or director within the purview of section 305(b) of the Act.

3. In § 45.9, paragraph (b) is revised and paragraph (c)(5) is added to read as follows:

**§ 45.9 Automatic authorization of certain interlocking positions.**

* * * * *

(b) *Conditions of authorization.* As a condition of authorization, any person authorized to hold interlocking positions under this section must submit, prior to assuming the duties of the position, an informational report in accordance with paragraph (c) of this section, unless that person is already authorized to hold interlocking positions of the type governed by this section. Failure to timely file the informational report will constitute a failure to satisfy this condition, and will constitute automatic denial.

(c) *Informational report.* * * *

(5) The dates that the person assumed the duties and responsibilities of each position listed in paragraphs (c)(2) and (c)(3) of this section.

[FR Doc. 05–6690 Filed 4–4–05; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Parts 223 and 224

**[Docket No. 050310069–5069–01; I.D. 030205C]**

**RIN 0648–XB30**

## Listing Endangered and Threatened Species and Designating Critical Habitat: Petition to List Puget Sound Steelhead as an Endangered or Threatened Species under the Endangered Species Act

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

**ACTION:** Notice of finding; request for information; and initiation of status review.

**SUMMARY:** NMFS received a petition from Mr. Sam Wright on September 13, 2004, to list Puget Sound (Washington) steelhead (*Oncorhynchus mykiss*) as a threatened or endangered species under the Endangered Species Act (ESA). NMFS finds that the petition presents substantial scientific and commercial information indicating that the petitioned action may be warranted. Accordingly, NMFS is initiating a status review of the species. To ensure that the status review is complete and based upon the best available scientific and commercial information, NMFS is soliciting information regarding the viability of, and threats to, Puget Sound *O. mykiss* populations, efforts being made to protect the species, and the names of potential peer reviewers.

**DATES:** Information and comments on the subject action must be received by June 6, 2005

**ADDRESSES:** You may submit comments and information by any of the following methods. Please identify submittals as pertaining to the ''Puget Sound *O. mykiss* status review update.''

- E-mail: *PS.Omykiss.nwr@noaa.gov*. Include ''Puget Sound O. mykiss status review update'' in the subject line of the message.
- Federal e-rulemaking portal: *http://www.regulations.gov*
- Mail: Submit written comments and information to Chief, NMFS, Protected Resources Division, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232. You may hand-deliver written comments to our office during normal business hours at the street address given above.
- Hand Delivery/Courier: NMFS, Protected Resources 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232.
- Fax: 503–230–5441

**FOR FURTHER INFORMATION CONTACT:** For further information regarding this action contact Garth Griffin, NMFS, Northwest Region, (503) 231–2005, or Marta Nammack, NMFS, Office of Protected Resources, (301) 713–1401.

**SUPPLEMENTARY INFORMATION:**

### Background

On September 13, 2004, NMFS received a petition from Mr. Sam Wright of Olympia, WA, to list Puget Sound steelhead as an endangered or threatened species under the ESA, and to designate critical habitat. Copies of the petition are available from NMFS by request, or on the Internet (See **ADDRESSES** section, above, and ''References'' section, below).

*ESA Statutory and Policy Provisions*

Section 4(b)(3) of the ESA contains provisions concerning petitions from interested persons requesting the Secretary of Commerce (Secretary) to list species under the ESA (16 U.S.C. 1533(b)(3)(A)). Section 4(b)(3)(A) requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary make a finding whether the petition presents substantial scientific and commercial information indicating that the petitioned action may be warranted.

NMFS' ESA implementing regulations define Asubstantial information@ as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. In evaluating a petitioned action, the Secretary considers several factors, including whether the petition contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species (50 CFR 424.14(b)(2)(ii)). In addition, the Secretary considers whether the petition provides information regarding the status of the species over all or a significant portion of its range (50 CFR 424.14(b)(2)(iii)).

To be considered for listing under the ESA, a group of organisms must constitute a ''species,'' which is defined in section 3 of the ESA to include ''any subspecies of fish or wildlife or plants, and any *distinct population segment* of any species of vertebrate fish or wildlife which interbreeds when mature'' (emphasis added). NMFS has determined that, to qualify as a distinct population segment (DPS), a Pacific salmon or *O. mykiss* population must be substantially reproductively isolated and represent an important component in the evolutionary legacy of the biological species. A population meeting these criteria is considered to be an ''evolutionarily significant unit'' (ESU) (56 FR 58612, November 20, 1991). In its listing determinations for Pacific salmonids under the ESA, NMFS has treated an ESU as constituting a DPS, and hence a ''species,'' under the ESA.

*Life History of West Coast O. mykiss*

Steelhead is the name commonly applied to the anadromous form of the biological species *O. mykiss*. The present distribution of steelhead extends from Kamchatka in Asia, east to Alaska, and down to the U.S. Mexico border (Busby *et al.*, 1996; 67 FR 21586, May 1, 2002). *O. mykiss* exhibit perhaps the most complex suite of life history traits of any species of Pacific salmonid. They can be anadromous (''steelhead''), or freshwater residents (''rainbow or redband trout''), and under some circumstances yield offspring of the opposite life-history form. Those that are anadromous can spend up to 7 years in freshwater prior to smoltification (the physiological and behavioral changes required for the transition to salt water), and then spend up to 3 years in salt water prior to first spawning. O. mykiss is also iteroparous (meaning individuals may spawn more than once), whereas the Pacific salmon species are principally semelparous (meaning individuals generally spawn once and die). Within the range of West Coast steelhead, spawning migrations occur throughout the year, with seasonal peaks of activity. In a given river basin there may be one or more peaks in migration activity; since these ''runs'' are usually named for the season in which the peak occurs, some rivers may have runs known as winter, spring, summer, or fall steelhead.

Steelhead can be divided into two basic reproductive ecotypes, based on the state of sexual maturity at the time of river entry and duration of spawning migration (Burgner et al., 1992). The summer or ''stream-maturing'' type enters fresh water in a sexually immature condition between May and October, and requires several months to mature and spawn. The winter or ''ocean-maturing'' type enters fresh water between November and April with well-developed gonads and spawns shortly thereafter. In basins with both summer and winter steelhead runs, the summer run generally occurs where habitat is not fully utilized by the winter run, or where an ephemeral hydrologic barrier separates them, such as a seasonal waterfall,. Summer steelhead usually spawn farther upstream than winter steelhead (Withler, 1966; Roelofs, 1983; Behnke, 1992).

*Previous ESA Status Review*

In 1996, NMFS conducted a comprehensive status review of coastal and inland steelhead stocks in California, Oregon, Washington, and Idaho (Busby *et al.*, 1996). NMFS convened a Biological Review Team (BRT) of Federal scientists to: (1) identify ESUs of West Coast steelhead, each of which constitutes a ''species'' for consideration under the ESA; and (2) evaluate the risk of extinction for the identified ESUs. As part of this review, NMFS identified a Puget Sound ESU of coastal steelhead occupying river basins of the Strait of Juan de Fuca, Puget Sound, and Hood Canal (Washington), as far west as the Elwha River, and as far north as the Nooksack River and the United States/Canada border. The Puget Sound ESU is primarily composed of winter steelhead stocks, but also includes several small stocks of summer steelhead occupying limited habitat. The BRT also included the resident life-history form in the Puget Sound ESU. Genetic studies generally show that, in the same geographic area, the resident and anadromous life forms of *O. mykiss* are more similar to each other than either is to the same form from a different geographic area. In particular, the BRT cited a scientific study indicating that rainbow trout and steelhead are not reproductively isolated in two river basins within the Puget Sound ESU (Leider *et al.*, 1995).

The BRT concluded that the Puget Sound steelhead ESU was not in danger of extinction or likely to become endangered in the foreseeable future. However, the BRT was concerned that 17 of 21 stocks in the ESU for which there were adequate data exhibited overall declining trends. Positive trends in abundance for the two largest steelhead runs in the ESU (the Skagit and Snohomish Rivers) mitigated the immediacy of extinction risk, although there was significant concern regarding the sustainability of other steelhead runs in the ESU (most notably the Deer Creek summer and Lake Washington winter steelhead stocks, and stocks in the Hood Canal area). Given the lack of strong trends in abundance for the major stocks and the apparent limited contribution of hatchery fish to natural production, the BRT concluded that most winter steelhead stocks in the Puget Sound ESU appeared to be naturally self-sustaining.

The BRT noted concern about the potential threat to the genetic integrity of Puget Sound steelhead posed by past and present hatchery practices in the Puget Sound area. Hatchery production in this ESU is widespread and managed to support harvest. Most of the hatchery fish propagated in the Puget Sound region are winter steelhead derived from a single stock (the Chambers Creek hatchery stock) that is indigenous to the ESU but generally is not native to the local river basins where it is propagated. The summer steelhead hatchery programs in the Puget Sound area are derived from an out-of-ESU stock (the Skamania summer steelhead stock from the Columbia River). The Skamania hatchery stock has generally been introduced in river systems where summer steelhead did not naturally exist, although it has been introduced in some Puget Sound river basins having native summer steelhead populations (e.g., the Skagit, Stillaguamish, and Snohomish Rivers). The Washington Department of Fish and Wildlife (WDFW) employs a hatchery management strategy of promoting isolation between hatchery and natural stocks by releasing smolts early and selecting for advanced spawn timing in winter steelhead hatchery programs. This separation in run timing is intended to allow for high rates of selective harvest on returning hatchery fish, while limiting harvest mortality on wild stocks; and to minimize competition (as smolts and adults) and

opportunities for interbreeding between naturally spawning hatchery fish and wild fish. However, the BRT noted that separation of run timing is seldom complete. Naturally spawning hatchery fish comprise a substantial proportion of the spawning escapement in many of the rivers in the ESU, possibly competing with, and posing genetic risks to, the local steelhead populations. Additionally, the BRT discussed evidence for hatchery introgression in some natural Puget Sound winter steelhead populations (Phelps *et al.*, 1994).

Informed by the BRT's findings (Busby *et al.*, 1996), NMFS concluded that the Puget Sound steelhead ESU did not warrant listing under the ESA (61 FR 41541; August 9, 1996), but expressed concern regarding the sustainability of summer steelhead populations and potentially adverse impacts from hatchery practices in Puget Sound.

**Analysis of Petition**

NMFS evaluated whether the information presented in the petition concerning Puget Sound steelhead met the ESA's standard for ''substantial information'' The agency also reviewed other information readily available to NMFS scientists (i.e., currently within agency files) to determine whether there is general agreement with the information presented in the petition.

The petition restates several of the findings of the 1996 status review for the Puget Sound steelhead ESU, including the BRT's ESU delineation, evaluation of extinction risk, and consideration of artificial propagation. Most significantly, the petition provides 10 years of new harvest, spawning escapement, and total-run-size data for nine Puget Sound steelhead stocks (provided to the petitioner by WDFW). The petition concludes that new status information describes significant short- and long-term downward trends in nearly all river systems where the WDFW data are available, despite significant reductions in recreational and tribal harvest rates on wild steelhead. The petition asserts that there is only one river system, the Skagit River, with a steelhead population large enough to appear resilient to adverse environmental conditions and depensatory (small population size) risks. The petition argues that the spatial structure of the Puget Sound ESU has been severely degraded in the period since the 1996 status review, with four geographic regions at risk of extirpation: the Juan de Fuca Strait, Bellingham Bay, Hood Canal, and South Puget Sound. The petition argues that populations are at such low levels of abundance that catastrophic events, environmental variability, and depensation confer a high level of extinction risk into the foreseeable future.

The petition also describes risks to the diversity of the Puget Sound steelhead ESU. Hybridization between *O. mykiss* and coastal cutthroat trout (*O. clarki*) is described as a threat to diversity, as well as potentially confounding factor in evaluating abundance information that may include visually indistinguishable *O. mykiss*, hybrids, and cutthroat trout. The petition underscores concerns described in the 1996 status review regarding adverse impacts from hatchery fish. Additionally, the petition describes new information suggesting that early winter-run hatchery steelhead males hold over in freshwater for an extended period of time and spawn with late winter-run wild steelhead females (McMillan, 2004), and hatchery juveniles residualizing and competing with native rainbow trout and steelhead (McMichael *et al.*, 1997; Viola and Schuck, 1995). The petition notes that hatchery smolt production has increased since the 1996 status review, and that the proportion of hatchery-origin smolts and naturally spawning adults has increased. The petition asserts that the large-scale hatchery steelhead programs in the Puget Sound area provide no benefit to the viability of the Puget Sound ESU, but rather have negative impacts including: widespread genetic introgression compromising local adaptations; competition with wild fish as juveniles and adults; and predation on wild steelhead fry by residualized hatchery steelhead smolts.

In addition to the petition narrative and the new harvest and run size data provided, the information presented in the petition includes: (1) a WDFW report on the genetic relationship among anadromous and resident *O. mykiss* in the Cedar River and Lake Washington in Puget Sound; (2) a paper by the petitioner (Sam Wright) advocating for the management of salmonid populations in terms of smolt production rather than traditional metrics of numbers of recruits or adult spawners; and (3) a copy of comments submitted by the petitioner (Wright, 2004) regarding NMFS' proposed policy for the consideration of hatchery-origin fish in ESA listing determinations for Pacific salmon and steelhead (69 FR 31354; June 3, 2004). The petition concludes, based on the information presented in the petition, that the Puget Sound steelhead ESU is in danger of extinction throughout all or a significant portion of its range or is likely to become so in the foreseeable future.

**Petition Finding**

After reviewing the information contained in the petition and reviewing information readily available to NMFS scientists (i.e., currently within agency files), NMFS determines that the petition to list the Puget Sound steelhead presents substantial scientific and commercial information indicating that the petitioned action may be warranted. In accordance with section 4(b)(3)(B) of the ESA and NMFS' implementing regulations (50 CFR 424.14(b)(2)), NMFS will commence a review of the status of the Puget Sound *O. mykiss* ESU and make a determination of whether the petitioned action is warranted.

**Listing Factors and Basis for Determination**

Under section 4(a)(1) of the ESA, NMFS is to determine whether a species is a threatened or endangered species because of any of the following factors: (1) the present or threatened destruction, modification, or curtailment of a species' habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting the species' continued existence. Under section 4(b)(1)(A) of the ESA, listing determinations are to be made based solely on the best available scientific and commercial data after conducting a review of the status of the species and after taking into account any efforts being made by any state or foreign nation to protect the species.

**Information Solicited**

To ensure that the updated status review is complete and based on the best available and most recent scientific and commercial data, NMFS is soliciting information and comments (see **DATES** and **ADDRESSES**) concerning the Puget Sound ESU of *O. mykiss*, inclusive of the anadromous and resident life history forms. NMFS is particularly interested in information that has become available since, or was otherwise not considered in, the 1996 steelhead status review.

*Biological Information*

NMFS is soliciting pertinent information on the viability of naturally spawned and hatchery populations within these ESUs such as: data on population abundance, recruitment, productivity, escapement, and

reproductive success (e.g., spawner-recruit or spawner-spawner survivorship, fecundity, smolt production estimates, and smolt-to-adult ocean survival rates); historical and present data on hatchery fish releases, outmigration, survivorship, returns, straying rates, replacement rates, and reproductive success in the wild; data on age structure and migration patterns of juveniles and adults; meristic, morphometric, and genetic studies; information on harvest rates on hatchery and wild fish; and spatial or temporal trends in the accessibility, quality and quantity of freshwater, estuarine, and marine habitats.

NMFS also requests information regarding the ecological and genetic relationship of hatchery and natural populations in the Puget Sound area, including: the stock origin and broodstock practices of individual hatchery programs; the degree of known or inferred genetic divergence between hatchery and natural stocks; behavioral, morphological, and life-history traits of hatchery stocks, and the degree of ecological divergence between hatchery and natural stocks; the potential risks and benefits posed by specific artificial propagation programs to naturally spawned populations; and planned changes in hatchery management that may contribute to, or hinder, the viability of the Puget Sound *O. mykiss* ESU.

NMFS is also soliciting pertinent information about resident rainbow trout populations (above and below natural and man-made barriers to fish passage) and their relationship with the anadromous life-history form within the geographic range occupied by the ESU. Specifically, NMFS is seeking information regarding: the range, distribution, and habitat-use patterns of resident rainbow trout populations; the abundance, density, and presence/absence of resident rainbow trout; genetic or other relevant data indicating the amount of reproductive exchange between the two life-history forms; the frequency with which a given life-history produces offspring of the opposite life-history form; the historic and current degree of relatedness between steelhead and resident rainbow trout life history forms; the existence of natural and man-made barriers to passage for anadromous and resident populations; the relationship of resident fish located above impassible natural and man-made barriers to anadromous and resident populations below such barriers to fish passage; and the spatial and temporal trends in the quality and quantity of freshwater habitat.

*Information Regarding Protective Efforts*

Section 4(b)(1)(A) of the ESA requires the Secretary to make listing determinations solely on the basis of the best scientific and commercial data available after conducting a review of the status of a species and after taking into account efforts being made to protect the species. Therefore, in making its listing determinations, NMFS first assesses the status of the species and identifies factors that have led to its current status. NMFS then assesses conservation measures to determine whether they ameliorate a species' extinction risk (50 CFR 424.11(f)). In judging the efficacy of conservation efforts, NMFS considers the following: the substantive, protective, and conservation elements of such efforts; the degree of certainty that such efforts will reliably be implemented; the degree of certainty that such efforts will be effective in furthering the conservation of the species; and the presence of monitoring provisions to determine effectiveness of recovery efforts and that permit adaptive management (68 FR 15100; March 28, 2003). In some cases, conservation efforts may be relatively new or may not have had sufficient time to demonstrate their biological benefit. In such cases, provisions of adequate monitoring and funding for conservation efforts are essential to ensure that the intended conservation benefits will be realized. NMFS encourages all parties to submit information on ongoing efforts to protect and conserve steelhead and rainbow trout populations in Puget Sound, as well as information on recently implemented or planned activities (i.e., since the 1996 status review) and their likely impact(s).

*Information Regarding Potential Critical Habitat*

Critical habitat is defined in section 3 of the ESA as: (1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the ESA, on which are found those physical or biological features (a) essential to the conservation of the species and (b) which may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by the species at the time it is listed upon a determination that such areas are essential for the conservation of the species. Once critical habitat is designated, section 7 of the ESA requires Federal agencies to ensure that they do not fund, authorize or carry out any actions that are likely to destroy or adversely modify that habitat. This requirement is in addition to the section 7 requirement that Federal agencies ensure that their actions do not jeopardize the continued existence of listed species.

Section 4(a)(3)(a) of the ESA requires that, to the extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. Designations of critical habitat must be based on the best scientific data available and must take into consideration the economic, national security, and other relevant impacts of specifying any particular area as critical habitat. In advance of any determination to propose listing the Puget Sound O. mykiss ESU under the ESA, NMFS is soliciting information that would assist the agency in developing a critical habitat proposal.

Joint NMFS U.S. Fish and Wildlife Service regulations for listing endangered and threatened species and designating critical habitat (50 CFR 424.12(b)) state that the agency ''shall consider those physical and biological features that are essential to the conservation of a given species and that may require special management considerations or protection (referred to above as ''essential physical and biological features''). Pursuant to the regulations, such requirements include, but are not limited to the following: (1) space for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and generally, (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species. These regulations emphasize that the agency shall focus on essential features within the specific areas considered for designation. These features ''may include, but are not limited to, the following: spawning sites, feeding sites, seasonal wetland or dryland, water quality or quantity, geological formation, vegetation type, tide, and specific soil types.'' For other ESUs of West Coast O. mykiss, NMFS has identified the following physical or biological features as essential to their conservation: (1) Freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation and larval development. (2) Freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water

quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks. (3) Freshwater migration corridors free of obstruction with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival. (4) Estuarine areas free of obstruction with water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater; natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels; and juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation. (5) Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels. (6) Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation. NMFS is soliciting comment on the applicability of these features to Puget Sound *O. mykiss* and is also soliciting information regarding the specific areas within the geographical area occupied by Puget Sound *O. mykiss* where such essential physical and biological features may be found.

Section 4(b)(2) of the ESA requires the Secretary to consider the ''economic impact, impact on national security, and any other relevant impact,'' of designating a particular area as critical habitat. Section 4(b)(2) further authorizes the Secretary to exclude any area from a critical habitat designation if the Secretary finds that the benefits of exclusion outweigh the benefits of designation, unless excluding that area will result in extinction of the species. We seek information regarding the benefits of designating specific areas geographically within the Puget Sound *O. mykiss* ESU as critical habitat (i.e., specific areas within the river basins of the Strait of Juan de Fuca, Puget Sound, and Hood Canal, Washington, as far west as the Elwha River, and as far north as the Nooksack River and the United States/Canada border). We also seek information on the economic impact of designating particular areas as part of the critical habitat designation. In keeping with the guidance provided by the Office of Management and Budget (2000, 2003), we seek information that would allow the monetization of these effects to the extent possible, as well as information on qualitative impacts to economic values. We are also seeking information on impacts to national security and any other relevant impacts of designating critical habitat in these areas.

In accordance with the Secretarial Order on American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act (June 5, 1997), if it is determined that the Puget Sound *O. mykiss* ESU warrants listing we will coordinate with Federally recognized American Indian Tribes on a government-to-government basis to determine how to make critical habitat assessments in areas that may impact tribal trust resources. In accordance with our regulations (50 CFR 424.13) we will consult as appropriate with affected states, interested persons and organizations, other affected Federal agencies, and, in cooperation with the Secretary of State, with the country or countries in which the species concerned are normally found or whose citizens harvest such species from the high seas. Data reviewed may include, but are not limited to, scientific or commercial publications, administrative reports, maps or other graphic materials, information received from experts, and comments from interested parties.

## Identification of Peer Reviewers

On July 1, 1994, NMFS, jointly with the U.S. Fish and Wildlife Service, published a series of policies regarding listings under the ESA, including a policy for peer review of scientific data (59 FR 34270). The intent of the peer review policy is to ensure that listings are based on the best scientific and commercial data available. On December 15, 2004, the Office of Management and Budget issued a ''Final Information Quality Act Bulletin for Peer Review,'' which establishes peer review requirements for Federal agencies before disseminating important scientific information. If NMFS determines that listing is warranted, the agency will solicit the expert opinions of qualified specialists, concurrent with the public comment period following the publication of a proposed rule. In advance of any such determination, NMFS is soliciting the names and affiliations of experts from the academic and scientific community, Native American tribal groups, federal and state agencies, and the private sector, as potential reviewers.

## References

Copies of the petition and related materials are available on the Internet at *http://www.nwr.noaa.gov*, or upon request (see **ADDRESSES** section above).

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: March 30, 2005.

**William T. Hogarth,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 05–6714 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–22–S

# Notices

Federal Register

Vol. 70, No. 64

Tuesday, April 5, 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

### Grain Inspection, Packers and Stockyards Administration

### Advisory Committee Meeting

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Notice of advisory committee meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, this constitutes notice of the upcoming meeting of the Grain Inspection Advisory Committee (''the Committee'').

**DATES:** May 3, 7:30 a.m. to 4:30 p.m.; and May 4, 2005, 7:30 a.m. to Noon.

**ADDRESSES:** The Advisory Committee meeting will take place at the Embassy Suites Hotel, Kansas City Plaza, 220 West 43rd Street, Kansas City, MO.

Requests to address the Committee at the meeting or written comments may be sent to: Deputy Administrator, GIPSA, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 3614, Washington, DC 20250–3614. Requests and comments may also be Faxed to (202) 690–2755.

**FOR FURTHER INFORMATION CONTACT:** Ms. Terri Henry, (202) 205–8281 (telephone); (202) 690–2755 (facsimile).

**SUPPLEMENTARY INFORMATION:** The purpose of the Committee is to provide advice to the Administrator of the Grain Inspection, Packers and Stockyards Administration with respect to the implementation of the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.*).

The agenda will include a status report on the reauthorization of the U.S. Grain Standards Act, financial update of grain inspection user fee programs, next steps concerning the potential outsourcing of rice inspection, restructuring the oversight of the official agencies, preliminary review of revised quality assurance procedures, status of designating private companies in South Texas and California to provide inspection services, new requirements for inspecting grain exported in containers, review of pros and cons to using a single instruction to measure both moisture and test weight per bushel, and other general Agency issues.

For a copy of the agenda please contact Terri Henry, (202) 205–8281 (telephone); (202) 690–2755 (facsimile) or by e-mail *Terri.L.Henry@usda.gov.*

Public participation will be limited to written statements, unless permission is received from the Committee Chairman to orally address the Committee. The meeting will be open to the public.

Persons with disabilities who require alternative means of communication of program information or related accommodations should contact Terri Henry, at the telephone number listed above.

**David Orr,**

*Acting Administrator.*

[FR Doc. 05–6706 Filed 4–4–05; 8:45 am]

**BILLING CODE 3410–EN–P**

## DEPARTMENT OF AGRICULTURE

### Office of Inspector General

### Succession and Delegations of Authority

**AGENCY:** Office of Inspector General, USDA.

**ACTION:** Notice.

**SUMMARY:** On July 19, 2004, USDA Inspector General Phyllis K. Fong, pursuant to authority vested in her by the Federal Vacancies Reform Act (5 U.S.C. 3345–3349d) and the Inspector General Act of 1978 (5 U.S.C. App. 3), issued IG–1313, Change 6, Succession and Delegations of Authority. This directive is a revised Succession and Delegations of Authority for the Office of Inspector General. This directive has been revised to show the lines of succession and delegation and clarifies procedures to be followed in the event the Office of Inspector General (OIG) headquarters must be relocated. This directive provides guidance on the transfer of functions and duties of the Inspector General (IG), as well as other OIG central management functions, regardless of what events necessitate such transfer.

**DATES:** This notice is effective June 6, 2005.

**FOR FURTHER INFORMATION CONTACT:** David R. Gray, Counsel to the Inspector General, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 41–W, Washington, DC 20250–2308, Telephone: (202) 720–9110, Facsimile: (202) 690–1528, e-mail: *drgray@oig.usda.gov.*

**SUPPLEMENTARY INFORMATION:** The OIG proposes revising the Succession and Delegations of Authority for the Office of Inspector General by publishing a detailed sequence of succession within the Washington, DC headquarters, followed by a detailed sequence of succession by Region and position, i.e., Regional Inspector General (RIG) and Special Agent-in-Charge (SAC), for each OIG Region outside the Washington, DC area. This action is taken pursuant to authority vested in the Inspector General by the Federal Vacancies Reform Act (5 U.S.C. 3345–3349d) and the Inspector General Act of 1978 (5 U.S.C. App. 3).

For the reasons stated in the preamble, Succession and Delegations of Authority IG–1313, Change 5, is hereby revised to effect a delegation of authority and provide a line of succession from the Inspector General as follows:

I. Pursuant to authority vested in me by the Federal Vacancies Reform Act (5 U.S.C. 3345–3349d) and the Inspector General Act of 1978 (5 U.S.C. App. 3), in the event of the resignation, death, or reasons that make the Inspector General (IG), United States Department of Agriculture (USDA) otherwise unable to perform the duties of the position, the officials designated below, in the order indicated, and in the absence of the specific designation of another official in writing by the Inspector General or the Acting Inspector General, are hereby authorized to and shall serve as Acting Inspector General. The designated officials shall perform the duties and are delegated the full authority and power ascribed to the Inspector General by law and regulation as well as those authorities delegated to the Inspector General by the Secretary, United States Department of Agriculture:

1. Deputy Inspector General;

2. Assistant Inspector General for Audit (AIG/A);

3. Assistant Inspector General for Investigations (AIG/I);

4. Counsel to the Inspector General;

5. Assistant Inspector General for Policy Development and Resources Management (AIG/PD&RM);

6. Assistant Inspector General for Planning and Special Projects (AIG/P&SP);

7. Deputy Assistant Inspector General for Audit (DAIG/A), by seniority;

8. Deputy Assistant Inspector General for Investigations (DAIG/I), by seniority;

9. In Headquarters, Washington, DC, in the following order: The Audit Division Director (DD), by seniority, followed by the Special Agent-in-Charge (SAC), by seniority;

In the following order by region: The Regional Inspector General (RIG), followed by the Special Agent-in-Charge (SAC):

10. Great Plains Region, Kansas City, MO;

11. Financial and IT Operations, Kansas City, MO;

12. Southwest Region, Temple, TX;

13. Northeast Region, Beltsville, MD;

14. Southeast Region, Atlanta, GA;

15. Midwest Region, Chicago, IL; or

16. Western Region, San Francisco, CA.

II. Anyone designated by the Inspector General as acting in one of the positions listed above remains in the line of succession; otherwise, the authority moves to the next position.

III. This delegation is not in derogation of any authority residing in the above officials relating to the operations of their respective programs, nor does it affect the validity of any delegations currently in force and effect and not specifically cited as revoked or revised herein.

IV. The authorities delegated herein may not be redelegated.

Dated: March 22, 2005.

**Phyllis K. Fong,**

*Inspector General.*

[FR Doc. 05–6541 Filed 4–4–05; 8:45 am]

BILLING CODE 3410–23–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Data Collection on Marine Protected and Managed Areas.

*Form Number(s):* None.

*OMB Approval Number:* 0648–0449.

*Type of Request:* Regular submission.

*Burden Hours:* 2,500.

*Number of Respondents:* 500.

*Average Hours per Response:* 5 hours.

*Needs and Uses:* Executive Order 13158 directs the Department of Commerce and the Department of the Interior (DOI) to work with partners to inventory the protection of U.S. ocean and coastal resources by developing a national system of marine protected areas. The Departments of Commerce and the Interior plan to work closely with state, territorial, local, and tribal governments, as well as other stakeholders, to identify and inventory the nation's existing marine protected and managed areas. Toward this end, the National Oceanic and Atmospheric Administration (NOAA) and DOI have created a dataform to be used as a survey tool to collect and analyze information on these existing sites. This survey will allow NOAA and DOI to better understand and evaluate the existing protections for marine resources within marine protected and managed areas in the United States.

*Affected Public:* State, local or tribal government.

*Frequency:* Once and for updates.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, fax number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: March 30, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05–6668 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–NK–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Coral Reef Conservation Program Administration.

*Form Number(s):* None.

*OMB Approval Number:* 0648–0448.

*Type of Request:* Regular submission.

*Burden Hours:* 78.

*Number of Respondents:* 38.

*Average Hours Per Response:* 1 hour.

*Needs and Uses:* The Coral Reef Conservation Grant Program provides funds to a broad-based group of applicants with experience in coral reef conservation to conduct activities to protect and conserve coral reef ecosystems. The information submitted is used to determine: (1) Whether the applicant qualifies for a waiver of matching funds, and (2) if a proposed project is consistent with the coral reef conservation priorities of authorities with jurisdiction over the area where the project will be carried out. The respondents will be applicants to the grant program and/or reviewers of relevant project proposals.

*Affected Public:* Not-for-profit institutions; Federal government; State, local or tribal government.

*Frequency:* Required to obtain or retain benefits.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: March 30, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05–6669 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–JE–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the

following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* Northwest Region Vessel Identification Requirements.

*Form Number(s):* None.

*OMB Approval Number:* 0648–0355.

*Type of Request:* Regular submission.

*Burden Hours:* 1,270.

*Number of Respondents:* 1,693.

*Average Hours Per Response:* 45 minutes.

*Needs and Uses:* Federally-permitted vessels in the Pacific Coast Groundfish Fishery are required to identify their vessels by displaying their official number on the port and starboard sides of the deckhouse or hull, and on a weatherdeck. The vessel identification is required by all open access and limited entry commercial vessels over 25 feet in length in the Northwest region. The number is used by NOAA, the U.S. Coast Guard, and other agencies for fishery enforcement activities.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: March 30, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05–6670 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* High Seas Fishing Vessel Reporting Requirements.

*Form Number(s):* None.

*OMB Approval Number:* 0648–0349.

*Type of Request:* Regular submission.

*Burden Hours:* 850.

*Number of Respondents:* 550.

*Average Hours Per Response:* 4 minutes.

*Needs and Uses:* The vessels licensed under the High Sea Fishing Compliance Act are required to report their catch and effort when fishing on the high seas. Monthly negative reports are required if not fishing. These logbooks are not required if the vessel is already reporting catches and effort under other NOAA regulations. The information is needed for fishery management and to provide data to international organizations.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, FAX number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: March 30, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05–6671 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* High Seas Fishing Vessel Identification Requirements.

*Form Number(s):* None.

*OMB Approval Number:* 0648–0348.

*Type of Request:* Regular submission.

*Burden Hours:* 37.

*Number of Respondents:* 50.

*Average Hours per Response:* 45 minutes.

*Needs and Uses:* The vessels licensed under the High Sea Fishing Compliance Act are required to mark their vessels in three places (port and starboard sides of the deskhouse or hull, and on a weatherdesk) with their official number or international radio call sign. This identification is necessary for enforcement purposes.

*Affected Public:* Business or other for-profit organizations.

*Frequency:* Annually.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, fax number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: March 30, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05–6672 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* High Seas Fishing Permit Application Information.

*Form Number(s):* None.

*OMB Approval Number:* 0648–0304.

*Type of Request:* Regular submission.

*Burden Hours:* 100.

*Number of Respondents:* 200.

*Average Hours per Response:* 30 minutes.

*Needs and Uses:* United States vessels that fish on the high seas are required to possess a permit issued under the High Seas Fishing Compliance Act. Applicants must submit information to identify their vessels and intended fishing areas. The application information is used to process applications and maintain a register of U.S. vessels authorized to fish on the high seas.

*Affected Public:* Business or other for-profit organizations; State, local or tribal government.

*Frequency:* Every five years.

*Respondent's Obligation:* Required to obtain or retain benefits.

*OMB Desk Officer:* David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, fax number (202) 395–7285, or *David_Rostker@omb.eop.gov.*

Dated: March 30, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05–6673 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

**A–552–801**

### Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension of Time Limit for Preliminary Results of the First Antidumping Duty Administrative Review

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

**EFFECTIVE DATE:** April 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Irene Gorelik or Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–6905 and (202) 482–2312, respectively.

**Background**

On September 22, 2004, the Department published its notice of initiation of an antidumping administrative review on certain frozen fish fillets from Vietnam. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 69 FR 56745 (September 22, 2004). The Department subsequently received timely withdrawal requests from four of the eight exporters that requested a review: An Giang Fisheries Import and Export Joint Stock Company (October 26, 2004); AFIEX (October 19, 2004); MEKONIMEX (November 5, 2004); and QVD Food Co., Ltd. (September 29, 2004). On January 28, 2005, the Department published a notice of rescission, in part, of antidumping duty administrative review for those companies that filed withdrawal requests. *See Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Rescission, in Part, of Antidumping Duty Administrative Review*, 70 FR 4092 (January 28, 2005). The Department is not rescinding its review of Can Tho Agricultural and Animal Products Import–Export Company (CATACO); Phan Quan Company, Ltd.; Phu Thanh Company, Co.; or Vinh Hoan Company, Ltd. On March 16, 2005, the Catfish Farmers of America and individual U.S. catfish processors (collectively, ''Petitioners'') submitted a timely request for a 120 day extension of the preliminary results of this review. The preliminary results of this administrative review are currently due no later than May 3, 2005.

**Extension of Time Limit for Preliminary Results**

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), the Department shall issue preliminary results in an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act further provides, however, that the Department may extend that 245-day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period. The Department finds that it is not practicable to complete the preliminary results in the administrative review of certain frozen fish fillets from Vietnam within this time limit. Specifically, as noted in the Petitioners' request, there are complex issues related to production processes that requires further analysis. Accordingly, the Department finds that additional time is needed in order to complete these preliminary results.

Section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations allow the Department to extend the deadline for the preliminary results to a maximum of 365 days from the last of the anniversary month of the order. For the reasons noted above, we are extending the time for the completion of the preliminary results of this review until no later than August 31, 2005. The deadline for the final results of the administrative review continues to be 120 days after the publication of the preliminary results.

Dated: March 30, 2005.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. E5–1536 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–423–077, A–427–078, A–428–082]**

### Sugar From Belgium, France, and Germany; Notice of Final Results of Expedited Sunset Reviews of Antidumping Duty Findings

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

**SUMMARY:** On September 1, 2004, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty findings on sugar from Belgium, France, and Germany pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). On the basis of a Notice of Intent to Participate, adequate substantive responses filed on behalf of domestic interested parties, and inadequate responses from respondent interested parties, the Department conducted expedited (120-day) sunset reviews. As a result of these sunset reviews, the Department finds that revocation of the antidumping duty findings would be likely to lead to continuation or recurrence of dumping. The dumping margins are identified in the *Final Results of Reviews* section of this notice.

**DATES:** *Effective Date:* April 5, 2005.

**FOR FURTHER INFORMATION:** Hilary E. Sadler, Esq., Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4340.

**SUPPLEMENTARY INFORMATION**

**Background**

On September 1, 2004, the Department published the notice of initiation of the sunset reviews of the antidumping duty findings on sugar from Belgium, France, and Germany.[1] On September 13, 2004, the Department received a Notice of Intent to Participate from the American Sugar Cane League, the Sugar Cane Growers Cooperative of Florida, the Florida Sugar Cane League, the Hawaii Sugar Growers, the Rio Grande Valley Sugar Growers, the U.S. Beet Sugar Association, and the American Sugarbeet Growers Association (collectively ''domestic interested parties'') within the deadline specified in section 315.218(d)(1)(i) of the Department's regulations. The domestic interested parties claimed interested party status under section 771(9)(E) of the Act, as a trade association, a majority of whose members produce the like product in the United States. On October 1, 2004, the Department received complete substantive responses from the domestic interested parties within the deadline specified in section 351.218(d)(3)(i) of the Department's regulations. We did not receive responses from any respondent interested parties to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations, the Department determined to conduct expedited reviews of these findings.

**Scope of the Findings**

Imports covered by these findings are shipments of sugar, both raw and refined, with the exception of specialty sugars, from Belgium, France and Germany. The finding on sugar from France excludes homeopathic sugar pellets meeting the following criteria: (1) Composed of 85 percent sucrose and 15 percent lactose; (2) have a polished, matte appearance, and more uniformly porous than domestic sugar cubes; (3) produced in two sizes of 2 mm and 3.8 mm in diameter. *See Sugar from France; Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation in Part of Antidumping Finding,* 61 FR 40609 (August 5, 1996). The merchandise subject to these findings is currently classifiable in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings: 1701.11.05, 1701.11.10, 1701.11.20, 1701.11.50, 1701.12.05, 1701.12.10, 1701.12.50, 1701.91.05, 1701.91.10, 1701.91.30, 1701.99.05, 1701.99.1000, 1701.99.1090, 1701.99.5000, 1701.99.5090, 1702.90.05, 1702.90.10, 1702.90.20, 2106.90.42, 2106.90.44, and 2106.90.46. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the findings is dispositive.

**Analysis of Comments Received**

All issues raised in these reviews are addressed in the ''Issues and Decision Memorandum'' (''Decision Memorandum'') from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated March 30, 2005, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the findings were revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum which is on file in room B–099 of the main Commerce Building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at *http://ia.ita.doc.gov/sunset/index.html,* under the heading ''April 2005.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

**Final Results of Reviews ≤We determine that revocation of the antidumping duty findings on sugar from Belgium, France, and Germany would likely lead to continuation or recurrence of dumping at the following weighted-average percentage margins:**

| Manufacturers/exporters/producers | Weighted average margin (percent) |
|---|---|
| All Belgian Manufacturers/Exporters | 103 |
| All French Manufacturers/Exporters | 102 |
| All German Manufacturers/Exporters | 121 |

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: March 30, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5–1537 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Reviews,* 69 FR 53408 (September 1, 2004) (''Initiation Notice'').

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## DEPARTMENT OF COMMERCE

## International Trade Administration

**[A–570–601]**

## Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review: Tapered Roller Bearings, and Parts Thereof, Finished or Unfinished, From the People's Republic of China

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

**DATES:** *Effective Date:* April 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Laurel Lacivita or Eugene Degnan, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4243 or (202) 482–0414, respectively.

**Background**

On July 28, 2004, the Department of Commerce (''the Department'') published in the **Federal Register** a notice of initiation of the antidumping duty administrative review of tapered roller bearings and parts thereof, finished or unfinished, from the People's Republic of China for the period June 1, 2003, through May 31, 2004. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 69 FR 45010 (July 28, 2004). On February 4, 2005, the Department published in the **Federal Register** a notice extending the time limit for the preliminary results of the administrative review from March 2, 2005, to May 1, 2005. *See Extension of Time Limit for the Preliminary Results of Antidumping Duty Administrative Review: Tapered Roller Bearings, and Parts Thereof, Finished or Unfinished From the People's Republic of China* 70 FR 5967 (February 4, 2005). The preliminary

results of review are currently due no later than May 1, 2005.

**Extension of Time Limit for Preliminary Results**

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (''the Act''), states that, if it is not practicable to complete the review within the time specified, the administering authority may extend the 245-day period to issue its preliminary results by up to 120 days. Completion of the preliminary results of this review within the 245-day period is not practicable because the Department needs additional time to conduct verification of two companies' questionnaire responses (one of which requested revocation), to analyze the information pertaining to these companies' verifications, and to review supplemental questionnaire responses of the third company.

Because it is not practicable to complete this review within the time specified under the Act, we are fully extending the time period for issuing the preliminary results of review to 365 days until June 30, 2005, in accordance with section 751(a)(3)(A) of the Act. The final results continue to be due 120 days after the publication of the preliminary results of review.

Dated: March 29, 2005.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. E5–1538 Filed 4–4–05; 8:45 am]

**BILLING CODE 3510–DS–P**

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## DEPARTMENT OF COMMERCE

### International Trade Administration

### Separate Rates and Combination Rates in Antidumping Investigations involving Non–Market Economy Countries

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

**ACTION:** Announcement of Change in Practice

**SUMMARY:** The Department of Commerce (''the Department'') is instituting two modifications in its non–market economy (''NME'') practice in antidumping investigations: one on separate rates and one on combination rates. The separate rates practice refers to the Department's long–standing policy in antidumping investigations of presuming that all firms within an NME country are subject to government control and thus should all be assigned a single rate unless a respondent can demonstrate an absence of both *de jure* and *de facto* control over its export activities. For firms that qualify for separate rate status, the Department assigns the respondent its own individually calculated rate or, in the case of a non–investigated firm, a rate based upon the weighted–average of the rates of the investigated companies, excluding any rates that are zero, *de minimis*, or based entirely on facts available.

On May 3, 2004, the Department first published a notice in the **Federal Register** requesting comment on its separate rates practice and on various proposed changes to this practice (69 FR 24119). In response to this notice and request for comment, the Department received 23 submissions from interested parties. Taking into account the submissions in response to the May 2004 notice requesting comments on various changes to its separate rates practice the Department published a second notice on September 20, 2004, which outlined revised options. This provided the public with a further opportunity to comment on whether these changes would be consistent with the statute and would appropriately redress problems that have been identified concerning separate rates. In response to this second notice in the **Federal Register** published on September 20, 2004, requesting comments on the Department's separate rates practice and implementation of combination rates (69 FR 56188), the Department received 14 submissions.

Having carefully considered the arguments presented by parties in the previous two notices, as well as the Department's experience in recently concluded antidumping investigations, the Department further narrowed the options for changing its separate rates practice in its third notice in the **Federal Register**, published on December 28, 2004 (69 FR 77722). In this notice, the Department provisionally decided to adopt an application process for evaluating separate rate requests by non–investigated firms, and to outline in specific detail its proposal to institute combination rates (also known as ''chain'' or ''channel'' rates) for all firms receiving separate rate status in NME investigations.

In order to provide interested parties another opportunity to comment on these detailed proposals before instituting them, the Department posted the draft application on the Import Administration website and once again invited public comment on both the draft application and on the proposal to institute combination rates for all exporters deemed eligible for a separate rate in NME investigations. In response to this third opportunity for public comment on proposed changes in the Department's separate rates practice and implementation of combination rates, the Department received 12 submissions.

As a result of almost a year of deliberation and extensive public comment, the Department is finalizing its decision to adopt an application process for non–investigated firms in future NME antidumping investigations and to begin assigning only exporter–producer specific ''combination'' rates in these investigations to the mandatory respondents receiving an individually calculated separate rate, as well as to the pool of non–investigated firms receiving a separate rate. After consideration of the public comments, the Department has modified the separate rates application and its requirements, as well as the proposal to institute combination rates. Both changes in practice are being made after consideration of several rounds of public comment, and neither change alters the threshold of eligibility for a separate rate, which remains an absence of *de jure* and *de facto* government control over a firm's export activities. A detailed explanation of both final decisions on these changes in practice can be found in Policy Bulletin 05.1, which will be posted on the Import Administration website at the following address: http://ia.ita.doc.gov/. The final template of the separate rates application will likewise be found on the Import Administration website; however, for each new investigation, a specific application will be posted. Both changes in practice will take effect in the next NME antidumping investigation that is initiated after publication of this notice. These changes in practice only apply to investigations, and the Department is continuing to evaluate whether to extend these changes in practice to administrative reviews.

**EFFECTIVE DATE:** March 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Lawrence Norton, Economist, or Anthony Hill, Senior International Economist, Office of Policy, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC, 20230, 202–482–1579 or 202–482–1843, respectively.

Dated: March 30, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5–1541 Filed 4–4–05; 8:45 am]

**BILLING CODE: 3510–DS–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Proposed Information Collection; Comment Request; Vessel-Marking Requirements in Antarctic Fisheries

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

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

**DATES:** Written comments must be submitted on or before June 6, 2005.

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

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, (907) 586–7008 or *patsy.bearden@noaa.gov.*

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

The owners of U.S.-flagged vessels participating in Antarctic fisheries must mark the vessel with the vessel's official number on the port and starboard sides of the deckhouse or hull, and on a weather deck, visible at a distance at sea and from the air. The information on the vessel is used for enforcement of fishery regulations.

#### II. Method of Collection

Identification information is displayed on the fishing vessel. No information is collected.

#### III. Data

*OMB Number:* 0648–0368.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profits organizations; individuals or households.

*Estimated Number of Respondents:* 4.

*Estimated Time per Response:* Fifteen minutes to paint each of the three vessel locations; 45 minutes per vessel.

*Estimated Total Annual Burden Hours:* 3.

*Estimated Total Annual Cost to Public:* $45.

#### IV. Request for Comments

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

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

Dated: March 30, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 05–6667 Filed 4–4–05; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 030805A]**

### Incidental Take of Marine Mammals Incidental to Specified Activities; Seismic Retrofit of the Richmond-San Rafael Bridge, San Francisco Bay, CA

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

**ACTION:** Notice of receipt of application and proposed authorization for an incidental take authorization; request for comments.

**SUMMARY:** NMFS has received a request from the California Department of Transportation (CALTRANS) for a renewal of its Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to seismic retrofit construction of the Richmond-San Rafael Bridge (the Bridge), San Francisco Bay (SFB), CA. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to renew an incidental take authorization to CALTRANS to incidentally take, by harassment, small numbers of Pacific harbor seals and possibly California sea lions for 1 year.

**DATES:** Comments and information must be received no later than May 5, 2005.

**ADDRESSES:** You may submit comments on the application and proposed authorization, using the identifier 030805A, by any of the following methods:

- E-mail: *PR1.030805A@noaa.gov* – you must include the identifier 030805A in the subject line of the message. Comments sent via e-mail, including all attachments, must not exceed a 10–megabyte file size.
- Hand-delivery or mailing of paper, disk, or CD-ROM comments: Stephen L. Leathery, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225.

To help us process and review your comments more efficiently, please use only one method. A copy of the application containing a list of references used in this document may be obtained by writing to the address above or by telephoning the contacts listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Sarah Hagedorn, NMFS, (301) 713–2322 or Monica DeAngelis, NMFS Southwest Region, (562) 980–3232.

**SUPPLEMENTARY INFORMATION:**

#### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted if the Secretary finds that the total taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the

specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except for certain categories of actions not pertinent here, the MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

**Summary of Request**

On December 16, 2004, NMFS received a letter from CALTRANS requesting reauthorization of an IHA that was first issued to it on December 16, 1997 (62 FR 67045, December 23, 1997), was renewed on January 8, 2000 (65 FR 2375, January 14, 2000), September 19, 2001 (66 FR 49165, September 26, 2001), September 23, 2002 (67 FR 61323, September 30, 2002), and November 19, 2003 (68 FR 66076, November 25, 2003). The authorization renewal request is for the possible harassment of small numbers of Pacific harbor seals (*Phoca vitulina*) and possibly some California sea lions (*Zalophus californianus*), incidental to seismic retrofit construction of the Bridge.

The Bridge is being seismically retrofitted to withstand a future severe earthquake. Construction is scheduled to extend through the year 2005. A detailed description of the work planned is contained in the Final Natural Environmental Study/Biological Assessment for the Richmond-San Rafael Bridge Seismic Retrofit Project (CALTRANS, 1996). As in the previous IHAs, activities will include excavation around pier bases, hydro-jet cleaning, installation of steel casings around the piers with a crane, installation of micro-piles, and installation of precast concrete jackets. Foundation construction will require approximately 2 months per pier, with construction occurring on more than one pier at a time. In addition to pier retrofit, superstructure construction and tower retrofit work may also be carried out. Other seismic retrofit work will include:

- Installation of isolation bearings, needed to strengthen bridge structure;
- Reinforcement of lower chord members and diagonal trusses by bolting new additional steel members and gusset plates to the existing members;
- Cleaning and painting of new and existing steel members;
- Removal and replacement of the truss shoe pins;
- Deck rehabilitation and joint replacement at various locations on the bridge; and
- Installation of temporary bracing prior to the removal of the steel chevron members on the piers followed by the installation of permanent Eccentric Braced Frames to provide additional strength.

Because seismic retrofit construction between piers 52 and 57 has the potential to disturb harbor seals hauled out on Castro Rocks, an IHA is warranted.

**Description of Habitat and Marine Mammals Affected by the Activity**

A description of SFB ecosystem and its associated marine mammals can be found in the CALTRANS application (CALTRANS, 1997) and in CALTRANS (1996). Castro Rocks are a small chain of rocky islands located next to the Bridge and approximately 1500 ft (460 m) north of the Chevron Long Wharf. They extend in a southwesterly direction for approximately 800 ft (240 m) from pier 55. The rocks start at about 55 ft (17 m) from pier 55 (A rock) and end at approximately 250 ft (76 m) from pier 53 (F rock). The chain of rocks is exposed during low tides and inundated during high tide.

*Marine Mammals*

General information on harbor seals and other marine mammal species found in Central California waters can be found in Forney *et al.* (2000, 2001), which are available at the following URL: *http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/sars.html.* Please refer to these documents for information on these species. The marine mammals likely to be affected by work in the Bridge area are limited to harbor seals and California sea lions.

Harbor seals are widely distributed in the North Atlantic and North Pacific, and is the only marine mammal species expected to be found regularly in the Bridge area. The minimum size of the California harbor seal population is estimated at 25,720 animals (Forney *et al.*, 2003). A more detailed description of harbor seals was provided in the 1997 proposed notification of issuance of an authorization (62 FR 46480 (September 3, 1997) with corrections and clarifications provided on December 23, 1997 (62 FR 67045). This information is not repeated here, but may be found in those **Federal Register** notices. Pups are born in mid- to late-March, peak numbers of pups are observed in early May, and, by the first week in June, all pups are weaned (Kopec and Harvey, 1995). Estimated total pup counts at Castro Rocks were 35 in 1999, 40 in 2000 and 40 in 2001 (A. Bohorquez pers. comm in Green *et al.*, 2001). This represents approximately 22–24 percent of the pups born in SFB.

The California sea lion primarily uses the Central SFB area to feed. California sea lions are periodically observed at Castro Rocks. The minimum population size of the California sea lion (U.S. stock) is estimated to be 138,881 (Forney *et al.*, 2003). No pupping or regular haulouts occur in the project area. Potential Effects on Marine Mammals

The impact to the harbor seals and California sea lions is expected to be disturbance by the presence of workers, construction noise, and construction vessel traffic. Disturbance from these activities is expected to have only a short-term negligible impact to a small number of harbor seals and sea lions. These disturbances will be reduced to the lowest level practicable by implementation of the proposed work restrictions and mitigation measures (see Mitigation).

Marine mammal monitoring under previous IHAs has been conducted at Castro Rocks and at two ''control'' haul-out locations in SFB - Mowry Slough and Yerba Buena Island (Green *et al.* 2004) since 1998. To date, over 14,000 hours of observations have been conducted at these sites with two-thirds of those hours at Castro Rocks. While disturbances can consist of head alerts, approaches to the water, and flushes into the water, only the latter behavior is considered by NMFS to be Level B harassment. At Castro Rocks, of all flush disturbances monitored during the day, the major harassment sources were watercraft (e.g. motorboats, sailboats, tankers, kayaks and jet skis) with 0.0990 disturbances/hr field time (d/hr); wildlife (seals and birds) with 0.0635 d/hr; other man-made (debris, workmen on bridge, other people) with 0.0695 d/hr; and automobiles with 0.0157 d/hr. Construction activities resulted in 0.0165 d/hr. There were fewer flushes observed at night. More detailed information on the extent of disturbance at Castro Rocks by activities other than the requested authorization is available in Green et al. (2004).

During the work period (July 16 through March 1), the incidental harassment of harbor seals and, on rare occasions, California sea lions is expected to occur on a daily basis. In addition, the number of seals disturbed will vary daily depending upon tidal elevations. Monitoring during construction periods by Green et al. (2004) indicates that although overall seal numbers each month of the year are not significantly different across years, there are differences in subsite use by seals at Castro Rocks during both the daytime and nighttime. For example, the average number of seals hauled out on Castro Rocks (rocks A and C) during the fall of 2001 (when construction activity was taking place within the area of the haul-out site) was significantly different than the average number of seals hauled out on Castro Rocks during 1998–2000, prior to the construction period. For a more detailed discussion on the distribution of harbor seals during the work and non-work periods and levels of impact by various natural and anthropogenic disturbance sources, please see Green *et al.* (2004) which is available upon request (see **ADDRESSES**.)

California sea lions have been shown to react to pile driving noise by porpoising quickly away from the site (SRS Technologies, 2001), but it is not known whether they will react to general construction noise and move away from the rocks during construction activities. However, sea lions are generally thought to be more tolerant of human activities than harbor seals and are, therefore, less likely to be affected.

**Potential Effects on Habitat**

Short-term impacts of the activities are expected to result in a temporary reduction in utilization of the Castro Rocks haulout site while work is in progress or until seals acclimate to the disturbance. This will not likely result in any permanent reduction in the number of seals at Castro Rocks. The abandonment of Castro Rocks as a harbor seal haulout and rookery is not anticipated since existing traffic noise from the Bridge, commercial activities at the Chevron Long Wharf used for off-loading crude oil, and considerable recreational boating and commercial shipping that currently occur within the area have not caused long-term abandonment. In addition, mitigation measures and work restrictions are designed to preclude abandonment.

Therefore, as described in detail in CALTRANS (1996), other than the potential short-term abandonment by harbor seals of part or all of Castro Rocks during retrofit construction, no impact on the habitat or food sources of marine mammals are likely from this construction project.

**Mitigation**

Several mitigation measures to reduce the potential for general noise will be implemented by CALTRANS as part of their activity. With the exception of the Concrete Trestle Section, between 9 p.m. and 7 a.m. no piles will be driven (i.e., no repetitive pounding of piles) on the Bridge and noise levels will not exceed 86 dBA at 50 ft (15 m). Seismic retrofitting will cease in the vicinity of Castro Rocks (piers 52 through 57) during the pupping/molting restriction period (March 1 through July 15).

Previous authorizations (1997–2001) required CALTRANS to comply with the following mitigation measures: (1) A February 15 through July 31 restriction on work in the water south of the Bridge center line and retrofit work on the Bridge substructure, towers, superstructure, piers, and pilings from piers 52 through 57; (2) no watercraft will be deployed by CALTRANS employees or contractors during the year within the exclusion zone located between piers 52 and 57 except for when construction equipment is required for seismic retrofitting of piers 52 through 57; and (3) minimize vessel traffic to the greatest extent practicable in the exclusion zone when conducting construction activities between piers 52 and 57. From 1997 through September 2002, the boundary of the exclusion zone was rectangular in shape (1700 ft (518 m) by 800 ft (244 m)), completely enclosing Castro Rocks and piers 52 through 57, inclusive. The northern boundary of the exclusion zone was located 300 ft (91 m) from the most northern tip of Castro Rocks, and the southern boundary was located 300 ft (91 m) from the most southern tip of Castro Rocks. The eastern boundary was located 300 ft (91 m) from the most eastern tip of Castro Rocks, and the western boundary was located 300 ft (91 m) from the most western tip of Castro Rocks. The exclusion zone is restricted as a controlled access area and is marked off with buoys and warning signs for the entire year.

In 2002 (see 67 FR 61323, September 30, 2002), NMFS modified the Work/Boat Exclusion Zone (W/BEZ) so that the eastern boundary was shifted from 100 ft (31 m) east of Pier 57 to 100 ft (31 m) west of Pier 57. This maintains a 400–ft (122–m) ''buffer'' as opposed to the previous 600–ft (183–m) buffer, between the work at Pier 57 and ''A'' rock. This modification is reasonable based on observed seal behavior during the construction within the W/BEZ that harbor seals adjusted their location preference on Castro Rocks by moving westerly to rocks further from the construction (see discussion previously in this document). However, CALTRANS notes that there has not been a statistically significant change in the total numbers of animals that utilize the Castro Rocks haulout. The eastern boundary of the exclusion zone will be relocated to its original position at 300 ft (91 m) from the most eastern tip of Castro Rocks upon conclusion of work at Pier 57. This IHA does not include any further changes of the exclusion zone and will be identical to the previous IHA.

In addition to shifting the W/BEZ, in 2002, NMFS extended the period in which work was allowed in the vicinity of Castro Rocks from February 15th to March 1st. CALTRANS requested this modification due to unforseen circumstances affecting the ability of the contractor to the seismic retrofit work on Pier 57. The original Work Closure Period (February 15–July 31) was designed to encompass the entire harbor seal pupping and breeding seasons and nearly the entire molting season at Castro Rocks. Thus, the Work Closure Period included the entire pupping season at Castro Rocks and a substantial pre-pupping period when females are moving into pupping areas (see 62 FR 67045, December 23, 1997). Moving the start of the Work Closure Period from February 15th to March 1st still provides a 2–week window prior to the onset of successful pupping (March 15th), and because NMFS did not find scientific evidence indicating that female harbor seals need a ''quiet period'' from general noise in order to pup successfully, NMFS determined that shifting the Work Closure Period from February 15th to March 1st would not have a significant impact on harbor seal pupping.

In 2002, NMFS also modified the date at which work is allowed to start in the vicinity of Castro Rocks from August 1st to a new date of July 16th. As mentioned in previous documents, newborn harbor seal pups are able to swim immediately after birth (Zeiner *et al.*, 1990) and pups are weaned by the first week of June. Therefore, terminating the Closure Period on July 16th is not expected to affect pup survival. Under authorizations issued prior to the current IHA, the July 31st ending date for the Work Closure Period was established to protect harbor seals during the molting season. However, those documents also noted that NMFS believed that it is likely that harbor seals evolved adaptive mechanisms to deal with exposure to the water during the molt. For example, on some harbor seal

haul-outs (such as Castro Rocks) during the molting season seals must enter the water once or even twice a day due to tidal fluctuations limiting access to the haul-out. Also, since harbor seals lose hair in patches during the molt, they are never completely hairless and would not be as vulnerable to heat loss in the water during this period compared to other seals (e.g., elephant seals) that lose their all their hair at one time. Finally, NMFS notes that if the levels of harbor seal disturbance during the molt are relatively high, seals are likely to utilize other local haul-out sites during the molt (DeLong, R., pers. comm. 1997; Hanan, D., pers. comm. 1997; Harvey, J., pers. comm. 1997). Hanan (1996) found that although harbor seals tagged at an isolated southern California haul-out tended to exhibit site-fidelity during the molt, some seals were observed molting at other nearby haul-outs. Based on these reasons therefore, NMFS determined that terminating the Closure Period on July 16th would not significantly affect harbor seals in general or molting seals at Castro Rocks in particular.

**Monitoring**

NMFS will require CALTRANS to continue to monitor the impact of seismic retrofit construction activities on harbor seals at Castro Rocks. Monitoring will be conducted by one or more NMFS-approved monitors. CALTRANS is to monitor at least one additional harbor seal haulout within San Francisco Bay to evaluate whether harbor seals use alternative haulout areas as a result of seismic retrofit disturbance at Castro Rocks.

The monitoring protocol will be divided into the Work Period Phase (July 16 through February 28) and the Closure Period Phase (March 1 through July 15). During the Work Period Phase and Closure Period Phase, the monitor(s) will conduct observations of seal behavior at least 3 days/week for approximately one tidal cycle each day at Castro Rocks. The following data will be recorded: (1) Number of seals and sea lions on site; (2) date; (3) time; (4) tidal height; (5) number of adults, subadults, and pups; (6) number of individuals with red pelage; (7) number of females and males; (8) number of molting seals; and (9) details of any observed disturbances. Concurrently, the monitor(s) will record general construction activity, location, duration, and noise levels. At least two nights/week, the monitor will conduct a harbor seal census after midnight at Castro Rocks. In addition, during the Work Period Phase and prior to any construction between piers 52 and 57, inclusive, the monitor(s) will conduct baseline observations of seal behavior at Castro Rocks and at the alternative site(s) once a day for a period of five consecutive days immediately before the initiation of construction in the area to establish pre-construction behavioral patterns. During the Work Period and Closure Period Phases, the monitor(s) will conduct observations of seal behavior, and collect appropriate data, at the alternative Bay harbor seal haulout at least three days/week (Work Period) and two days/week (Closure Period), during a low tide.

In addition, NMFS will require that, immediately following the completion of the seismic retrofit construction of the Bridge, the monitor(s) will conduct observations of seal behavior, at Castro Rocks, at least five days/week for approximately 1 tidal cycle (high tide to high tide) each day, for one week/month during the months of April, July, October, and January. At least two nights/week during this same period, the monitor will conduct an additional harbor seal census after midnight.

**Reporting**

Under previous IHAs, CALTRANS has provided monitoring reports (Green *et al.* (2001, 2002, 2003, 2004). The findings from these reports have been summarized previously in this document.

CALTRANS will provide weekly reports to the Southwest Regional Administrator (Regional Administrator), NMFS, including a summary of the previous week's monitoring activities and an estimate of the number of harbor seals and sea lions that may have been disturbed as a result of seismic retrofit construction activities. These reports will provide dates, time, tidal height, maximum number of harbor seals ashore, number of adults, sub-adults and pups, number of females/males, number of harbor seals with a red pelage, and any observed disturbances. A description of retrofit activities at the time of observation and any sound pressure levels measurements made at the haulout will also be provided. A draft interim report must be submitted to NMFS by September 30, 2005.

Because seismic retrofit activities may continue beyond the date of expiration of this IHA (presumably under a new IHA), a draft final report must be submitted to the Regional Administrator within 90 days after the expiration of this IHA. A final report must be submitted to the Regional Administrator within 30 days after receiving comments from the Regional Administrator on the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

CALTRANS will provide NMFS with a follow-up report on the post-construction monitoring activities within 18 months of project completion in order to evaluate whether haulout patterns are similar to the pre-retrofit haul-out patterns at Castro Rocks.

**National Environmental Policy Act**

NMFS prepared an Environmental Assessment (EA) in 1997 that concluded that the impacts of CALTRANS' seismic retrofit construction of the Richmond-San Rafael Bridge will not have a significant impact on the human environment. A copy of that EA, which includes the Finding of No Significant Impact (FONSI) is available upon request (see **ADDRESSES**). This action has not changed significantly from the action analyzed in the 1997 EA. Therefore, this proposed action is not expected to change the analysis or conclusion of the 1997 EA.

**Endangered Species Act (ESA)**

On January 27, 1997, NMFS completed consultation under section 7 of the ESA with the Federal Highway Administration on Caltrans' proposed seismic retrofit work on the Richmond-San Rafael Bridge. That consultation concluded that the project is not likely to adversely affect winter-run chinook salmon. Issuance of this proposed IHA to Caltrans constitutes an agency action that may affect ESA-listed species and, therefore, is subject to section 7 of the ESA. Because the proposed underlying action has not changed significantly from that considered in the consultation, NMFS has preliminarily determined that issuance of an IHA will not lead to any effects to listed species apart from those that were considered in the consultation on FHWA's action.

**Preliminary Conclusions**

NMFS has preliminarily determined that the short-term impact of the seismic retrofit construction of the Bridge, as described in this document, should result, at worst, in the temporary modification in behavior by small numbers of harbor seals and, possibly, by small numbers of California sea lions. While behavioral modifications, including temporarily vacating the haulout, may be made by these species to avoid the resultant visual and acoustic disturbance, this action is expected to have a negligible impact on the animals. In addition, no take by injury and/or death is anticipated, and harassment takes will be at the lowest level practicable due to incorporation of

the mitigation measures mentioned previously in this document.

**Proposed Authorization**

NMFS proposes to renew an IHA to CALTRANS for the potential harassment of small numbers of harbor seals and California sea lions incidental to seismic retrofit construction of the Bridge, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activity would result in the harassment of only small numbers of harbor seals and possibly California sea lions and will have no more than a negligible impact on these marine mammal stocks.

**Information Solicited**

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see **ADDRESSES**). Prior to submitting comments, NMFS recommends reviewers of this document read the responses to comments made previously (see 62 FR 67045, December 23, 1997; 65 FR 2375, January 14, 2000; 66 FR 49165, September 26, 2001; 67 FR 61323, September 30, 2002; and 68 FR 66076, 2003) for this action, as NMFS does not intend to address these issues further without the submission of additional scientific information.

Dated: March 28, 2005.

**Donna Wieting,**

*Acting Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 05–6715 Filed 4–4–05; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 033005B]**

### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Council) Highly Migratory Species Advisory Subpanel (HMSAS) will hold a work session, which is open to the public.

**DATES:** The HMSAS will meet on Thursday, April 21, 2005, from 10 a.m. until business for the day is completed.

**ADDRESSES:** The work session will be held in the large conference room at the California Department of Fish and Game, 4665 Lampson Avenue, Suite C, Los Alamitos, CA 90720; telephone: (562) 342–7100, email: kit.dahl@noaa.gov.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220 1384.

**FOR FURTHER INFORMATION CONTACT:** Dr. Kit Dahl, Pacific Fishery Management Council, telephone: (503) 820–2280.

**SUPPLEMENTARY INFORMATION:** The primary purpose of the work session is to review current issues arising from the implementation of the highly migratory species (HMS) fishery management plan, make recommendations to the Council on future action on these issues, and, as appropriate, consider issues pertinent to the General Advisory Committee to the U.S. delegation to the Inter-American Tropical Tuna Commission. Issues discussed could include the Council's response to overfishing of bigeye tuna and other HMS species so declared in the future, developing sea turtle bycatch mitigation measures for the West Coast high seas longline fishery, establishing a limited entry program for the West Coast high seas longline fishery, and review of exempted fishing permits, among others.

Although non-emergency issues not contained in the HMSAS meeting agenda may come before the HMSAS for discussion, those issues may not be the subject of formal HMSAS action during this meeting. HMSAS action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the HMSAS's intent to take final action to address the emergency.

**Special Accommodations**

The meeting is 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: March 31, 2005.

**Emily Menashes,**

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

[FR Doc. E5–1522 Filed 4–4–05; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 033005C]**

### Western Pacific Fishery Management Council; Public Meetings

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Western Pacific Fishery Management Council (Council) will hold its Precious Corals Plan Team (PCPT) meeting in Honolulu, HI.

**DATES:** The meeting of the PCPT will be held on April 29, 2005, from 1 p.m. to 5 p.m.

**ADDRESSES:** The PCPT meeting will be held at the Western Pacific Fishery Management Council Office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

**FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

**SUPPLEMENTARY INFORMATION:** The PCPT will meet on April 29, 2005 to discuss the following agenda items:

1. Introductions
2. Review of last plan team meeting and recommendations
3. State of Hawaii Black Coral Research
4. Laser Line Scan Survey Project
5. Update on Precious Corals Draft Environmental Impact Statement

The order in which agenda items are addressed may change. Public comment periods will be provided throughout the agenda. The Plan Team will meet as late as necessary to complete scheduled business.

Although non-emergency issues not contained in this agenda may come before the Plan Team for discussion, those issues may not be the subject of formal action during these meetings. Plan Team action will be restricted to those issues specifically listed in this document and any issue arising after publication of this document that requires 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**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to

Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

Dated: March 31, 2005.

**Emily Menashes,**

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

[FR Doc. E5–1521 Filed 4–4–05; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 032105B]**

### U.S. Climate Change Science Program Synthesis and Assessment Product Prospectus 4.7

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of availability; request for public comments.

**SUMMARY:** NOAA publishes this notice to announce the availability of the draft Prospectus for U.S. Climate Change Science Program (CCSP) Synthesis and Assessment Product 4.7–*Impacts of Climate Change and Variability on Transportation Systems and Infrastructure: Gulf Coast Study*–for public comment. After consideration of comments received on the draft Prospectus, the final Prospectus along with the comments received will be published on the CCSP web site.

**DATES:** Comments must be received by May 5, 2005.

**ADDRESSES:** The draft Prospectus is posted on the CCSP Office web site at:*http://www.climatescience.gov/Library/sap/sap4–7/ sap4–7prospectus-draft.htm*. Detailed instructions for making comments on the draft Prospectus are provided at *http://www.climatescience.gov/Library/sap/sap4–7/comments-prospectus.htm*. Comments should be prepared in accordance with these instructions.

**FOR FURTHER INFORMATION CONTACT:** Richard H. Moss, Ph.D., Director, Climate Change Science Program Office, 1717 Pennsylvania Avenue NW, Suite 250, Washington, DC 20006, telephone: (202) 419–3476.

**SUPPLEMENTARY INFORMATION:** The CCSP was established by the President in 2002 to coordinate and integrate scientific research on global change and climate change sponsored by 13 participating departments and agencies of the U.S. Government. The CCSP is charged with preparing information resources that support climate-related discussions and decisions, including scientific synthesis and assessment analyses that support the evaluation of important policy issues. The Prospectus addressed by this notice provides a topical overview and describes plans for scoping, drafting, reviewing, producing, and disseminating one of 21 final synthesis and assessment Products that will be generated by the CCSP.

Dated: March 30, 2005.

**James R. Mahoney,**

*Assistant Secretary of Commerce for Oceans and Atmosphere Director, Climate Change Science Program.*

[FR Doc. 05–6713 Filed 4–4–05;8:45 am]

BILLING CODE 3510–12–S

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Notice of Availability of Government-Owned Invention; Available for Licensing

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice.

**SUMMARY:** The invention listed below is assigned to the United States Government, as represented by the Secretary of the Navy and is available for licensing by the Department of the Navy. U.S. Patent No. 6,844,875: Video Converter Board.

**ADDRESSES:** Requests for copies of the invention cited should be directed to the Naval Surface Warfare Center, Crane Division, Code 054, Building 1, 300 Highway 361, Crane, IN 47522–5001, and must include the patent number.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Bailey, Naval Surface Warfare Center, Crane Division, Code 054, Building 1, 300 Highway 361, Crane, IN 47522–5001, telephone 812–854–1865. An application for license may be downloaded from *www.crane.navy.mil/newscommunity/techtrans_CranePatents.asp.*

(Authority: 35 U.S.C. 207, 37 CFR Part 404.)

Dated: May 28, 2005.

**I. C. Le Moyne Jr.,**

*Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.*

[FR Doc. 05–6664 Filed 4–4–05; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

### Meeting of the Board of Visitors of Marine Corps University

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Board of Visitors of the Marine Corps University (BOV MCU) will meet to review, develop, and provide recommendations on all aspects of the academic and administrative policies of the University; examine all aspects of professional military education operations; and provide such oversight and advice, as is necessary, to facilitate high educational standards and cost effective operations. The Board will be focusing primarily on the University's curriculum review process and reorganization efforts. The Board will be apprised of recent developments at Marine Corps University, including facilities development and the results of the Southern Association of Colleges and Schools Off-Site Committee Report. All sessions of the meeting will be open to the public.

**DATES:** The meetings will be held on Tuesday, April 19, 2005, from 8 a.m. to 4 p.m. and on Wednesday, April 20, 2005, from 8 a.m. to 11:30 a.m.

**ADDRESSES:** The meetings will be held at the Alfred M. Gray Marine Corps Research Center, 2040 Broadway Street, Rooms 164 and 165, Quantico, VA 22134.

**FOR FURTHER INFORMATION CONTACT:** Mary Lanzillotta, Executive Secretary, Marine Corps University Board of Visitors, 2076 South Street, Quantico, VA 22134, telephone 703–784–4037.

Dated: March 28, 2005.

**I.C. Le Moyne Jr.,**

*Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.*

[FR Doc. 05–6665 Filed 4–4–05; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before June 6, 2005.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 30, 2005.

**Angela C. Arrington,**

*Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.*

### Federal Student Aid

*Type of Review:* Revision.

*Title:* Child Care Provider Loan Forgiveness Application and Child Care Provider Loan Forgiveness Forbearance Form.

*Frequency:* Annually.

*Affected Public:* Individuals or household; Businesses or other for-profit; not-for-profit institutions; Federal Government State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 400.

*Burden Hours:* 90.

*Abstract:* The Child Care Provider Loan Forgiveness Application is used to determine whether borrowers who previously received loan forgiveness continue to meet the eligibility requirements for Child Care Provider Loan Forgiveness Program. Under this program, individuals who work full-time in certain child care facilities that serve low-income families and meet other qualifications may be eligible to have up to 100% of their Direct Loan and/or FFEL program loan forgiven. The Child Care Provider Loan Forgiveness Forbearance Form is required to fulfill program guidance that provides forbearance for child care providers and to determine the child care providers eligibility for forbearance.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2732. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at his e-mail address *Joe.Schubart@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 05–6663 Filed 4–4–05; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Advisory Committee on Student Financial Assistance: Hearing

**AGENCY:** Advisory Committee on Student Financial Assistance, Education.

**ACTION:** Notice of upcoming hearing.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming hearing of the Advisory Committee on Student Financial Assistance. Individuals who will need accommodations for a disability in orderto attend the hearing (*i.e.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Wednesday, April 20, 2005 by contacting Ms. Hope Gray at (202) 219–2099 or via e-mail at *Hope.Gray@ed.gov.* We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The hearing site is accessible to individuals with disabilities. This notice also describes the functions of the Advisory Committee. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

**DATE AND TIME:** Monday, April 25, 2005, beginning at 9 a.m. and ending at approximately 4:30 p.m.

**ADDRESSES:** The Washington Court Hotel, 525 New Jersey Avenue, NW., Springwood Room, Lower Lobby Level, Washington, DC 20001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nicole A. Barry, Associate Staff Director, Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC 20202–7582 (202) 219–2099.

**SUPPLEMENTARY INFORMATION:** The Advisory Committee on Student Financial Assistance is established under Section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student of the student assistance programs under Title IV of the Higher Education Act. In addition, Congress expanded the Advisory Committee's mission in the Higher Education Amendments of 1998 to include several important areas: access, Title IV modernization, distance education, and early information and needs assessment. Specifically, the Advisory Committee is to review, monitor and evaluate the Department of Education's progress in these areas and report recommended improvements to Congress and the Secretary.

The Advisory Committee has scheduled this hearing to address specific proposals related to financial aid simplification and to develop consensus on how best to simplify student aid during the reauthorization of the Higher Education Act. The proposed agenda includes expert testimony and discussions of the following issues: (a) Congressional goals and expectations for simplification during the current reauthorization of the Higher Education Act; (b) the higher education community's goals and priorities related to simplification; (c) focused discussions on implementation issues surrounding specific simplification proposals, including early financial aid information and simplification of financial aid forms and processes.

Space for the hearing is limited and you are encouraged to register early if you plan to attend the hearing. You may register by sending an email to the following address: *ADV_COMSFA@ed.gov* or *Tracy.Deanna.Jones@ed.gov.* Please include your name, title, affiliation, complete address (including internet and email, if available), and telephone and fax numbers. If you are unable to register electronically, you may fax your registration information to the Advisory Committee staff office at (202) 219–3032. You may also contact the Advisory Committee staff directly at (202) 219–2099. The registration deadline is Thursday, April 21, 2005.

Records are kept for Advisory Committee proceedings, and are available for inspection at the Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC from the hours of 9 a.m. to 5:30 p.m. Monday through Friday, except Federal holidays.

Dated: March 31, 2005.

**William J. Goggin,**

*Staff Director, Advisory Committee on Student Financial Assistance.*

[FR Doc. 05–6712 Filed 4–4–05; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP05–91–000]**

### Calhoun LNG, L.P.; Notice Of Application

March 28, 2005.

Take notice that on March 18, 2005, Calhoun LNG, L.P. (Calhoun LNG), Three Riverway, Suite 525, Houston, Texas, 77056, filed an application in Docket

No. CP05–91–000 pursuant to section 3(a) of the Natural Gas Act (NGA), and Part 153 of the Commission's regulations, requesting authorization to site, construct, and operate a liquefied natural gas (LNG) import terminal and associated facilities to be located in the Port of Port Lavaca-Point Comfort in Calhoun County, Texas as a place of entry for the importation of LNG. An affiliated company, Port Comfort Pipeline Company, L.P. (PCPLC) proposes to construct 12 miles of 30-inch-diameter non-jurisdictional send-out pipeline and related facilities that would connect the downstream end of the jurisdictional LNG terminal to intrastate pipelines and industrial end-users.

The LNG import terminal would be comprised of a LNG receiving facility (including docking facilities and associated piping and appurtenances) designed to receive 75,000 m3 to 220,000 m3 ships and a LNG storage and vaporization facility (including two single containment LNG 160,000 m3 storage tanks, vaporization units and associated piping and control equipment) as well as associated utilities, infrastructure and support systems.

This application is on file with the Commission and open to public inspection. It is available for review at the Commission in the Public Reference Room or may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online support at *FERConlinesupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Any questions concerning this application should be directed to counsel for Calhoun LNG, Lisa M. Tonery, King and Spalding LLP, at (212) 556–2307 (phone), (212) 556–2222 (fax), or *ltonery@kslaw.com*.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. Unless filing electronically, a party must submit 14 copies of filings to the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Persons who wish to comment only on the environmental review of this project, or in support of or in opposition to this project, should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the applicant. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

*Comment Date:* April 18, 2005.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1513 Filed 4–4–05; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ES04–32–001]**

### Consumers Energy Company; Notice of Application

March 29, 2005.

Take notice that on March 23, 2005, Consumers Energy Company (Consumers) filed an application pursuant to section 204 of the Federal Power Act. The application requests

that the Commission amend the authorization previously granted on June 16, 2004, in Docket No. ES04–32–000, to permit Consumers to issue an additional $1 billion of long-term securities (for a total of $2.5 billion) for general corporate purposes and an additional $1 billion of long-term securities (for a total of $2 billion) for refinancing or refunding existing long-term securities.

Consumers also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

*Comment Date:* April 19, 2005.

**Magalie R. Salas,**

*Secretary*

[FR Doc. E5–1505 Filed 4–4–05; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. ER05–349–000 and ER05–349–001]**

### Georgia Energy Cooperative; Notice of Issuance of Order

March 29, 2005.

Georgia Energy Cooperative (GEC) filed an application for market-based rate authority, with an accompanying tariff. The proposed rate tariff provides for wholesale sales of energy and capacity at market-based rates. GEC also requested waiver of various Commission regulations. In particular, GEC requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by GEC.

On March 24, 2005, the Commission granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by GEC should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest, is April 25, 2005.

Absent a request to be heard in opposition by the deadline above, GEC is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of GEC, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of GEC's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov,* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. 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 electronic filings.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1510 Filed 4–4–05; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. ER05–350–000 and ER05–350–001]**

### Mitchell Electric Membership Corporation; Notice of Issuance of Order

March 29, 2005.

Mitchell Electric Membership Corporation (Mitchell) filed an application for market-based rate authority, with an accompanying tariff. The proposed rate tariff provides for wholesale sales of energy and capacity at market-based rates. Mitchell also requested waiver of various Commission regulations. In particular, Mitchell requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Mitchell.

On March 25, 2005, the Commission granted the request for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Mitchell should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest, is April 25, 2005.

Absent a request to be heard in opposition by the deadline above, Mitchell is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that Mitchell, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be

adversely affected by continued approval of Mitchell's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. 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 electronic filings.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1502 Filed 4–4–05; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ES05–23–000]**

### PJM Interconnection, L.L.C.; Notice of Application

March 29, 2005.

Take notice that on March 25, 2005, PJM Interconnection, L.L.C. (PJM) filed an application pursuant to section 204 of the Federal Power Act seeking authorization to issue a long-term, secured note in an amount not to exceed $110 million

PJM also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

*Comment Date:* April 19, 2005.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1506 Filed 4–4–05; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. ER05–493–000; ER05–494–000; ER05–495–000]**

### Saracen Energy LP, Saracen Energy Power Advisors LP, Saracen Merchant Energy LP, (Not Consolidated); Notice of Issuance of Order

March 29, 2005.

Saracen Energy LP, (Saracen Energy) Saracen Energy Power Advisors LP (Saracen Energy Power Advisors), and Saracen Merchant Energy LP (Saracen Merchant) filed an application for market-based rate authority, with an accompanying tariff. The proposed tariff provides for wholesale sales of capacity, energy, and ancillary services at market-based rates. Saracen Energy, Saracen Energy Power Advisors and Saracen Merchant also requested waiver of various Commission regulations. In particular, they requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Saracen Energy, Saracen Energy Power Advisors and Saracen Merchant.

On March 24, 2005, the Commission granted the request for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Saracen Energy, Saracen Energy Power Advisors and Saracen Merchant should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Notice is hereby given that the deadline for filing motions to intervene or protests, is April 25, 2005.

Absent a request to be heard in opposition by the deadline above, Saracen Energy, Saracen Energy Power Advisors and Saracen Merchant are authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Saracen Energy, Saracen Energy Power Advisors and Saracen Merchant, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Saracen Energy's, Saracen Energy Power Advisors's and Saracen Merchant's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov,* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. 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 electronic filings.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1504 Filed 4–4–05; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP00–426–022]**

### Texas Gas Transmission, LLC; Notice of Proposed Changes in Ferc Gas Tariff

March 30, 2005.

Take notice that on March 25, 2005, Texas Gas Transmission, LLC, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, to become effective March 1, 2005:

Third Revised Sheet No. 56.

The purpose of this filing is to file with the Commission a negotiated rate agreement between Texas Gas and Atmos Energy Marketing, LLC (AEM), dated February 15, 2005, to be effective March 1, 2005, and to propose Third Revised Sheet No. 56, on which it lists the negotiated rate agreement as a non-conforming agreement, in compliance with section 38.4 of the General Terms and Conditions (GT&C) of Texas Gas's tariff.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1501 Filed 4–4–05; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. ER05–453–000 and ER05–453–001]**

### Wisconsin River Power Company; Notice of Issuance of Order

March 29, 2005.

Wisconsin River Power Company (Wisconsin River) filed an application for market-based rate authority, with an accompanying tariff. The proposed rate tariff provides for wholesale sales of energy and capacity at market-based rates. Wisconsin River also requested waiver of various Commission regulations. In particular, Wisconsin River requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Wisconsin River.

On March 25, 2005, the Commission granted the request for blanket approval under Part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Wisconsin River should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest, is April 25, 2005.

Absent a request to be heard in opposition by the deadline above, Wisconsin River is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Wisconsin River, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Wisconsin River's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. 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 electronic filings.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1503 Filed 4–4–05; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER05–488–001, et al.]**

### La Paloma Holding Company, LLC, et al.; Electric Rate and Corporate Filings

March 29, 2005.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

**1. Commonwealth Edison Company, PJM Interconnection, L.L.C.**

[Docket Nos. ER05–488–001, ER04–718–015]

Take notice that on March 25, 2005, Commonwealth Edison Company (ComEd) filed a refund report in compliance with the Letter Order issued March 2, 2005 in Docket Nos. ER05–488–000 and ER04–718–012 by the Director of the Division of Tariffs and Market Development—East in the Commission's Office of Markets, Tariffs and Rates.

*Comment Date:* 5 p.m. eastern time on April 15, 2005.

**2. Total Gas & Electricity (PA), Inc.**

[Docket No. ER05–687–001]

Take notice that on March 23, 2005, Total Gas & Electricity (PA), Inc. (TG&E) submitted for filing a revised proposed rate schedule, modifying its proposed rate schedule submitted on March 8, 2005, in Docket No. ER05–687–000. TG&E requests an effective date of April 7, 2005.

*Comment Date:* 5 p.m. eastern time on April 8, 2005.

**3. TransCanada Power (Castleton) LLC**

[Docket No. ER05–723–000]

Take notice that on March 23, 2005, TransCanada Power (Castleton) LLC (TCP Castleton) filed a conditional application requesting that the Commission accept for filing its market-based tariff, and grant TCP Casleton the authority to sell energy in wholesale transactions at negotiated, market-based rates. TCP requests a retroactive effective date of February 22, 2002. TCP also requests that this application be held in abeyance pending the Commission's ruling on TCP Castleton's petition for declaratory order filed March 23, 2005 in Docket No. EL05–79–000.

*Comment Date:* 5 p.m. eastern time on April 13, 2005.

**Standard Paragraph**

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all parties to this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Linda Mitry,**

*Deputy Secretary.*

[FR Doc. E5–1517 Filed 4–4–05; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 12187–000, Illinois]**

### Price Dam Partnership, Limited; Notice of Availability of Environmental Assessment

March 29, 2005.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR part 380 [FERC Order No. 486, 52 FR 47897]), the Office of Energy Projects staff (staff) has reviewed the application for an original license for the Price Dam Hydroelectric Project, located on the Mississippi River in the city of Alton, Illinois, Wood River Township, Madison County, Illinois. Staff has prepared an Environmental Assessment (EA) for the project. The project would be constructed on the St. Louis District, U.S. Corps of Engineers (Corps) Melvin Price Locks & Dam and would occupy about 1.81 acres of Federal lands and facilities. In this EA, the staff has analyzed the potential environmental effects of the proposed project and has concluded that licensing the project, with staff's recommended measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 2–A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426. This EA may also be viewed on the Web at *http://www.ferc.gov.* Using the ''e-Library'' link, enter the docket number excluding the last three digits in the document field to access the document. For assistance, please contact FERC Online Support at *ferconline@ferc.gov,* call toll free (866) 208–3676, or TTY (202) 502–8659.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix ''Price Dam Project No. 12187–000'' to all comments. For further information, please contact Lee Emery at (202) 502–8379 or e-mail at *lee.emery@ferc.gov.*

Comments 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.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1507 Filed 4–4–05; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted For Filing and Soliciting Motions To Intervene, Protests, and Comments

March 29, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12463–000.

c. *Date filed:* July 31, 2003.

d. *Applicant:* Klamath Drainage District.

e. *Name of Project:* Keno Dam Project.

f. *Location:* On the Klamath River, in Klamath County, Oregon. The existing dam is owned by the PacifiCorp. The proposed project is to build additional capacity at the already licensed Klamath Project FERC No. 2082 by PacifiCorp. The Applicant will design this project so as not to affect the current licensed project.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Ms. Mary Cheyne, Secretary, Klamath Drainage District, 280 Main Street, Klamath Falls, OR 97601, (541) 882–4436 and Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–0834.

i. *FERC Contact:* Robert Bell, (202) 502–6062.

j. Deadline for filing comments, protests, and motions to intervene: 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they

must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would use the Keno Dam and reservoir licensed to PacifiCorp for Project No. 2082 and would consist of: (1) A proposed powerhouse containing a generating unit having an installed capacity of 3.8 megawatts; (2) a proposed 0.5-mile-long 12.5 kilovolt transmission line; and (3) appurtenant facilities. The project would have an annual generation of 13.7 Gigawatt-hours, which would be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. 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.

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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. 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. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1508 Filed 4–4–05; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

March 29, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary permit.

b. *Project No.:* 12568–000.

c. *Date filed:* December 22, 2004.

d. *Applicant:* Black Brook Environmental. Inc.

e. *Name of Project:* Bagley Creek Project.

f. *Location:* On Bagley Creek, in Whatcom County, Washington. The existing diversion structure is owned by the U.S. Forest Service. The project would also use lands within the Mount Baker-Snoqualmie National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. Jason M. Hines, P. O. Box 1691, Bellingham, WA 98225, (360) 603–4053.

i. *FERC Contact:* Robert Bell, (202) 502–6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an

issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) An existing 67-foot-long, 15-foot-high diversion structure, (2) an existing impoundment having a surface area of 6.5 acres and storage capacity of 20 acre-feet and normal water surface elevation of 4,195 feet mean sea level, (3) a proposed 7,500-foot-long, 16-inch-diameter steel penstock, (4) a proposed powerhouse containing a generating unit having an installed capacity of 800 kilowatts, (5) a proposed 7,000-foot-long, 4.16 kilovolt transmission line, and (6) appurtenant facilities. The project would have an annual generation of 5.1 gigawatt-hours that would be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov using the ''eLibrary''* link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Competing Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. Competing Development Application—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with18 CFR 4.30(b) and 4.36.

p. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. 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.

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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. 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. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1509 Filed 4–4–05; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 7321–018]**

### Erie Boulevard Hydropower, L.P. ; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

March 28, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent license.

b. *Project No.:* P–7321–018.

c. *Date filed:* November 26, 2004.

d. *Applicant:* Erie Boulevard Hydropower, L.P.

e. *Name of Project:* Macomb Project.

f. *Location:* On the Salmon River in Franklin County, near Malone, New York. This project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Jerry L. Sabattis, Erie Boulevard Hydropower, L.P., 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088, (315) 413–2787.

i. *FERC Contact:* John Smith, (202) 502–8972 or *john.smith@ferc.gov.*

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days

from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments, recommendations, terms and conditions, and prescriptions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''eFiling'' link. The Commission encourages electronic filings.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. The existing Macomb Project consists of: (1) A 106-foot-long, 32-foot-high concrete gravity overflow-type dam having a spillway crest elevation of 570.7 feet above mean sea level; (2) a 38-foot-long, 25-foot-high intake structure along each bank; (3) a 6-foot-diameter, 60-foot-long, riveted-steel, gated waste tube along each bank; (4) a 14-acre reservoir with a net storage capacity of 14 acre-feet at the spillway crest elevation; (5) a 6.5-foot-diameter, 60-foot-long, riveted-steel, concrete-encased, gated pipeline along the left (south) bank; (6) a powerhouse containing one 1,000-kilowatt horizontal Francis turbine; and (7) appurtenant facilities. The applicant estimates that the total average annual generation would be 5,660 megawatthours.

The applicant proposes to continue to operate the project in a run-of-river mode but to reduce the impoundment fluctuations from 1 foot to 0.25 foot (0.5 foot for compliance purposes) from the top of the dam crest when project inflow exceeds 125 cubic feet per second (cfs). At inflows of 125 cfs or less, impoundment levels would be maintained at or above the spillway crest elevation.

Within 8 years of license issuance, the applicant proposes to replace the existing trash racks (2.5-inch clear spacing) with trash racks with 1-inch clear spacing or a system of seasonal overlays. No other major construction activities are proposed.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5–1511 Filed 4–4–05; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 2114–116]**

### Public Utility District No. 2 of Grant County, WA; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

March 28, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New major license.

b. *Project No.:* 2114–116.

c. *Date Filed:* October 29, 2003.

d. *Applicant:* Public Utility District No. 2 of Grant County, Washington.

e. *Name of Project:* Priest Rapids Hydroelectric Project.

f. *Location:* On the Columbia River in portions of Grant, Yakima, Kittitas, Douglas, Benton, and Chelan Counties, Washington. The project occupies Federal lands managed by the U.S. Bureau of Land Management, U.S. Bureau of Reclamation, U.S. Department of Energy, U.S. Department of the Army, and U.S. Fish and Wildlife Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Laurel Heacock, Licensing Manager, Public Utility District No. 2 of Grant County, 30 C Street SW., Ephrata, Washington 98823, telephone (509) 754–6622.

i. *FERC Contact:* Charles Hall, telephone (202) 502–6853, e-mail *charles.hall@ferc.gov.*

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance of this notice; reply comments are due 105 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments, recommendations, terms and conditions, and prescriptions may

be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. The project includes two developments with a total authorized capacity of 1,755 megawatts (MW) as follows: (a) The Wanapum development consisting of a dam 186.5 feet high and 8,637 feet long with upstream fish passage facilities, a reservoir with an approximate surface area of 14,680 acres, a powerhouse with ten turbine-generator units with a total nameplate capacity of 900 MW, transmission lines, and appurtenant facilities; and (b) the Priest Rapids development consisting of a dam 179.5 feet high and 10,103 feet long with upstream fish passage facilities, a reservoir with an approximate surface area of 7,725 acres, a powerhouse with ten turbine-generator units with a total nameplate capacity of 855 MW, transmission lines, and appurtenant facilities.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Procedural Schedule: The application will be processed according to the following schedule for remaining process milestones. Revisions to the schedule may be made as appropriate.

| Milestone | Date |
|---|---|
| Mandatory Terms & Conditions & Recommendations due | 60 days from date of this notice. |
| Issue Draft Environmental Impact Statement (DEIS) and Biological Assessment; Initiate Endangered Species Act Consultation (ESA). | October 2005. |
| Action due on 401 Water Quality Certificate (one year after application submittal) | October 11, 2005. |
| Comments due on DEIS (45 days after issuance) | November 2005. |
| ESA Completed; Biological Opinion due (135 days from initiation) | February 2006. |
| Issue Final Environmental Impact Statement (FEIS) | April 2006. |
| Ready for Commission Action | July 2006. |

**Magalie R. Salas,**
*Secretary.*

[FR Doc. E5–1512 Filed 4–4–05; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–7895–5]**

## Clean Water Act Section 303(d): Final Agency Action on 2 Total Maximum Daily Loads (TMDLs)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces final agency action on 2 TMDLs prepared by EPA Region 6 for waters listed in Louisiana's Barataria river basin, under section 303(d) of the Clean Water Act (CWA). Documents from the administrative record file for the 2 TMDLs, including TMDL calculations and responses to comments, may be viewed at *http://www.epa.gov/region6/water/tmdl.htm.* The administrative record file may be examined by calling or writing Ms. Diane Smith at the following address. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202–2733, (214) 665–2145.

**SUPPLEMENTARY INFORMATION:** In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner.

*EPA Takes Final Agency Action on 2 TMDLs*

By this notice EPA is taking final agency action on the following 2 TMDLs for waters located within the Barataria river basin:

| Subsegment | Waterbody name | Pollutant |
|---|---|---|
| 020401 | Bayou Lafourche—Donaldville to Intracoastal Waterway at Larose | Dissolved Oxygen Nutrients. |
| 020401 | Bayou Lafourche—Donaldville to Intracoastal Waterway at Larose | Do. |

EPA requested the public to provide EPA with any significant data or information that might impact the 2 TMDLs in the **Federal Register** Notice 69 FR pages 5985–5986 (February 9, 2004). The comments received and the EPA's response to comments may be found at *http://www.epa.gov/region6/water/tmdl.htm.*

Dated: March 29, 2005.

**Miguel I. Flores,**

*Director, Water Quality Protection Division, EPA Region 6.*

[FR Doc. 05–6707 Filed 4–4–05; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–05–0617)**

### 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 404–371–5983 or send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email 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**

Willingness to Pay—Extension—Prevention Effectiveness Unit, Office of Workforce and Career Development, Centers for Disease Control and Prevention (CDC). The mission of the Prevention Effectiveness Unit is to provide information and training to build internal and external capacity in economic and decision sciences.

The project is currently underway as a pilot study. Upon completion of the pilot the project will be assessed to determine if the full survey will be completed.

This project will use qualitative and quantitative research to (a) develop and test informational approaches, (educational materials or product labeling), (b) educate consumers about food safety issues, (c) develop and test survey instruments; and (d) test experimental protocols to be used in the main quantitative data collection. The project will also provide a nationally-representative estimate of consumer willingness to pay for (a) publicly-provided reductions in the probability of contracting food-borne illnesses; (b) reductions in severity of symptoms associated with food-borne illnesses, and (c) materials that facilitate private, defensive precautions against food-borne illness during home food preparation (*e.g.*, meat thermometers, antibacterial soaps and cutting boards). Furthermore, the project will estimate the effect of education programs and product labeling on consumer willingness to pay for the reductions; also to compare the empirical estimates of the above mentioned consumer willingness to pay derived from a conjoint analysis instrument and a simulated marketplace experiment.

Public awareness and stated concern regarding food-borne illnesses have increased rapidly over the past decade. The general public, while seemingly well-informed and concerned about some relevant food safety issues, appear unknowledgeable or ill-informed about emerging issues. The *Food Safety Survey* data suggest that information provided to consumers at the point of purchase may be a helpful means of educating the public about food safety. Analyses of consumer purchase data indicate that health-related information provided at the point of purchase can make significant long-term changes in purchasing behavior.

While providing health-related information about food has been the focus of major policy initiatives in the last few years, little empirical economic research has attempted to understand the market and welfare effects of different health information policies. In addition, previous research does not address the distribution of effects across different consumers. Policy makers and food manufacturers cannot provide labels that satisfy everyone's information desires while simultaneously catering to consumers' cognitive and time constraints. As a result, policy makers need to understand how different sectors of the consumer population will be affected, particularly those members of the population who face relatively high food safety risks.

The lack of information hinders policy makers from making informed decisions on the proper allocation of resources in this area since the benefits of reducing the risk of illness are not well known. Not having the information readily available makes cost-effectiveness and cost-benefit analyses difficult to do as well as resource-intensive. This data collection effort will reduce this burden by making data available to researchers for use in program and policy evaluation. If this data collection effort did not take place, agencies would either have to continue to piece together data when conducting economic analyses of food safety policies and regulations, or they would need to fund a large scale effort like the one being proposed. Another large scale effort would be a waste of public funds. Informing consumers about the risks and protective measures allows consumers to more accurately assess how much they would pay for reductions in this risk. More importantly, this project will inform the consumer as to what the risks are and how they can protect themselves. This is important since the consumer is the last line of defense in the campaign against food-borne illnesses.

ESTIMATE OF ANNUALIZED BURDEN TABLE

| Respondents | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total response burden hours |
|---|---|---|---|---|
| Survey respondents | 5000 | 1 | 30/60 | 2500 |
| Virtual shopping respondents | 1200 | 1 | 1 | 1200 |
| Total | | | | 3700 |

**Joan F. Karr,**

*Acting Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. 05–6682 Filed 4–4–05; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–05BR]**

### 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 404–371–5983 or send comments to Seleda Perryman, 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**

The 317 Immunization Grant Program Evaluation—New—National Immunization Program (NIP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description:*

The 317 Immunization Grant Program is the primary vehicle through which CDC's NIP provides vaccine infrastructure. It has been in existence since its Congressional enactment in 1963 and provides annual grants to 50 states, six urban areas, four territories/commonwealths and four freely associated states for both vaccine assurance and vaccine delivery. The 317 Grant Program provides recipients with infrastructure support for diverse program activities including surveillance, immunization registries, training, education, public information and outreach, quality assurance of providers, vaccine management and purchase of vaccines for adults and children who do not qualify for the Vaccine for Children program.

In response to the Program Assessment Rating Tool (PART) review and the Office of Management and Budget's (OMB) recommendation for a comprehensive evaluation, a Grantee Immunization Survey of 50 state and 6 urban project 317 Immunization Program grantees will be conducted. The program will evaluate current operations and performance; recommend processes to improve efficiency, cost-effectiveness, and accountability; and provide direction for future funding cycles. Data will not be collected from the four territories/commonwealths and four freely associated states because of their unique socioeconomic, political and cultural environments.

The Grantee Immunization Survey will: (1) Provide information on the resources and management activities of the 317 Grant Program; (2) provide information that will enable the 317 Grant Program to monitor program operations and progress; and (3) provide a mechanism for systematic collection of robust program and cost data to monitor program operations and progress toward goals.

The 63 item Grantee Immunization Survey will be completed on-line via a password protected Web site by the Immunization Program Manager and other selected immunization program staff as needed. The results will be used to enhance the overall efficiency and efficacy of the 317 Program thus enhancing vaccine assurance and delivery.

Collection of the information for this study is a one-time effort. There are no direct costs to respondents other than their time to complete and return the questionnaire.

ESTIMATE OF ANNUALIZED BURDEN TABLE

| Respondents | Number of respondents | Number responses per respondent | Average burden per response (in hours) | Total response burden (in hours) |
|---|---|---|---|---|
| 317—Immunization Grant Program Grantees | 56 | 1 | 1 | 56 |

Dated: March 24, 2005.

**Betsey Dunaway,**

*Acting Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. 05–6683 Filed 4–4–05; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Health Resources and Services Administration; CDC/HRSA Advisory Committee on HIV and STD Prevention and Treatment

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) and the Health Resources and Services Administration (HRSA) announce the following committee meeting.

*Name:* CDC/HRSA Advisory Committee on HIV and STD Prevention and Treatment.

*Times and Dates:* 8 a.m.–5 p.m., May 11, 2005. 8 a.m.–12 p.m., May 12, 2005.

*Place:* OMNI Hotel at CNN Center, 100 CNN Center, Atlanta, Georgia 30309. Telephone: 404– 659–0000.

*Status:* Open to the public, limited only by the space available. The meeting room will accommodate approximately 100 people.

*Purpose:* This Committee is charged with advising the Secretary, the Director, CDC, and the Administrator, HRSA, regarding activities related to prevention and control of HIV/AIDS and other STDs, the support of health care services to persons living with HIV/AIDS, and education of health professionals and the public about HIV/AIDS and other STDs.

*Matters to be Discussed:* Agenda items include issues pertaining to (1) HIV and STD Disparities among African Americans, (2) Routine HIV Testing in Health care settings and (3) Ryan White CARE Act.

Agenda items are subject to change as priorities dictate.

*For Further Information Contact:* Paulette Ford-Knights, Public Health Analyst, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE., Mailstop E–07, Atlanta, Georgia 30333. Telephone 404/639–8008, fax 404/639–3125, e-mail *pbf7@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 29, 2005.

**Alvin Hall,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 05–6681 Filed 4–4–05; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Advisory Committee on Interdisciplinary, Community-Based Linkages; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

*Name:* Advisory Committee on Interdisciplinary, Community-Based Linkages.

*Dates and Times:* May 1, 2005, 5 p.m.–9 p.m.; May 2, 2005, 8:30 a.m.–5 p.m.; May 3, 2005, 8:30 a.m.–2 p.m.

*Place:* The DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

*Status:* The meeting will be open to the public.

*Agenda:* Agenda items will include, but not be limited to: Welcome; plenary session on Allied Health issues as they relate to the grant programs under the purview of the Committee with presentations by constituent groups, field experts, committee members, and speakers representing the Health Resources and Services Administration, Bureau of Health Professions, Division of State, Community and Public Health programs that incorporate allied health disciplines. The following topics will be addressed at the meeting: What are effective allied health interdisciplinary training programs, and how are they achieved; and are allied health interdisciplinary training programs meeting the needs of employers, and what do those employers seek in allied health professionals.

Proposed agenda items are subject to change as priorities dictate.

*Public Comments:* Public comment will be permitted at the end of the Committee meeting on May 2, 2005, and before lunch on May 3, 2005. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, with a copy of their presentation to: Ann Bell, Public Health Fellow, Division of State, Community and Public Health, Bureau of Health Professions, Health Resources and Services Administration, Room 8A–09, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–0582.

Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The Division of State, Community and Public Health will notify each presenter by mail or telephone of their assigned presentation time.

Persons who do not file a request in advance for a presentation, but wish to make an oral statement may register to do so at the DoubleTree Hotel, Rockville, MD, on May 2, 2005. These persons will be allocated time as the Committee meeting agenda permits.

*For Further Information Contact:* Anyone requiring information regarding the Committee should contact Ann Bell, Division of State, Community and Public Health, Bureau of Health Professions, Health Resources and Services Administration, Room 8A–09, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443–0582.

Dated: March 30, 2005.

**Tina M. Cheatham,**

*Director, Division of Policy Review and Coordination.*

[FR Doc. 05–6704 Filed 4–4–05; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Office for Women's Services; Notice of a Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Substance Abuse Mental Health Services Administration (SAMHSA) Advisory Committee for Women's Services to be held in April 2005.

The SAMHSA Advisory Committee for Women's Services' meeting will be open and will include presentations and discussions on activities involving women as they relate to mental health and data, children, family therapy, trauma, obesity and treatment. Also, there will be updates on SAMHSA's budget and legislation programs.

Public attendance and public comments are welcome. Please communicate with the individual listed below to make arrangements to comment or to request special accommodations for persons with disabilities.

Substantive program information and a roster of Committee members may be obtained by accessing the SAMHSA Advisory Councils' Web site (*http://www.samhsa.gov*) as soon as possible after the meeting or by communicating with the contact whose name and telephone number are listed below. The transcript for the session will also be available on the SAMHSA Advisory Council Web site as soon as possible after the meeting.

*Committee Name:* SAMHSA Advisory Committee for Women's Services.

*Meeting Date/Time:* Open—Monday, April 18, 2005; 9 a.m.–5 p.m. Open—Tuesday, April 19, 2005; 9 a.m.–12 noon.

*Place:* 1 Choke Cherry Road, Sugarloaf Room, Rockville, MD 20857.

*For Further Information Contact:* Carol Watkins, Executive Secretary, 1 Choke Cherry Road, Room 8–1002,

Rockville, MD 20857, Telephone: (240) 276–2254: Fax: (240) 276–2252, E-mail: *carol.watkin2@samhsa.hhs.gov*.

Dated: March 30, 2005.

**Toian Vaughn,**

*Committee Management Officer, Substance Abuse and Mental Health, Services Administration.*

[FR Doc. 05–6676 Filed 4–4–05; 8:45 am]

**BILLING CODE 4162–20–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4971–N–18]**

### Notice of Submission of Proposed Information Collection to OMB; Annual Adjustment Factors (AAF) Rent Increase Requirement

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Owners of project-based section 8 contracts that utilize the AAF as the method of rent adjustment provide this information which is necessary to determine whether or not the subject properties' rent are to be adjusted and, if so, the amount of the adjustment.

**DATES:** *Comments Due Date:* May 5, 2005.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0507) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* or Lillian Deitzer at *LillianL_Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. Eddins or Ms Deitzer.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

*Title Of Proposal:* Annual Adjustment Factors (AAF) Rent Increase Requirement.

*OMB Approval Number:* 2502–0507.

*Form Numbers:* HUD–92273–S8.

*Description of the Need for the Information and its Proposed Use:*

Owners of project-based section 8 contracts that utilize the (AAF) as the method of rent adjustment provide this information which is necessary to determine whether or not the subject properties' rents are to be adjusted and, if so, the amount of the adjustment.

*Frequency of Submission:* Annually.

| Reporting burden | Number of respondents | × | Annual responses | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|---|
| | 3,000 | | 1 | | 1.65 | | 4,950 |

*Total Estimated Burden Hours:* 4,950.

*Status:* Extension of a currently approved collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 30, 2005.

**Wayne Eddins,**

*Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.*

[FR Doc. E5–1535 Filed 4–4–05; 8:45 am]

**BILLING CODE 4210–27–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### Lake Ophelia National Wildlife Refuge

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability of the Draft Comprehensive Conservation Plan and Environmental Assessment for Lake Ophelia National Wildlife Refuge in Avoyelles Parish, Louisiana.

**SUMMARY:** The Fish and Wildlife Service announces that a Draft Comprehensive Conservation Plan and Environmental Assessment for Lake Ophelia National Wildlife Refuge are available for review and comment. The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, requires the Service to develop a comprehensive conservation plan for each national wildlife refuge. The purpose in developing a comprehensive conservation plan is to provide refuge managers with a 15-year strategy for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and Service policies. In addition to outlining broad management direction on conserving wildlife and their habitats, the plan identifies wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. Significant issues addressed in the draft plan include: Threatened and endangered species; waterfowl management; neotropical migratory birds; bottomland hardwood restoration; agriculture; visitor services (hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation); funding and staffing; cultural resources; land acquisition; and forest and fragmentation. The Service developed four alternatives for managing the refuge and chose Alternative 2 as the preferred alternative.

**Alternatives**

Alternative 1 represents no change from current management of the refuge. Under this alternative, 17,525 acres of refuge land would be protected, maintained, restored, and enhanced for resident wildlife, waterfowl, migratory nongame birds, and threatened and endangered species. Refuge management programs would continue to be developed and implemented with little baseline biological information. All refuge management actions would be directed toward achieving the primary purposes (preserving wintering habitat for mallards, pintails, and wood ducks; providing production habitat for wood ducks; and helping to meet the habitat conservation goals of the North Avenue Waterfowl Management Plan), while contributing to other national, regional, and state goals to protect and restore shorebird, neotropial breeding bird, woodcock, and Louisiana black bear populations. Cooperative farming would continue to be used to manage and maintain approximately 3,700 acres of cropland and moist-soil habitats. No active forest management (other than reforestation of previously planted, but failed, sites) would occur. The current level of a wildlife-dependent recreation activities (hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation) opportunities would be maintained. Under the alternative, the refuge would continue to seek acquisition of all willing seller properties within the present acquisition boundary.

The preferred alternative, Alternative 2, is considered to be the most effective management action for meeting the purposes of the refuge by conserving wetlands and migratory waterfowl, while reducing forest fragmentation, identifying lands of conservation priority, and working with partners to contribute to the 100,000-acre forest block objective for the Red River/Three Rivers Conservation Area, and contributing to a sustainable ecosystem. The preferred alternative seeks to conduct extensive wildlife population monitoring/surveying in order to assess population status, trends, wildlife habitat associations, and population responses to habitat management. The intensive management of habitats is expected to provide a wide variety of habitat elements that will, in turn, sustain a richer variety of flora and fauna through their life cycles. This proposed management will benefit not only waterfowl, but also shorebirds, enotropical migratory and upland birds, fishery resources, reptiles, amphibians, threatened and endangered species, especially the Louisiana black bear, and resident wildlife species. The preferred alternative also calls for intensive efforts to forge partnerships to attain refuge goals, as well as to promote wildlife-dependent public uses. The six priority wildlife-dependent public uses will continue to be supported and in some cases will be expanded throughout the refuge under the preferred alternative. This alternative will also strengthen the close working relationship in existence between the Service, the local community, conservation organizations, the Louisiana Department of Wildlife and Fisheries, and other state and federal agencies.

The primary focus under Alternative 3 would be to add more staff, equipment, and facilities in order to maximize bottomland hardwood forest restoration in support of migratory birds and other wildlife. Under this alternative, 17,525 acres of refuge lands would be protected, maintained, restored, and enhanced for resident wildlife, waterfowl, migratory nongame birds, and threatened and endangered species. Additionally, the acquisition boundary would be expanded (77,000 acres) to create forested linkages with the State of Louisiana's Spring Bayou and Grassy Lake Wildlife Management Areas. The primary purpose for this expansion would be to provide a bottomland forest system of sufficient size and carrying capacity to reach regional objectives associated with area-sensitive neotropical migratory birds, Louisiana black bear, forest-associated waterfowl, woodcook, and wetland forest landscapes. Extensive wildlife and plant censuses and inventory activities would be initiated to obtain the biological information needed to implement management programs on the refuge. Most refuge management actions would be directed toward creating and managing the largest possible amount of interior and corridor forest habitat (for Louisiana blackbear, neotropical migratory songbirds, and other interior forest wildlife) and reducing forest fragmentation, while supporting the refuge's primary purpose; and help meet the habitat conservation goals of the North American Waterfowl Management Plan) with the smallest possible commitment in land resources. Cooperative farming would be eliminated. Agricultural acreage would be reduced to 240 acres; all farming would be conducted by refuge staff. A forest management plan, designed to address this alternative's primary goals by creating spatially and specifically diverse woodlands, would be developed and implemented. High quality wildlife-dependent activities (hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation) opportunities would increase.

The primary focus under Alternative 4 would be to add more staff, equipment, and facilities in order to restore the refuge's wetland hydrology in support of migratory birds, particularly waterfowl and shorebirds. Cooperative farming would be increased to provide more waterfowl habitat. A forest management plan, designed to address this alternative's forest management goals of creating spatially and specifically diverse woodlands (with no negative effect on waterfowl obligations) would be developed and implemented. High quality wildlife-dependent recreation activities would be provided and increased. Under this alternative, the refuge would continue to seek acquisition of all willing seller properties within the present acquisition boundary. Lands acquired as part of the refuge would be made available for compatible wildlife-dependent public recreation and environmental education opportunities.

**DATES:** A meeting will be held to present the plan to the public. Mailings, newspaper articles, and postings on the refuge Web site will be the avenues to inform the public of the date and time for the meeting. Individuals wishing to comment on the Draft Comprehensive Conservation Plan and Environmental Assessment for Lake Ophelia National Wildlife Refuge should do so within 45 days following the date of this notice.

**ADDRESSES:** Requests for copies of the Draft Comprehensive Conservation Plan and environmental Assessment should be addressed to the Central Louisiana National Wildlife Refuge Complex, 401 Island Road, Marksville, Louisana 71351; Telephone 381/253–4238. The plan and environmental assessment may also be accessed and downloaded from the Service's Internet Web site *http://southeast.fws.gov/planning/.* Comments on the draft plan may be submitted to the above address or via electronic mail to *tina_chouinard@fws.gov.* Please include your name and return address in your Internet message. 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 record, which we will honor to the extent allowable by law.

**SUPPLEMENTARY INFORMATION:** Lake Ophelia National Wildlife Refuge in north Avoyelles Parish, Louisiana, is about 15 miles northeast of the city of Marksville and 30 miles southeast of the city of Alexandria. The refuge covers a total of 17,525 acres and lies approximately 8 miles northwest of where the Red River empties into the Atchafalaya River. This region is part of the Lower Mississippi River Alluvial Plain. The integration of bottomland hardwood forests and open wetland systems, long growing season, abundant rainfall, and geographical proximity to the Mississippi River provide habitat for a diversity of species including waterfowl, neotropical migratory birds, resident wildlife, and Louisiana black bear.

The refuge was established in 1988 to provide wintering habitat for mallards, northern pintails, and wood ducks, as well as breeding and nesting habitat for wood ducks, and to assist in meeting the goals of the North American Waterfowl Management Plan. The refuge is also being managed to provide habitat for a natural diversity of plants and animals, and to provide opportunities for compatible wildlife-dependent recreation, including hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation.

**Authority:** This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Pub. L. 105–57.

Dated: January 19, 2005.

**Cynthia K. Dohner,**

*Acting Regional Director.*

[FR Doc. 05–6680 Filed 4–4–05; 8:45 am]

**BILLING CODE 4310–55–M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### Samish Indian Nation—Sale and Consumption of Alcoholic Beverages

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Samish Indian Nation's Liquor Control Ordinance. The Ordinance regulates and controls the possession, sale and consumption of liquor within land under the jurisdiction of the Samish Indian Nation. The land to which this Ordinance applies is in trust. This Ordinance will increase the ability of the tribal government to control the tribe's liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal services.

**DATES:** *Effective Date:* This Ordinance is effective on April 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Betty Scissons, Division of Tribal Government Services, Bureau of Indian Affairs, Northwest Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4169, Telephone (503) 231–6723, Fax (503) 231–2201; or Ralph Gonzales, Office of Tribal Services, 1951 Constitution Avenue, NW., Mail Stop 320–SIB, Washington, DC 20240, Telephone (202) 513–7629.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country.

The Samish Tribal Council adopted its Liquor Control Ordinance by Resolution No. 2001–04–010 on April 2, 2004, amended by Resolution No. 2004–07–004 on July 9, 2002 and again by Resolution No. 2004–110–021 on November 18, 2004. The purpose of this Ordinance is to govern the sale, possession and distribution of alcohol within land under the jurisdiction of the Samish Indian Nation.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Associate Deputy Secretary by Secretarial Order 3259.

I certify that this Liquor Ordinance, of the Samish Indian Nation, was duly adopted by the Tribal Council on April 2, 2004, amended on July 9, 2004 and November 18, 2004.

Dated: March 28, 2005.

**Michael D. Olsen,**

*Acting Principal Deputy Assistant Secretary—Indian Affairs.*

The Samish Indian Nation's Liquor Ordinance reads as follows:

Resolution No: 2004–04–010

Adopted: 04–02–04

Amended: 7/09/04, Resolution 2004–07–004; 11/18/04, Resolution 2004–11–021

Subject: Liquor Control

**Liquor Control Ordinance**

*Samish Tribal Code § 16.001*

**Part I**

*Introduction*

§ 16.001 Purpose and Authority

The purpose of this Ordinance is to regulate and control the possession and sale of liquor within lands under the jurisdiction of the Samish Indian Nation, as specifically authorized and approved by the Samish Tribal Council. The authority for enactment of this Ordinance is as follows:

(a) The Act of August 15, 1953, (Pub. L. 83–277, 67 Stat. 586, codified at 18 U.S.C. 1161), which provides a federal statutory basis for the Samish Indian Nation to regulate the activities of the manufacture, distribution, sale and consumption of liquor on Indian lands under the exclusive jurisdiction of the Samish Indian Nation.

(b) Article IV, Section 3 of the Constitution of the Samish Indian Nation, which vests the Tribal Council with legislative and administrative authority, and otherwise empowers the Tribal Council to act for the Samish Indian Nation.

**Part II**

*Definitions*

§ 16.002

(a) As used in this Ordinance, the following words shall have the following meanings unless the context clearly requires otherwise:

(1) ''Alcohol'' means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions of this substance.

(2) ''Alcoholic Beverage'' is synonymous with the term ''Liquor'' as defined in paragraph (6) of this section.

(3) ''Bar'' means any establishment with special space and accommodations for sale by the glass and for consumption on the premises of liquor, as herein defined.

(4) ''Beer'' means any beverage obtained by the alcoholic fermentation of any infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain of cereal in pure water containing not more than four percent of alcohol by volume.

(5) ''Tribal Council'' for the purposes of this Ordinance shall mean the Tribal Council of the Samish Indian Nation.

(6) ''Liquor'' including the four varieties of liquor herein defined

(alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combination thereof, and mixed liquor, or otherwise intoxicating and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contain more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(7) ''Liquor Store'' means any store at which liquor is sold, and for the purposes of this Ordinance, includes a store at which only a portion of which is devoted to the sale of liquor or beer.

(8) ''Malt Liquor'' means beer, ale, stout, and porter.

(9) ''Package'' means any container or receptacle used for holding liquor.

(10) ''Public Place'' includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishment, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theater, gaming facilities, entertainment centers, store garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds of character; and all other places of like or similar nature to which the general public has right of access, and which are generally used by the public. For the purposes of this Ordinance, ''Public Place'' shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

(11) ''Sale'' and ''Sell'' include exchange, barter, and traffic; and also include the selling or supplying or distributing by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or wine by any person to any person.

(12) ''Samish Indian Nation Lands'' means all lands recognized by the federal government as the territory of the Samish Indian Nation.

(13) ''Spirits'' means any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(14) ''Tribe'' means the Samish Indian Nation of Washington.

(15) ''Wine'' means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits such as port, sherry, muscatel, and angelica, not exceeding seventeen percent of alcohol by weight.

§ 16.003 Conformity to State Law

(a) *Statement of Objection.* The Samish Indian Nation does not agree with the alleged authority of the United States or the State of Washington to interfere with the Samish Indian Nation's sovereign authority to regulate the control of liquor within Samish Indian Nation lands. Nothing in this Ordinance shall be interpreted as a waiver of the Samish Indian Nation's right and power to challenge such authority in judicial forums of competent jurisdiction, or by use of the political process. This Ordinance shall conform with the laws of the State of Washington as required by 11 U.S.C. § 1161, and *Rice* v. *Rehner*, 463 U.S. 713 (1983).

(b) *Conformity to State Law.* The Samish Indian Nation of Washington agrees to perform in the sale and possession of liquor in the same manner as any other Washington business entity for the purpose of liquor licensing and regulations, including but not limited to licensing, compliance with the regulations of the Washington Liquor Control Commission (WLCC), maintenance of liquor liability insurance, and other applicable subjects as the State may address by statute or regulation from time to time. The Tribal Council may enter into an inter-governmental agreement with the State of Washington to address the details of compliance with state law and regulation under this Ordinance, provided, that any such intergovernmental agreement shall not conflict with or supersede the terms of this Ordinance, and shall not have force of law, unless and until this Ordinance has been validly amended and such amendment has been approved by the appropriate officials of the United States Department of the Interior, as required by federal law.

(c) *Jurisdiction and Dispute Resolution.* Jurisdiction for enforcement of the provisions of this Ordinance by the State of Washington shall be set forth in an appropriate inter-governmental agreement between the Samish Indian Nation and the State of Washington. No consent to jurisdiction in the courts of the State of Washington and no consent to limited waiver of the Samish Indian Nation's sovereign immunity shall be implied or inferred except through negotiation and express consent to jurisdiction and limited waiver of sovereign immunity in a valid inter-governmental agreement. Such agreement shall not supersede or conflict with any of the terms of this Ordinance, and shall not have force of law, unless and until this Ordinance has been validly amended and such amendment has been approved by the appropriate officials of the United States Department of the Interior, as required by federal law.

**Part III**

*Powers of Enforcement*

§ 16.004

(a) *Powers:* The Tribal Council, in furtherance of the Ordinance, shall have the following powers and duties, or may delegate such duties by resolution:

(1) To publish and enforce the rules and regulations governing the sale, manufacture, and distribution of alcoholic beverages on the Samish Indian Nation lands;

(2) To employ managers, accountants, security personnel, inspectors, and such other persons as shall be reasonably necessary to allow the Tribal Council to perform its functions. Such employees shall be tribal employees;

(3) To issue licenses permitting the sale or manufacture or distribution of liquor on the Samish Indian Nation lands;

(4) To hold hearing on violations of this Ordinance or for the issuance or revocation of licenses hereunder;

(5) To bring suit in the appropriate court to enforce this ordinance as necessary;

(6) To determine and seek damages for violation of this ordinance;

(7) To make such reports as may be required;

(8) To collect taxes and fees levied or set by the Tribal Council, and to keep accurate records, books and accounts; and

(9) To exercise such other powers as are necessary and appropriate to fulfill the purposes of this Ordinance.

§ 16.005 Limitation on Powers

In the exercise of its powers and duties under this Ordinance, the Tribal Council and its individual members shall not accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee.

§ 16.006 Inspection Rights

The premises on which liquor is sold or distributed shall be open for

inspection by the Tribal Council, or their authorized representative, at all reasonable times for the purposes of ascertaining whether the rules and regulations of this Ordinance are being complied with.

**Part IV**

*Sales of Liquor*

§ 16.007 Licenses Required

No sales of alcoholic beverages shall be made, except at a tribally-licensed or tribally-owned business operated on Samish Indian Nation lands within the State of Washington.

§ 16.008 Sales for Cash

All liquor sales within the Samish Indian Nation lands boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that this provision does not prevent the use of major credit cards.

§ 16.009 Sale for Personal Consumption

All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Samish Indian Nation lands is prohibited. Any person who is not licensed pursuant to this Ordinance who purchases an alcoholic beverage within the boundaries of the Samish Indian Nation lands and sells it, whether in the original container or not, shall be guilty of a violation of this Ordinance and shall be subjected to paying damages to the Samish Indian Nation as set forth herein.

**Part V**

*Licensing*

§ 16.010 Requirements for Application for Tribal Liquor License

No individual tribal license shall issue under this Ordinance except upon a sworn application filed with the Tribal Council, or their designated representative, containing a full and complete showing of the following:

(a) Satisfactory proof that the applicant is or will be duly licensed by the State of Washington.

(b) Satisfactory proof that the applicant is of good character and reputation among the people of the Samish Indian Nation and that the applicant is financially responsible.

(c) The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

(d) Agreement by the applicant to accept and abide by all conditions of the tribal license.

(e) Payment of a license fee as prescribed by the Tribal Council.

(f) Satisfactory proof that the applicant has never been convicted of a felony.

(g) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least 30 days prior to consideration by the Tribal Council and has been published at least twice in such local newspaper serving the community that may be affected by the license. The notice shall state the date, time, and place when the application shall be considered by the Tribal Council pursuant to Section 16.011 of this Ordinance.

§ 16.011 Hearing on Application for Tribal Liquor License

All applications for a tribal liquor license shall be considered by the Tribal Council in open session at which the applicant, his/her attorney, and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Tribal Council, by secret ballot, shall determine whether to grant or deny the application based on:

1. Whether the requirements of Section 16.010 have been met; and

2. Whether the Tribal Council, in its discretion, determines that granting the license is in the best interest of the Samish Indian Nation.

In the event that the applicant is a member of the Tribal Council, or a member of the immediate family of a Tribal Council member, such member shall not vote on the application or participate in the hearings as a Tribal Council member.

§ 16.012 Temporary Permits

The Tribal Council or its designee may grant a temporary permit for the sale of intoxicating beverages for a period not to exceed three (3) days to any person applying for the same in connection with a tribal or community activity, provided that the conditions prescribed in Section 16.013 of this Ordinance shall be observed by the permittee. Each permit issued shall specify the types of intoxicating beverages to be sold. Further, a fee, as set by the Tribal Council, will be assessed on temporary permits.

§ 16.013 Conditions of the Tribal License

Any tribal license issued under this Ordinance shall be subject to such reasonable conditions as the Tribal Council shall fix, including, but not limited to the following:

(a) The license shall be for a term not to exceed 2 years;

(b) The licensee shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises;

(c) The licensed premises shall be subject to patrol by the tribal police department, and such other law enforcement officials as may be authorized under applicable law;

(d) The licensed premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours;

(e) Subject to the provisions of subsection (g) to this section, no intoxicating beverages shall be sold, served, disposed of, delivered or given to any person, or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State of Washington, and in accordance with the hours fixed by the Tribal Council, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the laws of the State of Washington.

(f) No liquor shall be sold within 200 feet of a polling place on tribal election days, or when a referendum is held of the people of the Samish Indian Nation, and including special days of observance as designated by the Tribal Council.

(g) All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of Washington, as required by federal law, and shall be in accordance with this ordinance and any tribal license issued pursuant to this Ordinance.

(h) No person under the age permitted under the laws of the State of Washington shall be sold, served, delivered, given, or allowed to consume alcoholic beverages in the licensed establishment and/or area.

(i) There shall be no discrimination in the operations under the tribal license by reason of race, color, or creed.

§ 16.014 License Not a Property Right

Notwithstanding any other provision of this ordinance, a tribal liquor license is a mere permit for a fixed duration of time. A tribal liquor license shall not be deemed a property right or vested right of any kind, nor shall the granting of a

tribal liquor license give rise to a presumption of legal entitlement to the granting of such license for a subsequent time period.

§ 16.015 Assignment or Transfer

No tribal license issued under this Ordinance shall be assigned or transferred without the written approval of the Tribal Council expressed by formal resolution.

**Part VI**

*Rules, Regulations and Enforcement*

§ 16.016 Sales or Possession With Intent To Sell Without a Permit

Any person who shall sell or offer for sale or distribute or transport in any manner, any liquor in violation of this ordinance, or who shall operate or shall have liquor in his/her possession with intent to sell or distribute without a permit, shall be guilty of a violation of this Ordinance.

§ 16.017 Purchases From Other Than Licensed Facilities

Any person within the boundaries of Samish Indian Nation lands who buys liquor from any person other than at a properly licensed facility shall be guilty of a violation of this Ordinance.

§ 16.018 Sales to Persons Under the Influence of Liquor

Any person who knowingly sells liquor to a person apparently under the influence of liquor shall be guilty of violation of this Ordinance. Under the influence means a person who demonstrates physical signs of intoxication. Signs of intoxication included lack of physical coordination, carelessness or clumsiness with money, clumsy with cigarette handling, unsteady walking, behavior changes and changes in speech pattern. A person cannot legally drive and is legally intoxicated if his or her blood alcohol concentration is .08 percent or above. A person need not be legally intoxicated to be considered ''under the influence'' under this Ordinance.

§ 16.019 Consuming Liquor in Public Conveyance

Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant or employee of such person who shall knowingly permit any person to drink any liquor in any public conveyance shall be guilty of a violation of this Ordinance. Any person who shall drink any liquor in a public conveyance shall be guilty of a violation of this Ordinance.

§ 16.020 Consumption or Possession of Liquor by Persons Under 21 Years of Age

No person under the age of 21 years shall consume, acquire or have in his/her possession any alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his/her premises or any premises under his/her control except in those situations set out in this section. Any person violating this section shall be guilty of a separate violation of this Ordinance for each and every drink so consumed.

§ 16.021 Sales of Liquor to Persons Under 21 Years of Age

Any person who shall sell or provide liquor to any person under the age of 21 years shall be guilty of a violation of this Ordinance for each sale or drink provided.

§ 16.022 Transfer of Identification to Minor

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the minor shall be a requirement of finding a violation of this ordinance.

§ 16.023 Use of False or Altered Identification

Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification, which falsely purports to show the individual to be over the age of 21 years shall be guilty of violating this Ordinance.

§ 16.024 Violation of This Ordinance

Any person guilty of a violation of this Ordinance shall be liable to pay the Samish Indian Nation a penalty not to exceed $500 per violation as civil damages to defray the Samish Indian Nation's cost of enforcement of this Ordinance. In addition to any penalties so imposed, any license issued hereunder may be suspended or canceled by the Tribal Council for the violation of any of the provisions of this Ordinance, or of the tribal license, upon hearing before the Tribal Council after 10 days notice to the licensee. The decision of the Tribal Council shall be final.

§ 16.025 Acceptable Identification

Where there may be a question of a person's right to purchase liquor by reason of his/her age, such person shall be required to present any one of the following issued cards of identification which shows his/her correct age and bears his/her signature and photograph:

1. Driver's license of any state or identification card issued by any State Department of Motor Vehicles;
2. United States Active Duty Military Identification;
3. Passport.

§ 16.026 Possession of Liquor Contrary to This Ordinance

Alcoholic beverages which are possessed contrary to the terms of this Ordinance are declared to be contraband. Any tribal agent, employee, or officer who is authorized by the Tribal Council to enforce this section shall have the authority to and shall seize, all contraband.

§ 16.027 Disposition of Seized Contraband

Any officer seizing contraband shall preserve the contraband in accordance with applicable law. Upon being found in violation of the Ordinance by the Tribal Council, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Samish Indian Nation.

**Part VII**

*Abatement*

§ 16.028 Nuisance

Any room, house, building, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance or of any other tribal law relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such place, is hereby declared to be a nuisance.

§ 16.029 Tribal Court Action

The Chairman of the Tribal Council or, if the Chairman fails or refuses to do so, by a majority vote, the Tribal Council shall institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this article. In addition to other remedies at tribal law, the Tribal Court may also order the room, house, building, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient sum from $1,000 to $15,000, depending upon the severity of past offenses, the risk of offenses in the future and any other appropriate criteria, payable to the Tribe and conditioned that liquor will not be thereafter manufactured, kept, sold,

bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this Ordinance or of any other violation of this Ordinance or other tribal liquor laws. If any conditions of the bond be violated, the bond may be applied to satisfy any amounts due to the Tribe under this Ordinance.

§ 16.030 Prima Facie Evidence of Nuisance

In all cases where any person has been found in violation of this Ordinance relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought to abate as a nuisance any real estate or other property involved in the violation of the Ordinance and violation of this Ordinance shall be prima facie evidence that the room, house, building, vehicle, structure, or place against which such action is brought is a public nuisance.

**Part VIII**

*Taxes*

§ 16031 Sales Tax

The Tribal Council shall have the authority, by regulation, to levy and collect a sales tax on each sale of alcoholic beverages on the Samish Indian Nation lands. The amount of such tax shall be set by regulation, shall include credit card payments, and shall include all retail sales of liquor on the Samish Indian Nation lands.

§ 16.032 Payment of Taxes to Tribe

All taxes from the sale of alcoholic beverages on the Samish Indian Nation lands shall be paid over to the agent of the Samish Indian Nation.

§ 16.033 Taxes Due

All taxes for the sale of alcoholic beverages on the Samish Indian Nation lands are due within thirty (30) days of the end of the calendar quarter for which the taxes are due.

§ 16.034 Reports

Along with payment of the taxes imposed herein, the taxpayers shall submit an accounting for the quarter of all income from the sale or distribution of said beverages as well as for the taxes collected.

§ 16.035 Audit

As a condition of obtaining a license, the licensee must agree to the review or audit of its books and records relating to the sale of alcoholic beverages on the Samish Indian Nation lands. Said review or audit may be done annually by the Tribe through its agents or employees whenever, in the opinion of the Tribal Council, such a review or audit is necessary to verify the accuracy of reports.

**Part VIII**

*Revenue*

§ 16.036 Revenue

Revenue provided for under this Ordinance, from whatever source, shall be expended for administrative costs incurred in the enforcement of this Ordinance. Excess funds shall be subject to appropriation by the Tribal Council for essential governmental and social services.

**Part IX**

*Severability and Effective Date*

§ 16.037 Severability and Effective Date

If any provision or application of this Ordinance is determined by review to be invalid, such determination shall not be held to render ineffectual the remaining portions of this Ordinance or to render such provisions inapplicable to other persons or circumstances.

This Ordinance shall be effective on such date as the Secretary of the Interior certifies this Ordinance and publishes the same in the **Federal Register.** Any and all prior liquor control enactments of the Tribal Council, which are inconsistent with the provisions of this Ordinance are hereby rescinded.

**Part X**

*Amendment and Construction*

§ 16.038

This ordinance may only be amended by a vote of the Tribal Council, the governing body of the Samish Indian Nation and shall be effective upon approval of the Assistant Secretary-Indian. Nothing in this Ordinance shall be construed to diminish or impair in any way the rights or sovereign powers of the Samish Indian Nation or its tribal government.

**Part XI**

*Sovereign Immunity*

§ 16.039

Nothing contained in this Ordinance is intended to, nor does in any way limit, alter, restrict, or waive the Tribe's sovereign immunity from unconsented suit.

**Certification**

The foregoing ordinance was amended by the Samish Tribal Council at a Regular Council meeting held on the 18th day of November, 2004 at which a quorum was present, and the ordinance was amended by a vote of 5 FOR, 0 AGAINST, and 0 ABSTAINING.

Samish Tribal Council.

Kenneth C. Hansen,

*Tribal Chairman.*

[FR Doc. 05–6675 Filed 4–4–05; 8:45 am]

BILLING CODE 4310–4J–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[OR–010–1020–PK; HAG 05–0091]**

### Meeting Notice for the Southeast Oregon Resource Advisory Council

**AGENCY:** Bureau of Land Management (BLM), Lakeview District.

**ACTION:** Meeting Notice for the Southeast Oregon Resource Advisory Council.

**SUMMARY:** The Southeast Oregon Resource Advisory Council (SEORAC) will hold a meeting for all members from 8 a.m. to 5 p.m. Pacific Time (P.T.), Thursday, May 5, 2005 at the Lakeview Interagency Office, Conference Room, 1301 South G Street, Lakeview, Oregon 97630. Friday May 6, 2005 there will be a field tour of the Perlite Mine, Juniper restoration projects, streamside ecological site inventory demonstration around the Paisley, Oregon area. Members of the public may attend the meeting and field tour in person. An optional tour to the Beaty Butte area may be conducted on Saturday May 7, 2005.

The meeting topics that may be discussed by the Council include a discussion of issues within Southeast Oregon related to: Approval of past minutes, Introduction of the new District Manager, update of the Oregon Sage-grouse Plan. Owyhee River below the dam RMP update, North Lake Recreation Plan update, Wild Horse and Burro update, statewide overview of energy issues, report on implementation of Healthy Forest Plan, liaison reports and Federal Official reports. Reports from the subcommittees, brief overview of local BLM and FS funding for this year and next year and other issues that may come before the Council.

Information to be distributed to the Council members is requested in written format 10 days prior to the Council meeting. Public comment is scheduled for 11:45 a.m. (P.T.) on Thursday May 5, 2005.

**FOR FURTHER INFORMATION CONTACT:** Additional information concerning the SEORAC meeting may be obtained from Pam Talbott, Contact Representative,

Lakeview Interagency Office, 1301 South G Street, Lakeview, OR 97630, (541) 947–6107, or *ptalbott@or.blm.gov* and/or from the following Web site *http://www.or.blm.gov/SEOR-RAC.*

Dated: March 30, 2005.

**Shirley Gammon,**

*Manager, Lakeview District.*

[FR Doc. 05–6677 Filed 4–4–05; 8:45 am]

BILLING CODE 4310–33–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CO–922–05–1310–FI; COC63406]**

### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease COC63406

**AGENCY:** Bureau of Land Management; Interior.

**ACTION:** Notice of proposed reinstatement of terminated oil and gas lease.

**SUMMARY:** Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease COC63406 for lands in Delta County, Colorado, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Beverly A. Derringer, Chief, Fluid Minerals Adjudication, at 303–239–3765.

**SUPPLEMENTARY INFORMATION:** The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $155 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 COC63406 effective August 1, 2004, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: February 8, 2005.

**Beverly A. Derringer,**

*Chief, Fluid Minerals Adjudication.*

[FR Doc. 05–6691 Filed 4–4–05; 8:45 am]

BILLING CODE 4310–JB–M≤

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

### Prospective Grant of Exclusive Patent License

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(I). The Bureau of Reclamation (Reclamation) is contemplating the granting of an exclusive license in the United States to practice the invention embodied in U.S. Patent No. 6,466,009 B1, entitled, ''Flexible Printed Circuit Magnetic Flux Probe.'' The exclusive license is to be granted to Iris Power Engineering having a place of business in Toronto, Canada. Iris Power Engineering is owned by Koch Industries, Inc. of Wichita, Kansas. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. While the primary purpose of this notice is to announce Reclamation's intent to grant an exclusive license to practice the above listed patent, it also serves to publish the availability of this patent for licensing in accordance with law. The prospective license may be granted unless Reclamation receives written evidence and argument which establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**DATES:** Written evidence and arguments against granting the prospective license must be received by fifteen (15) days from the date of this notice.

**ADDRESSES:** Inquiries, comments, and other materials relating to the contemplated license may be submitted to Chuck Hennig, Research Coordinator, Bureau of Reclamation, Office of the Research Director, D–9000, P.O. Box 25007, Denver, CO 80225–0007.

A copy of the above identified patent may be purchased from the U.S. Patent and Trademark Office, by calling (703) 308–9726 or (800) 972–6382 or downloaded free of charge from the U.S. Patent and Trademark Office Web site at *http://www.uspto.gov.*

**FOR FURTHER INFORMATION CONTACT:** Chuck Hennig (*chennig@do.usbr.gov*), Research Coordinator, at 303–445–2134 or Siegie Potthoff (*spotthoff@do.usbr.gov*), Program Administrator, at 303–445–2136.

**SUPPLEMENTARY INFORMATION:** The invention relates to a flexible magnetic flux probe useful in the field of rotary generator and motor condition monitoring. Additional R&D is required to develop a commercially viable version of the device. In addition, a significant investment must be made to develop a market niche for the device.

Competing applications completed and received by Reclamation in response to this notice within fifteen (15) days of this posting will be considered as objections to the grant of the contemplated license. Application forms are available from the Office of the Research Director, Bureau of Reclamation at the address above.

Reclamation's 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 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: March 2, 2005.

**Charles Hennig,**

*Research Coordinator, Denver Office.*

[FR Doc. 05–6711 Filed 4–4–05; 8:45 am]

BILLING CODE 4310–MN–P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 21, 2004, and published in the **Federal Register** on January 4, 2005, (70 FR 388–389), Cambrex Charles City, Inc., 1205 11th Street, Charles City, Iowa 50616, made application by renewal and on October 13, 2004 by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in Schedule II:

| Drug | Schedule |
|---|---|
| Amphetamine (1100) | II |
| Methylphenidate (1724) | II |
| Dextropropoxyphene (9273) | II |

| Drug | Schedule |
|---|---|
| Fentanyl (9801) | II |

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cambrex Charles City, Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Cambrex Charles City, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33(a), the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: March 25, 2005.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 05–6701 Filed 4–4–05; 8:45 am]

BILLING CODE 4410–09–P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 21, 2004, and published in the **Federal Register** on January 4, 2005, (70 FR 391), Eli-Elsohly Laboratories, Inc., Mahmoud A. Elsohly PhD., 5 Industrial Park Drive, Oxford, Mississippi 38655, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Thebaine (9333), a basic class of controlled substance listed in Schedule II.

The company plans to manufacture the listed controlled substance in bulk for use in analysis and drug test standards.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Eli-Elsohly Laboratories, Inc. to manufacture the listed basic class of controlled substance is consistent with the public interest at this time. DEA has investigated Eli-Elsohly Laboratories, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with State and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33(a), the above named company is granted registration as a bulk manufacturer of the basic class of controlled substance listed.

Dated: March 25, 2005.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 05–6699 Filed 4–4–05; 8:45 am]

BILLING CODE 4410–09–P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Importation of Controlled Substances; Notice of Application

Pursuant to 21 U.S.C. 958(1)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under 21 U.S.C. 952(a)(2)(b) authorizing the importation of such substances, provide manufacturers holding registrations for the bulk manufacture of the substances an opportunity for a hearing.

Therefore, in accordance with 21 CFR 1301.34(a), this is notice that on May 20, 1998, Ethical Nutritional, LLC, 176 University Parkway, Pomona, California 91768–4300, made application to the Drug Enforcement Administration (DEA) for registration as an importer of Coca Leaves (9040), a basic class of controlled substances listed in Schedule II.

The company plans to import small quantities of the listed controlled substance to manufacture homeopathic medications for human consumption.

Any manufacturer who is presently, or is applying to be, registered with DEA to manufacture such basic classes of controlled substances may file written comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43 and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections being sent via regular mail may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative, Liaison and Policy Section (ODL); or any being sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/ODL, 2401 Jefferson-Davis Highway, Alexandria, Virginia 22301; and must be filed no later than May 5, 2005.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, (40 FR 43745–46), all applicants for registration to import the basic classes of controlled substances listed in Schedules I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: March 25, 2005.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 05–6700 Filed 4–4–05; 8:45 am]

BILLING CODE 4410–09–P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 21, 2004, and published in the **Federal Register** on January 4, 2005, (70 FR 391), Houba, Inc., P.O. Box 190, 16235 State Road 17, Culver, Indiana 46511, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in Schedule II; and by letter dated October 1, 2004, to modify its name to Acura Pharmaceutical Technologies, Inc., and change the address by removing the P.O. Box 190.

| Drug | Schedule |
|---|---|
| Oxycodone (9143) | II |
| Hydrocodone (9193) | II |

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Houba, Inc., to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Houba, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with State and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33(a), the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: March 25, 2005.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 05–6698 Filed 4–4–05; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Registration

By notice dated December 21, 2004, and published in the **Federal Register** on January 4, 2005 (70 FR 392–393), Noramco Inc., Division of Ortho-McNeil, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application by renewal and by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Dihydrocodeine (9120), a basic class of controlled substance listed in Schedule II.

The company plans to manufacture the listed controlled substance in bulk for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Noramco Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Noramco Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33(a), the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: March 25, 2005.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 05–6695 Filed 4–4–05; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated December 21, 2004, and published in the **Federal Register** Register on January 4, 2005, (70 FR 393), Organichem Corporation, 33 Riverside Avenue, Rensselaer, New York 12144, made application by letter to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Hydrocodone (9193) and Fentanyl (9801), a basic class of controlled substances listed in Schedule II.

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Organichem Corporation to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Organichem Corporation to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33(a), the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: March 25, 2005.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 05–6702 Filed 4–4–05; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 19, 2005, Rhodes Technologies, 498 Washington Street, Coventry, Rhode Island 02816, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in Schedules I and II:

| Drug | Schedule |
|---|---|
| Tetrahydrocannabinols (7370) | I |
| Methylphenidate (1724) | II |
| Codeine (9050) | II |
| Dihydrocodeine (9120) | II |
| Oxycodone (9143) | II |
| Hydromorphone (9150) | II |
| Hydrocodone (9193) | II |
| Thebaine (9333) | II |
| Noroxymorphone (9668) | II |
| Fentanyl (9801) | II |

The company plans to manufacture the listed controlled substances in bulk for conversion and distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such a substance may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections being sent via regular mail may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative, Liaison and Policy Section (ODL); or any being sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/ODL, 2401 Jefferson-Davis Highway, Alexandria, Virginia 22301; and must be filed no later than June 6, 2005.

Dated: March 25, 2005.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 05–6697 Filed 4–4–05; 8:45 am]

**BILLING CODE 4410–09–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Application

Pursuant to § 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 26, 2005, Stepan Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, New Jersey 07607, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in Schedules II:

| Drug | Schedule |
|---|---|
| Cocaine (9041) | II |
| Benzoylecgonine (9180) | II |

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such a substance may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections being sent via regular mail may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative, Liaison and Policy Section (ODL); or any being sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/ODL, 2401 Jefferson-Davis Highway, Alexandria, Virginia 22301; and must be filed no later than June 6, 2005.

Dated: March 29, 2005.

**William J. Walker,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 05–6696 Filed 4–4–05; 8:45 am]

BILLING CODE 4410–09–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–56,364; TA–W–56,364A; TA–W–56,364B]**

### Dunmore Furniture Industries a/k/a Hat, Inc., Plant 1, Hickory, NC; Dunmore Furniture Industries a/k/a Hat, Inc., Plant 2, Granite Falls, NC; Dunmore Furniture Industries a/k/a Hat, Inc., Plant 3, Newton, NC; 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 February 23, 2005, applicable to workers of Dunmore Furniture Industries, Plant 1, Hickory, North Carolina, Dunmore Furniture Plant 2, Granite Falls, North Carolina and Dunmore Furniture, Plant 3, Newton, North Carolina. The notice was published in the **Federal Register** on March 9, 2005 (70 FR 11704).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of upholstered furniture.

New information shows that prior to October 2004, the name of the subject firm was Hat, Inc. a/k/a Dunmore Furniture Industries and that some workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Hat, Inc.

Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Dunmore Furniture Industries, Plant 1, Hickory, North Carolina, Dunmore Furniture, Plant 2, Granite Falls, North Carolina, and Dunmore Furniture, Plant 3, Newton, North Carolina, who were adversely affected by increased imports.

The amended notice applicable to TA–W–56,364, TA–W–56,364A and TA–W–56,364B is hereby issued as follows:

All workers of Dunmore Furniture Industries, a/k/a Hat, Inc., Plant 1, Hickory, North Carolina (TA–W–56,364), Dunmore Furniture Industries, a/k/a Hat, Inc., Plant 2, Granite Falls, North Carolina (TA–W–56,364A) and Dunmore Furniture Industries, a/k/a Hat, Inc., Plant 3, Newton, North Carolina (TA–W–56,364B), who became totally or partially separated from employment on or after January 14, 2004, through February 23, 2007, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC, this 29th day of March 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5–1525 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–56,732]**

### Eaton; Everett, WA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 10, 2005 in response to a petition filed by a company official on behalf of workers at Eaton, Everett, Washington.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 24th day of March, 2005.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5–1530 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–56,365]**

### Glad Manufacturing; Cartersville, GA; Notice of Negative Determination Regarding Application for Reconsideration

By application of March 2, 2005, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Alternative Trade Adjustment Assistance (ATAA).

The workers of Glad Manufacturing, Cartersville, Georgia were certified eligible to apply for Trade Adjustment Assistance (TAA) and denied to apply for ATAA on February 3, 2005. The

denial notice was published in the **Federal Register** on March 9, 2005 (70 FR 11706).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The group eligibility criteria for the ATAA program that the Department must consider under Section 246 of the Trade Act are:

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.*, conditions within the industry are adverse).

The initial ATAA investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

In the request for reconsideration, the petitioner alleges that the separated group of workers who are 50 years and older includes employees whose skills are very limited and not easily transferable to other positions.

The Department conducted additional investigation and contacted company official to determine workers' eligibility for ATAA. Based on the company official's statements it was revealed that there are several existing and new manufacturing facilities within the commuting area, which are in the process of hiring workers with skills similar to those possessed by the subject worker group. Consequently, the investigation confirmed that workers' skills are easily transferable to other companies.

**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 22nd day of March, 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5–1526 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

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## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–56,808]**

### Hydro Gate Acquisition Company, Inc.; Commerce City, CO; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 24, 2005, in response to a worker petition filed by a company official on behalf of workers at Hydro Gate Acquisition, Inc., Commerce City, Colorado.

The Department issued a certification regarding eligibility to apply for worker adjustment assistance and alternative trade adjustment assistance relating to the petitioning group of workers on February 7, 2005 (TA–W–56,352). Consequently, further investigation would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 25th day of March 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5–1529 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

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## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–56,683]**

### Intel Corporation, Hawthorn Farm 1, Hillsboro, OR; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, as amended, an investigation was initiated on March 4, 2005 in response to a petition filed on behalf of workers at Intel Corporation, Hawthorn Farm 1, Hillsboro, Oregon.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 25th day of March, 2005.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5–1527 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

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## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–51,937 and TA–W–51,937A]**

### Magnequench UG, Valparaiso, Indiana; Including an Employee of Magnequench UG, Valparaiso, Indiana, Located in Morgan Hills, CA; Amended Notice of Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

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 July 16, 2003, applicable to workers of Magnequench UG, Valparaiso, Indiana. The notice was published in the **Federal Register** on August 5, 2003 (68 FR 46231).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that a worker separation occurred involving an employee of the Valparaiso, Indiana facility of Magnequench UG who was located in Morgan Hills, California. Mr. James Place provided sales support services for the production of permanent magnets at the Valparaiso, Indiana location of the subject firm.

Based on these findings, the Department is amending this certification to include an employee of the Valparaiso, Indiana facility of Magnequench UG located in Morgan Hills, California. The intent of the Department's certification is to include all workers of Magnequench UG, Valparaiso, Indiana, who were adversely affected by a shift in production to Mexico.

The amended notice applicable to TA–W–51,937 is hereby issued as follows:

All workers of Magnequench UG, Valparaiso, Indiana (TA–W–51,937), including an employee of Magnequench UG, Valparaiso, Indiana, located in Morgan Hills, California (TA–W–51,937A), who became totally or partially separated from employment on or after May 30, 2002, through July 16, 2005 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 28th day of March 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5–1523 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–52,833]**

### The Owenby Company Including Workers Whose Wages Were Paid By Skilstaf, Inc., Blairsville, GA; 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 September 29, 2003, applicable to workers of The Owenby Company, Blairsville, Georgia. The notice was published in the **Federal Register** on November 6, 2003 (68 FR 62833).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of tee shirts.

Information provided by the State agency shows that Skilstaf, Inc. was contracted by The Owenby Company to provide payroll function services to workers on-site at the Blairsville, Georgia location of The Owenby Company.

Information also shows that all workers separated from employment at the subject firm had their wages reported under a separate unemployment insurance (UI) tax account for Skilstaf, Inc.

Based on these findings, the Department is amending this certification to include workers whose wages were reported by Skilstaf, Inc. at The Owenby Company, Blairsville, Georgia.

The intent of the Department's certification is to include all workers of The Owenby Company who was adversely affected by increased imports.

The amended notice applicable to TA–W–52,833 is hereby issued as follows:

All workers of The Owenby Company, including workers whose wages were reported by Skilstaf, Inc., Blairsville, Georgia, who became totally or partially separated from employment on or after September 2, 2002, through September 29, 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.

Signed at Washington, DC, this 29th day of March, 2005.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5–1524 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–56,773]**

### Ruskin Company; Clayton, OH; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 16, 2005 in response to a petition filed by a company official and the United Steel Workers Union, Local 4545 on behalf of workers at Ruskin Company, Clayton, Ohio.

The petitioners have requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed in Washington, DC, this 25th day of March 2005.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E5–1528 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Appointments to the Advisory Committee on Apprenticeship (ACA)

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of ACA appointments.

**SUMMARY:** The Employment and Training Administration hereby announces the appointments of 31 members to fill vacancies on the Advisory Committee on Apprenticeship (ACA), an advisory board to the Secretary. The ACA, which is authorized by Section 2 of the National Apprenticeship Act (29 U.S.C. 50), complies with the requirements of the Federal Advisory Committee Act (5 U.S.C., App.). The Committee will be an effective instrument for providing assistance, advice, and counsel to the Secretary of Labor and the Assistant Secretary for the Employment and Training Administration in the development and implementation of administration policies and programs regarding apprenticeship.

Members are appointed for one-year or two-year terms. Ten members represent labor, ten members represent employers, and eleven members represent the public. The National Association of State and Territorial Apprenticeship Directors and the National Association of Governmental Labor Officials will have representation within the public group of the Committee. The Secretary shall appoint one of the public members as Chairperson of the Advisory Committee. A representative of the U.S. Department of Education and a representative of the Department of Commerce will be invited to serve as non-voting ''ex-officio'' members of the Committee. The Assistant Secretary for Employment and Training shall be a member ex-officio. The Designated Federal Official for the ACA is Mr. Anthony Swoope, Administrator of the Office of Apprenticeship Training, Employer and Labor Services.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Swoope, Administrator, Office of Apprenticeship Training, Employer and Labor Services, Employment and Training Administration, U.S. Department of Labor, Room N–4671, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone: (202) 693–2796 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The following is a list of the committee members by group:

**Represents: Employers**

Mr. Robert W. Baird, Vice President, Apprenticeship and Training, Standards and Safety, Independent Electrical Contractors, Inc., Alexandria, Virginia.

Ms. Linda Bien, President and CEO, North East Medical Services, San Francisco, California.

Ms. Phyllis Eisen, Vice President, Manufacturing Institute, Washington, DC.

Ms. Julie A. Flik, Executive Vice President, Compass Group, North American Division, Bion Island, Mamaroneck, New York.

Mr. Fred Haag, Senior Vice President-Electrical, Infrasource Inc., Madison, Mississippi.

Mr. Kelvin D. Harrison, Technical Training Manager, Caterpillar, Inc., Peoria, Illinois.

Mr. Neill J. Hopkins, Vice President of Skills Development, Computing Technology Industry Association, Oakbrook Terrace, Illinois.

Mr. Frederick N. Humphreys, President & CEO, Home Builders Institute, Washington, DC.

Mr. Stephen C. Mandes, Executive Director, National Institute for Metalworking Skills, Fairfax, Virginia.

Ms. Karen T. Soehner, Nursing Home Administrator, Avante at Ormond Beach Nursing and Rehabilitation Center, Ormond Beach, Florida.

**Represents: Labor**

Mr. John T. Ahern, Business Manager, International Union of Operating Engineers Local 30, Richmond Hill, New York.

Mr. George H. Bliss, III, Director of Training Administration, United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the U.S. & Canada, Washington, DC.

Mr. Stephen A. Brown, Director, Construction Training Administration Department, International Union of Operating Engineers, Washington, DC.

Mr. William P. Doyle, Attorney, Marine Engineers' Beneficial Association, Washington, DC.

Mr. John S. Gaal, Director of Training Administration & Workforce Development, Carpenters' District Council of Greater, St. Louis and Vicinity, St. Louis, Missouri.

Mr. William K. Irwin, Jr., Executive Director, United Brotherhood of Carpenters, International Training Center, Las Vegas, Nevada.

Mr. John Mason, Director, Seafarers International Union, Paul Hall Institute, Piney Point, Maryland.

Mr. Joseph A. Miccio, Recording Secretary, Uniformed Firefighters Association of Greater New York, Local 94 I.A.F.F AFL-CIO, New York, New York.

Mr. Edward Mullins, President, Sergeants Benevolent Association, New York, New York.

Mr. Michael L. White, Executive Director of Apprenticeship and Training, International Union of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Washington, DC.

**Represents: Public**

Dr. Philip J. Anderson, Commissioner of Labor, Kentucky Department of Labor, Frankfurt, Kentucky.

Ms. Sharon C. Chu, Attorney, Law Offices of Sharon C. Chu, Rockville, Maryland.

Mr. Guarione Diaz, President and Executive Director, Cuban American National Council, Inc., Miami, Florida.

Ms. Rita DiMartino, Staten Island, New York.

Ms. Diana Enzi, Washington, DC.

Mr. Earl Everett, President, National Association of Government Labor Officials, Atlanta, Georgia.

The Honorable Mufi Hannemann, Mayor of Honolulu, Honolulu, Hawaii.

Mr. Thomas F. Hartnett, Attorney, Meyer, Suozzi, English and Klein, PC, Albany, New York.

Mr. Mark Maki, President, National Association of State and Territorial Apprenticeship Directors, Helena, Montana.

Dr. Irving Pressley McPhail, Chancellor, The Community College of Baltimore County, Baltimore, Maryland.

Ms. Audrey Silverstein, U.S. Embassy—Montevideo.

Nominees were selected from employer or national employer associations; religious, social welfare, academic, charitable, community-based, or national women's organizations; and state or local government.

Signed at Washington, DC, this 28th day of March, 2005.

**Emily Stover DeRocco,**

*Assistant Secretary for Employment and Training Administration .*

[FR Doc. E5–1520 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

### The Welfare to Work Partnership/ Demand-Side Youth Offender Demonstration Project Grant, Phase II To Expand Partnership Implementation

**AGENCY:** Employment and Training Administration (ETA), Department of Labor (DOL).

**ACTION:** Notice of intent to award.

**SUMMARY:** The Employment and Training Administration/Office of Policy Development and Research wishes to expand this demonstration project with The Welfare to Work Partnership. This project started two years ago in which The Welfare to Work Partnership also served as the sole-source grantee. During the Phase I two year period, The Welfare to Work Partnership was able to effectively partner with 271 employers in the cities of Chicago, Miami, New York and the District of Columbia and provide unsubsidized employment to ex-offenders and individuals at-risk of court or gang involvement. The Welfare to Work Partnership's ability to represent a broad network of employers across the nation will play an important role in the relationship/partnership building aspect of the Phase II demonstration project.

**DATES:** The grant will or may be awarded on or after April 20, 2005.

**FOR FURTHER INFORMATION CONTACT:** Mary Vines, Office of Policy Development and Research, Room N–5637, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202–693–3683 (this is not a toll free number).

Signed at Washington, DC, this 28th day of March, 2005.

**James W. Stockton,**

*Grants Officer Employment and Training Administration.*

[FR Doc. 05–6666 Filed 4–4–05; 8:45 am]

BILLING CODE 4510–30–M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice 05–067]**

### NASA Advisory Council; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council (NAC).

**DATES:** Wednesday, April 20, 2005, 8:30 a.m. to 5 p.m., and Thursday, April 21, 2005, 9 a.m. to 1 p.m.

**ADDRESSES:** National Aeronautics and Space Administration, 300 E Street, SW., Room MIC–7H46, Overflow Room, MIC–6H46, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Dakon, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–0732.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Committee reports

—Agency roadmap activities

—Planning for August 2005 NAC summer study on integrated roadmap recommendations

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID, before receiving an access badge. Foreign nationals attending this meeting will be required to provide the following information: Full name; gender; date/place of birth; citizenship; visa/green card information (number, type, expiration date); employer/affiliation information (name of institution, address, county, phone); and title/position of attendee. To expedite admittance, attendees can provide identifying information in advance by contacting Ms. Marla K. King via email at *marla.k.king@nasa.gov* or by telephone at (202) 358–1148. Persons with disabilities who require assistance should indicate this. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

**Michael F. O'Brien,**

*Assistant Administrator for External Relations.*

[FR Doc. 05–6662 Filed 4–4–05; 8:45 am]

BILLING CODE 7510–13–P

## NATIONAL SCIENCE FOUNDATION

### Notice of Permits Issued Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit modification issued under the Antarctic Conservation of 1978, Public Law 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 2230.

**SUPPLEMENTARY INFORMATION:** On February 8, 2005, the National Science Foundation published a notice in the **Federal Register** of a permit modification request received. The permit modification was issued on March 28, 2005 to: Robert L. Pitman—Permit No. 2004–009M#1

**Nadene G. Kennedy,**

*Permit Officer.*

[FR Doc. 05–6709 Filed 4–4–05; 8:45 am]

BILLING CODE 7555–01–M

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pulic Law 95–541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by May 5, 2005. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy at the above address or (703) 292–7405.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

The applications received are as follows:

**Permit Application No. 2006–002**

1. *Applicant:* Thomas W. Yelvington, Raytheon Technical Services Company LLC, Polar Services, 7400 S. Tucson Way, Centennial, CO 80112–3938.

**Activity for Which Permit Is Requested**

Enter Antarctic Specially Protected Areas. The applicant plans to enter Litchfield Island (ASPA #113) to remove (for inspection and resupply) the survival cache located on the island. The cache is required for boating safety in the Palmer Station vicinity. Entry into the site is necessary to inspect the condition of the notification signs that Litchfield is an Antarctic Specially Protected Area.

**Location**

Litchfield Island, Arthur Harbor (ASPA #112).

**Dates**

May 1, 2005 to August 31, 2010.

**Permit Application No. 2006–003**

2. *Applicant:* Thomas W. Yelvington, Raytheon Technical Services Company LLC, Polar Services, 7400 S. Tucson Way, Centennial, CO 80112–3938.

**Activity for Which Permit Is Requested**

Enter Antarctic Specially Protected Areas. The applicant plans to enter the Western Shore of Admiralty Bay (ASPA #128) to transit to the field station hut at Copacabana Beach for the purpose of moving personnel and supplies from ship to shore via zodiac, assist in station opening and closing, and maintenance and servicing of station facilities and equipment.

**Location**

Western Shore of Admiralty Bay, King George Island (ASPA #128).

**Dates**

May 1, 2005 to August 31, 2010.

**Permit Application No. 2006–004**

3. *Applicant:* Thomas W. Yelvington, Raytheon Technical Services Company LLC, Polar Services, 7400 S. Tucson Way, Centennial, CO 80112–3938.

**Activity for Which Permit Is Requested**

Take. The applicant plans to herd, relocate or remove seals, penguins or other seabirds from station operational areas for the protection of the animals and safety of station personnel and equipment.

**Location**

Palmer Station, Anvers Island, Antarctic, Antarctic Peninsula.

**Dates**

May 1, 2005 to August 31, 2010.

**Permit Application No. 2006–005**

4. *Applicant:* Rae Natalie Prosser Goodall, Sarmiento 44, 9410 Ushuaia, Tierra del Fuego, Argentina.

**Activity for Which Permit Is Requested**

Take. The applicant plans to salvage bones of dead animals (seals, penguins, dolphins, whales or seabirds) opportunistically found on the beaches in the Antarctic Peninsula Region. Salvaged materials will be cleaned,

numbered and deposited in a collection housed in the Museo Actshun de Aves y Mamiferos Marinos Australes at Harberton Station, Tierra del Fuego. The skeletons from Antarctic waters are especially useful in a comparison study with skeletal collections from southernmost South America. Specimens are also available to other scientist for study.

**Location**

Antarctic Peninsula, South Shetland Islands and adjacent islands.

**Dates**

October 1, 2005, to Septebmer 30, 2010.

**Permit Application No. 2006–006**

5. *Applicant:* Thomas W. Yelvington, Raytheon Technical Services Company LLC, Polar Services, 7400 S. Tucson Way, Centennial, CO 80112–3938.

**Activity for Which Permit Is Requested**

Take. The applicant plans to herd, relocated or remove seals, penguins or other seabirds from station operational areas (airfields, roads and ice pier) for the protection of the animals and safety of station personnel and equipment.

**Location**

McMurdo Station, Ross Island and vicinity.

**Dates**

May 1, 2005 to August 31, 2010.

**Permit Application No. 2006–007**

6. *Applicant:* Thomas W. Yelvington, Raytheon Technical Services Company LLC, Polar Services, 7400 S. Tucson Way, Centennial, CO 80112–3938.

**Activity for Which Permit Is Requested**

Enter Antarctic Specially Protected Area. The applicant plans to transit through the southwest section of Northwest White Island (ASPA #137) enroute to the Telecommunications Facility located on Black Island. This route has been deemed the only safe surface traverse route to the telecommunications equipment on Black Island. While transiting through the White Island Protected Area, the approach will be greater than 50 meters from the seal population (Leptonychotes weddellii). McMurdo Station Personnel need to routinely access the Black Island Telecommunications Facility for routine and emergency maintenance and year-round repairs.

**Location**

Northwest White Island (ASPA #137).

**Dates**

May 1, 2005 to August 31, 2010.

**Permit Application No. 2006–008**

7. *Applicant:* Thomas W. Yelvington, Raytheon Technical Services Company LLC, Polar Services, 7400 S. Tucson Way, Centennial, CO 80112–3938.

**Activity for Which Permit Is Requested**

Enter Antarctic Specially Protected Area. The U.S. and New Zealand Jointly operated Hallett Station at Cape Hallett from 1967 to 1973, at which time the station was abandoned. The applicant, in a joint effort with Antarctic New Zealand, plans to enter Cape Hallett (ASPA #106) to conduct remediation work entailing removal of structures and addressing areas of fuel contamination.

**Location**

Cape Hallett, Victoria Land (ASPA #106).

**Dates**

May 1, 2005 to October 1, 2010.

**Nadene G. Kennedy,**

*Permit Officer, Office of Polar Programs.*

[FR Doc. 05–6710 Filed 4–4–05; 8:45 am]

BILLING CODE 7555–01–M

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection: Comment Request

**AGENCY:** U.S. 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 31, General Domestic Licenses for Byproduct Material.

2. *Current OMB approval number:* 3150–0016.

3. *How often the collection is required:* Reports are submitted as events occur. Registration certificates may be submitted at any time. Changes to the information on the registration certificate are submitted as they occur.

4. *Who is required or asked to report:* Persons receiving, possessing, using, or transferring byproduct material in certain items.

5. *The estimated number of annual respondents:* Approximately 6,600 NRC general licensees and 26,400 Agreement State general licensees.

6. *The number of hours needed annually to complete the requirement or request:* 15,118 (2,474 hours for NRC licensees [1,650 hours recordkeeping and 824 hours] and 12,644 hours for Agreement State licensees [6,600 hours recordkeeping and 6,044 hours reporting] or an average of 0.4 hours per response and .25 hours per recordkeeper).

7. *Abstract:* 10 CFR Part 31 establishes general licenses for the possession and use of byproduct material in certain items and a general license for ownership of byproduct material. General licensees are required to keep records and submit reports identified in Part 31 in order for NRC to determine with reasonable assurance that devices are operated safely and without radiological hazard to users or the public.

Submit, by June 6, 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, U.S. Nuclear Regulatory Commission, T–5 F53, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail to *infocollects@nrc.gov*.

Dated at Rockville, Maryland, this 29th day of March 2005.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. E5–1518 Filed 4–4–05; 8:45 am]

**BILLING CODE 7590–01–P**

## 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:* 48 CFR 20, U.S. Nuclear Regulatory Commission Acquisition Regulation (NRCAR).

2. *Current OMB approval number:* 3150–0169.

3. *How often the collection is required:* On occasion; one time.

4. *Who is required or asked to report:* Offerors responding to NRC solicitations and contractors receiving awards from NRC.

5. *The number of annual respondents:* 355.

6. *The number of hours needed annually to complete the requirement or request:* 26,265 (25,462 hours reporting [7.3 hours per response] + 803 hours reporting [2.3 hours per recordkeeper]).

7. *Abstract:* The mandatory requirements of the NRCAR implement and supplement the government-wide Federal Acquisition Regulation, and ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency.

Submit, by June 6, 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 F23, 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 at *infocollects@nrc.gov.*

Dated at Rockville, Maryland, this 30th day of March 2005.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of Information Services.*

[FR Doc. E5–1519 Filed 4–4–05; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting; Notice

**AGENCY HOLDING THE MEETING:** Nuclear Regulatory Commission.

**DATES:** Weeks of April 4, 11, 18, 25, May 2, 9, 2005.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**Matters To Be Considered**

*Week of April 4, 2005*

Tuesday, April 5, 2005

9:30 a.m. Briefing on Office of Research (RES) Programs, Performance, and Plans (Public Meeting) (Contact: Alix Dvorak, 301–415–6601).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Wednesday, April 6, 2005

9:30 a.m. Briefing on Status of New Site and Reactor Licensing (Public Meeting) (Contact: Steven Bloom, 301–415–1313).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Thursday, April 7, 2005

1:30 p.m. Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301–415–7360).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

*Week of April 11, 2005—Tentative*

There are no meetings scheduled for the Week of April 11, 2005.

*Week of April 18, 2005—Tentative*

Tuesday, April 19, 2005

9:30 a.m. Discussion of Security Issues (Closed—Ex. 1) (Tentative).

Wednesday, April 20, 2005

9:30 a.m. Meeting with Advisory Committee on the Medical Uses of Isotopes (ACMUI) (Public Meeting) (Contact: Angela McIntosh, 301–415–5030).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

1:30 p.m. Briefing on Office of Nuclear Reactor Regulation (NRR) Programs, Performance, and Plans (Public Meeting) (Contact: Laura Gerke, 301–415–4099).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

Thursday, April 21, 2005

9:30 a.m. Discussion of Security Issues (Closed—Ex. 1) (Tentative).

*Week of April 25, 2005—Tentative*

Tuesday, April 26, 2005

9:30 a.m. Briefing on Grid Stability and Offsite Power Issues (Public Meeting) (Contact: John Lamb, 301–415–1446).

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

*Week of May 2, 2005—Tentative*

There are no meetings scheduled for the Week of May 2, 2005.

*Week of May 9, 2005—Tentative*

Wednesday, May 11, 2005

10:30 a.m. All Employees Meeting (Public Meeting).

1:30 p.m. All Employees Meeting (Public Meeting).

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Dave Gamberoni, (301) 415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, August Spector, at 301–415–7080, TDD: 301–415–2100, or by e-mail at *aks@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: March 31, 2005.

**Dave Gamberoni,**

*Office of the Secretary.*

[FR Doc. 05–6746 Filed 4–1–05; 9:22 am]

BILLING CODE 7590–01–M

## POSTAL SERVICE

### United States Postal Service Board of Governors; Sunshine Act Meeting

### Board Votes To Close March 25, 2005, Meeting

In person and by telephone vote on March 25, 2005, a majority of the members contacted and voting, the Board of Governors voted to close to public observation a meeting held in Washington, DC, via teleconference. The Board determined that prior public notice was not possible.

**ITEM CONSIDERED:** 1. Rate Case Planning.

**GENERAL COUNSEL CERTIFICATION:** The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

**FOR FURTHER INFORMATION CONTACT:** Requests for information about the meeting should be addressed to the Secretary of the Board, William T. Johnstone, at (202) 268–4800.

**William T. Johnstone**

*Secretary.*

[FR Doc. 05–6737 Filed 3–31–05; 4:41 pm]

BILLING CODE 7710–12–M

## POSTAL SERVICE

### United States Postal Service Board of Governors; Sunshine Act Meeting

### Board Votes To Close March 31, 2005, Meeting

At its teleconference meeting on March 25, 2005, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for March 31, 2005, in Washington, DC, via teleconference. The Board determined that prior public notice was not possible.

**ITEM CONSIDERED:** 1. Rate Case Filing.

**GENERAL COUNSEL CERTIFICATION:** The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

**CONTACT FOR FURTHER INFORMATION:** Requests for information about the meeting should be addressed to the Secretary of the Board, William T. Johnstone, at (202) 268–4800.

**William T. Johnstone,**

*Secretary.*

[FR Doc. 05–6738 Filed 4–31–05; 4:42 pm]

BILLING CODE 7710–12–M

## POSTAL SERVICE

### United States Postal Service Board of Governors; Sunshine Act Meeting

**DATE AND TIMES:** Tuesday, April 12, 2005; 9 a.m. and 3 p.m.

**PLACE:** Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room.

**STATUS:** April 12–9 a.m. (Closed); 3 p.m. (Open).

**MATTERS TO BE CONSIDERED:**

**Tuesday, April 12 at 9 a.m. (Closed)**

1. Strategic Planning.
2. Financial Update.
3. Personnel Matters and Compensation Issues.

**Tuesday, April 12 at 3 p.m. (Open)**

1. Minutes of the Previous Meeting, February 16–17, 2005.
2. Remarks of the Postmaster General and CEO.
3. Committee Reports.
4. Business Connect.
5. Human Resources Update.
6. Tentative Agenda for the May 10–11, 2005, meeting at Atlanta, Georgia.

**FOR FURTHER INFORMATION CONTACT:** William T. Johnstone, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

**William T. Johnstone,**

*Secretary.*

[FR Doc. 05–6739 Filed 3–31–05; 4:41 pm]

BILLING CODE 7710–12–M

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of April 4, 2005:

A closed meeting will be held on Tuesday, April 5, 2005, at 2 p.m., and an open meeting will be held on Wednesday, April 6, 2005, at 10 a.m. in Room 1C30.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Atkins, as duty officer, voted to consider the items listed for the closed meeting in closed session and that no earlier notice thereof was possible.

The subject matter of the closed meeting scheduled for Tuesday, April 5, 2005, will be:

Formal orders of investigations;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature; and an

Adjudicatory matter.

The subject matter of the open meeting scheduled for Wednesday, April 6, 2005, will be:

1. The Commission will consider a recommendation regarding the application of the Investment Advisers Act of 1940 to certain broker-dealers. (See Advisers Act Release No. 1845, Advisers Act Release No. 2278, Advisers Act Release No. 2339, and Advisers Act Release No. 2340).

2. The Commission will consider whether to adopt Regulation NMS and

two amendments to the joint industry plans for disseminating market information. In particular, the Commission will consider whether to adopt the following rules and amendments:

a. Rule 611 of Regulation NMS (''Order Protection Rule''), which would establish marketwide price protection for automated quotations that are immediately accessible;

b. Rule 610 of Regulation NMS (''Access Rule''), which would promote fair and non-discriminatory access to quotations through a private access approach and establish a limit on access fees to harmonize the pricing of quotations across different trading centers;

c. Rule 612 of Regulation NMS (''Sub-Penny Rule''), which would establish a uniform pricing increment of no less than a penny for orders, quotations, or indications of interest, except for those priced at less than $1.00 per share;

d. Amendments to Rules 11Aa3–1 and 11Ac1–2 under the Securities Exchange Act of 1934 (''Exchange Act'') (redesignated as Rule 601 and 603 of Regulation NMS) (''Market Data Rules''), which would update the requirements for consolidating, distributing, and displaying market information, and amendments to the joint industry plans for disseminating market information that would modify the formulas for allocating plan revenues (''Allocation Amendment'') and broaden participation in plan governance (''Governance Amendment''); and

e. Redesignation of the national market system (''NMS'') rules adopted under the Exchange Act and inclusion of those rules, as well as Rules 610, 611, and 612, under Regulation NMS. Regulation NMS also would include a separate definitional rule that would (i) retain most of the definitions currently used in the NMS rules, (ii) include new definitions related to the rules being considered for adoption, and (iii) update or eliminate obsolete definitions in the NMS rules.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: March 30, 2005.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 05–6740 Filed 3–31–05; 4:42 pm]

BILLING CODE 8010–01–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 35–27953; 70–10290]**

## Pepco Holdings, Inc.; Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 30, 2005.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 25, 2005, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After April 25, 2005, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

### Notice of Proposal To Amend Charter; Order Authorizing the Solicitation of Proxies

Pepco Holdings, Inc. (''PHI''), 701 Ninth Street, Washington, DC 20068, a Delaware corporation and a registered public utility holding company under the Act, has filed a declaration (''Declaration'') under to sections 6(a)(2) and 12(e) of the Act and rules 54, 62 and 65 under the Act.

PHI requests authority to (i) amend its corporate charter to eliminate classification of the Board of Directors (''Proposed Amendment'') and (ii) solicit proxies from the holders of PHI's shares of common stock to implement the Proposed Amendment.

PHI states that it has had a staggered Board of Directors in place since it became a public company at the time of the closing of the merger involving its public utility subsidiary Potomac Electric Power Company (''Pepco'') and Conectiv, formerly a registered public utility holding company, in 2002. Prior to the merger, Pepco had a staggered board beginning in 1988 and Conectiv had a staggered board from the time it became a public company in 1998. Under PHI's staggered board arrangement, the Board of Directors is divided into three classes, with the directors of one of the classes elected annually for three-year terms.

PHI states that the Board of Director's Corporate Governance/Nominating Committee conducted a review of the relative merits of annually elected and staggered boards. The Nominating Committee recommended to the Board that the staggered election of directors be eliminated. After reviewing and assessing the recommendation of the Nominating Committee, the Board of Directors adopted a resolution, declaring it advisable that section C of Article V of PHI's Restated Certificate of Incorporation be amended to eliminate classification of the Board of Directors.

PHI states that if the Proposed Amendment is approved, each nominee for election as a director, including directors standing for reelection, will be elected for a one-year term. The Proposed Amendment will not shorten the term of any director elected at or prior to the 2005 Annual Meeting. Accordingly, in 2006 only the nominees to succeed the directors whose terms expire in 2006, would be elected for one-year terms. In 2007, the nominees to succeed the directors whose terms expire in 2007 and to succeed the directors elected in 2006 would be elected for one-year terms. Beginning in 2008, all of the members of the Board of Directors would be elected for one-year terms. Under paragraph D of Article V of the Restated Certificate of Incorporation, any vacancy on the Board of Directors resulting other than because of an increase in the authorized number of directors elected by shareholders may be filled by a majority of the directors then in office. In accordance with this provision, if during the transition period a vacancy occurs with respect to a director whose term of office continues beyond the next annual meeting, the term of any director elected to fill such a vacancy shall expire at the next shareholders' meeting at which directors are elected, and the remainder of the term, if any, shall be filled by a director elected at that meeting.

PHI states that in accordance with paragraph G of Article V of the Restated Certificate of Incorporation, adoption of the Proposed Amendment requires the affirmative vote of the holders of two-thirds the outstanding shares of PHI's

common stock. Accordingly PHI requests that an order be issued under rule 62(d) of the Act authorizing commencement of the proxy solicitation.

The transaction is also governed by the conditions of rule 53(a). As of September 30, 2004, PHI's ''aggregate investment,'' as defined in rule 53(a)(1) was approximately $3,013.3 million and PHI's consolidated retained earnings was $904.6 million. Accordingly, at September 30, 2004, PHI's aggregate investment exceeded 50% of its consolidated retained earnings, the ''safe harbor'' limitation contained in rule 53(a). However, by order dated July 31, 2002 (HCAR No. 27557) (''Financing Order''), the Commission authorized PHI to increase its aggregate investment to an amount equal to the sum of 100% of consolidated retained earnings plus $3.5 billion. At September 30, 2004, based on the Financing Order, PHI could have had an aggregate investment of $4,404.6 million. Therefore, although PHI's aggregate investment at such date exceeded the 50% ''safe harbor'' limitation of rule 53, it is within the higher investment level granted by the Financing Order.

PHI states that it currently complies with, and will comply with, the record keeping requirements of rule 53(a)(2), the limitation under rule 53(a)(3) on the use of the PHI system's domestic public utility company personnel to render services to exempt wholesale generators (''EWGs''), as that term is defined in section 32 of the Act, and foreign utility companies (''FUCOs''), as that term is defined in section 33 of the Act, and the requirements of rule 53(a)(4) concerning the submission of copies of certain filings under the Act to retail regulatory commissions. PHI states that none of the circumstances described in rule 53(b) have occurred, and rule 53(c) is inapplicable by its terms.

Fees and expenses in the estimated amount of $670,000 are expected to be incurred in connection with the proposed transactions (including costs associated with the solicitation of proxies). PHI states that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

PHI has filed its proxy solicitation materials and requests that its proposal to solicit proxies be permitted to become effective immediately, as provided in rule 62(d) under the Act. It appears to the Commission that the Declaration, with respect to the proposed solicitation of proxies, should be permitted to become effective immediately under rule 62(d).

It is ordered, under rule 62 under the Act, that the Declaration regarding the proposed solicitation of proxies from PHI shareholders become effective immediately, subject to the terms and conditions contained in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. E5–1533 Filed 4–4–05; 8:45 am]

**BILLING CODE 8010–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–51446; File No. SR–Amex–2005–032]**

## Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the American Stock Exchange LLC To Trade the streetTRACKS® Gold Shares Pursuant to Unlisted Trading Privileges

March 29, 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 March 8, 2005, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The proposal would permit the Exchange to trade the streetTRACKS® Gold Shares (''GLD'' or ''Shares'') pursuant to unlisted trading privileges (''UTP''). The Shares represent units of fractional undivided beneficial interests in and ownership of the streetTRACKS® Gold Trust (''Trust''). The Commission previously has approved GLD for original listing and trading on the New York Stock Exchange, Inc. (''NYSE'').[3] The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to approve the proposed rule change on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (''NYSE Approval Order'').

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Amex proposes to trade GLD pursuant to UTP. The text of the proposed rule change is available on the Exchange's Web site (*http://www.amex.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to trade the streetTRACKS Gold Shares (ticker symbol: GLD) pursuant to UTP. The value of each Share corresponds to a fixed amount of gold [4] and fluctuates with the spot price of gold. Purchasing Shares in the Trust provides investors a mechanism to participate in the gold market. The Exchange proposes to adopt Amex Rule 1000B, which incorporates by reference Amex Rule 1000A *et seq.,* and Amex Rules 1203A and 1204A, governing the trading of the Shares on the Exchange.

a. Description of the Gold Market

The global trade in gold consists of over-the-counter (''OTC'') transactions in spot, forwards, and options and other derivatives, together with exchange-traded futures and options. The global gold market consists of the following components, described briefly below.

(1) The OTC Market

The OTC market trades on a continuous basis 24 hours per day and accounts for most global gold trading. Liquidity in the OTC market can vary from time to time during the course of

[4] Initially, each Share will correspond to one-tenth of a troy ounce of gold. The amount of gold associated with each Share is expected to decrease over time as the Trust incurs and pays maintenance fees and other expenses.

the 24-hour trading day. Fluctuations in liquidity are reflected in adjustments to dealing spreads—the differential between a dealer's ''buy'' and ''sell'' prices. According to the Trust's Registration Statement, the period of greatest liquidity in the gold market is typically when trading in the European time zones overlaps with trading in the United States, which is when OTC market trading in London, New York, and other centers coincides with futures and options trading on the Commodity Exchange Inc. (''COMEX''), a division of the New York Mercantile Exchange, Inc. (''NYMEX''). This period lasts for approximately four hours each New York business day morning.

The OTC market has no formal structure and no open-outcry meeting place. The main centers of the OTC market are London, New York, and Zurich. Bullion dealers have offices around the world, and most of the world's major bullion dealers are either members or associate members of the London Bullion Market Association (''LBMA''), a trade association of participants in the London bullion market.

There are no authoritative published figures for overall worldwide volume in gold trading. There are certain published sources that suggest the significant size of the overall market. The LBMA publishes statistics compiled from the five members offering clearing services.[5] The monthly average daily volume figures published by the LBMA for 2004 range from a high of 17 million to a low of 12.4 million troy ounces per day.[6] COMEX publishes price and volume statistics for transactions in contracts for the future delivery of gold. COMEX figures for 2004 indicate that the average daily volume for gold futures contracts was approximately 6 million troy ounces per day.[7]

(2) Futures Exchanges

The most significant gold futures exchanges are COMEX and the Tokyo Commodity Exchange (''TOCOM'').[8] Trading on these exchanges is based on fixed delivery dates and transaction sizes for the futures and options contracts traded. Trading costs are negotiable. As a matter of practice, only a small percentage of the futures market turnover ever comes to physical delivery of the gold represented by the contracts traded. Both exchanges permit trading on margin. COMEX operates through a central clearance system. TOCOM has a similar clearance system. In each case, the exchange acts as a counterparty for each member for clearing purposes.

(3) Gold Market Regulation

There is no direct regulation of the global OTC market in gold. However, indirect regulation of some of the overseas participants does occur in some capacity. In the United Kingdom, responsibility for the regulation of the financial market participants, including the major participating members of the LBMA, falls under the authority of the Financial Services Authority (''FSA''), as provided by the Financial Services and Markets Act 2000 (''FSM Act''). Under the FSM Act, all U.K.-based banks, together with other investment firms, are subject to a range of requirements, including fitness and properness, capital adequacy, liquidity, and systems and controls. The FSA is responsible for regulating investment products, including derivatives, and those who deal in investment products. Regulation of spot, commercial forwards, and deposits of gold and silver not covered by the FSM Act is provided for by The London Code of Conduct for Non-Investment Products, which was established by market participants in conjunction with the Bank of England, and is a voluntary code of conduct among market participants.

Participants in the U.S. OTC market for gold are generally regulated by their institutional supervisors, which regulate their activities in other markets in which they operate. For example, participating banks are regulated by the banking authorities. In the United States, the Commodity Futures Trading Commission regulates futures market participants and has established rules designed to prevent market manipulation, abusive trade practices, and fraud.

TOCOM has authority to perform financial and operational surveillance on its members' trading activities, scrutinize positions held by members and large-scale customers, and monitor the price movements of futures markets by comparing them with cash and other derivative markets' prices.

b. Trust Management and Structure

The Shares represent units of fractional undivided beneficial interest in and ownership of the Trust. The purpose of the Trust is to hold gold bullion. The investment objective of the Trust is for the Shares to reflect the performance of the price of gold, less the Trust's expenses.

The Trust is an investment trust and is not managed like a corporation or an active investment vehicle. The Trust has no board of directors or officers or persons acting in a similar capacity. The Trust is not a registered investment company under the Investment Company Act of 1940 (''1940 Act'') and is not required to register under the 1940 Act.

World Gold Trust Services, LLC, a wholly owned limited liability company of the World Gold Council,[9] is the sponsor of the Trust (''Sponsor''). The Bank of New York is the trustee of the Trust (''Trustee''). HSBC Bank USA, an indirect wholly owned subsidiary of HSBC Holdings plc, is the custodian of the Trust (''Custodian''). State Street Global Markets LLC, a wholly owned subsidiary of State Street Corporation, is the Marketing Agent of the Trust (''Marketing Agent''). The Marketing Agent and Custodian are registered broker-dealers. The Custodian and Marketing Agent and their affiliates, and affiliates of the Trustee, may act as Authorized Participants or purchase or sell gold or the Shares for their own account as agent for customers and for accounts over which they exercise investment discretion. To the extent deemed appropriate by these entities, information barriers will exist between the Custodian, Marketing Agent, Trustee, and their affiliates transacting in the gold cash market or the Shares; however, the Exchange will not require such information barriers. UBS Securities LLC was the initial purchaser of the Shares (''Initial Purchaser''), as described below. The Sponsor, Trustee, Custodian, and Initial Purchaser are not affiliated with one another or with the Exchange.

[5] Information regarding clearing volume estimates by the LBMA can be found at *http://www.lbma.org.uk/clearing_table.htm.* The three measures published by the LBMA are: Volume, the amount of metal transferred on average each day measured in million of troy ounces; value, measured in U.S. dollars, using the monthly average London p.m. fixing price; and the number of transfers, which is the average number recorded each day. The statistics exclude allocated and unallocated balance transfers where the sole purpose is for overnight credit and physical movements arranged by clearing members in locations other than London.

[6] Information regarding the monthly average daily volume published by the LBMA can be found at *http://www.lbma.org.uk/clearing_table.htm.*

[7] Information regarding average daily volume estimates by COMEX can be found at *http://www.nymex.com/jsp/markets/md_annual_volume6.jsp#2.* The statistics are based on gold futures contracts, each of which relates to 100 troy ounces of gold.

[8] There are other gold exchange markets, such as the Istanbul Gold Exchange, the Shanghai Gold Exchange, and the Hong Kong Chinese Gold & Silver Exchange Society.

[9] The World Gold Council is a not-for-profit association registered under Swiss law.

c. Trust Expenses and Management Fees

Generally, the assets of the Trust (*e.g.,* gold bullion) will be sold to pay Trust expenses and management fees. These expenses and fees will reduce the value of an investor's Share as gold bullion is sold to pay such costs. Ordinary operating expenses of the Trust include: (1) Fees paid to the Sponsor; (2) fees paid to the Trustee; (3) fees paid to the Custodian; (4) fees paid to the Marketing Agent; and (5) various Trust administration fees, including printing and mailing costs, legal and audit fees, registration fees, and NYSE listing fees. The Trust's estimated ordinary operating expenses are accrued daily and reflected in the net asset value (''NAV'') of the Trust.

d. Description and Characteristics of the Shares

(1) Liquidity

The Shares may trade at a discount or premium relative to the NAV per Share because of non-concurrent trading hours between the major gold markets and the Exchange. While the Shares will trade on the Exchange until 4:15 p.m. Eastern Time, liquidity in the OTC market for gold will be reduced after the close of COMEX at 1:30 p.m. Eastern Time. During this time, trading spreads and the resulting premium or discount on the Shares may widen as a result of reduced liquidity in the OTC gold market.

Because of the potential for arbitrage inherent in the structure of the Trust, the Sponsor believes that the Shares will not trade at a material discount or premium to the underlying gold held by the Trust. The arbitrage process, which in general provides investors the opportunity to profit from differences in prices of assets, increases the efficiency of the markets, serves to prevent potentially manipulative efforts, and can be expected to operate efficiently in the case of the Shares and gold.

(2) Creation and Redemption of Trust Shares

The Trust will create Shares on a continuous basis only in aggregations of 100,000 Shares (such aggregation referred to as a ''Basket''). Authorized Participants are the only persons that may place orders to create and redeem Baskets. Authorized Participants purchasing Baskets will be able to separate a Basket into individual Shares for resale.

Authorized Participants purchasing a Basket must make an in-kind deposit of gold (''Gold Deposit''), together with, if applicable, a specified cash payment (''Cash Deposit'' [10] and together with the Gold Deposit, the ''Creation Basket Deposit''). The Sponsor anticipates that in the ordinary course of the Trust's operations a cash deposit will not be required for the creation of Baskets. Similarly, the Trust will redeem Shares only in Baskets, principally in exchange for gold and, if applicable, a cash payment (''Cash Redemption Amount'' [11] and together with the gold, the ''Redemption Distribution'').

The Exchange expects that certain Authorized Participants will be able to participate directly in the gold bullion market and the gold futures market. The Sponsor believes that the size and operation of the gold bullion market make it unlikely that an Authorized Participant's direct activities in the gold or securities markets would impact the price of gold or the price of the Shares. Each Authorized Participant is: (1) Regulated as a broker-dealer regulated under the Act and registered with NASD; or (2) is exempt from being, or otherwise is not required to be, regulated as a broker-dealer under the Act or registered with NASD, and in either case is qualified to act as a broker or dealer in the states or other jurisdictions where the nature of its business so requires. Certain Authorized Participants will be regulated under federal and state banking laws and regulations. Each Authorized Participant will have its own set of rules and procedures, internal controls, and information barriers as it determines is appropriate in light of its own regulatory regime. Authorized Participants may act for their own accounts or as agents for broker-dealers, custodians, and other securities market participants that wish to create or redeem Baskets. An order for one or more Baskets may be placed by an Authorized Participant on behalf of multiple clients.

The total amount of gold and any cash required for the creation or redemption of each Basket will be in the same proportion to the total assets of the Trust (net of accrued and unpaid fees, expenses, and other liabilities) on the date the Purchase Order is properly received as the number of Shares to be created in respect of the Creation Basket Deposit bears to the total number of Shares outstanding on the date the Purchase Order is received. Except when aggregated in Baskets, the Shares are not redeemable. The Trust will impose transaction fees in connection with creation and redemption transactions.

The Trustee will determine the NAV [12] and daily adjusted NAV (''ANAV'') of the Trust on each business day at the earlier of the London p.m. fix for such day or 12 p.m. Eastern Time.[13] In determining the Trust's NAV and ANAV, the Trustee will value the gold held by the Trust based on the London p.m. fix price for a troy ounce of gold. Once the value of the gold has been determined, the Trustee will determine the ANAV of the Trust by subtracting all accrued fees (other than the fees to be computed by reference to the ANAV or custody fees based on the value of the gold held by the Trust), expenses, and other liabilities of the Trust from the total value of the gold and all other assets of the Trust (other than any amounts credited to the Trust's reserve account, if established). Then the ANAV of the Trust is used to compute the Trustee's, the Sponsor's, and Marketing Agent's fees.[14] To determine the Trust's NAV, the Trustee will subtract from the ANAV the estimated amount accrued

[10] The amount of any required Cash Deposit will be determined as follows: (1) The fees, expenses, and liabilities of the Trust will be subtracted from any cash held or receivable by the Trust as of the date an Authorized Participant places an order to purchase one or more Baskets (''Purchase Order''); (2) the remaining amount will be divided by the number of Baskets outstanding and then multiplied by the number of Baskets being created pursuant to the Purchase Order. If the resulting amount is positive, that amount will be the required Cash Deposit. If the resulting amount is negative, the amount of the required Gold Deposit will be reduced by a number of fine ounces of gold equal in value to that resulting amount, determined by reference to the price of gold used in calculating the NAV of the Trust on the Purchase Order date. Fractions of an ounce of gold of less than 0.001 of an ounce included in the Gold Deposit amount will be disregarded.

[11] The Cash Redemption Amount is equal to the excess (if any) of all assets of the Trust other than gold, less all estimated accrued but unpaid fees, expenses, and other liabilities, divided by the number of Baskets outstanding and multiplied by the number of Baskets included in the Authorized Participant's order to redeem one or more Baskets (''Redemption Order''). The Trustee will distribute any positive Cash Redemption Amount through the Depository Trust Company (''DTC'') to the account of the Authorized Participant at DTC. If the Cash Redemption Amount is negative, the credit to the Authorized Participant's unallocated account (''Authorized Participant Unallocated Account'') will be reduced by the number of fine ounces of gold equal in value to that resulting amount, determined by reference to the price of gold used in calculating the NAV of the Trust on the Redemption Order date. Fractions of a fine ounce of gold included in the Redemption Distribution of less than 0.001 of an ounce will be disregarded. Redemption Distributions will be subject to the deduction of any applicable tax or other governmental charges due.

[12] The NAV of the Trust is the aggregate value of the Trust's assets less its liabilities (which include accrued expenses).

[13] The London fix is the most widely used benchmark for daily gold prices and is quoted by various financial information sources.

[14] The Custodian's fee is not calculated based on ANAV, but rather the value of the gold held by the Trust.

but unpaid fees that are based on the ANAV (*e.g.*, the Trustee's, the Sponsor's, and Marketing Agent's fees) and the amount of custody fees, which are based on the value of the gold held by the Trust. The Trustee will also determine the NAV per Share by dividing the NAV of the Trust by the number of the Shares outstanding as of the close of trading on NYSE.

The Exchange understands that, upon initiation of trading on NYSE, UBS Securities LLC, the Initial Purchaser, purchased 100,000 Shares, which comprised the seed Basket. The Initial Purchaser also purchased 900,000 Shares, which comprise the initial Baskets. The Trust received all proceeds from the offering of the seed Basket and the initial Baskets in gold bullion. In connection with the offering and sale of the initial Baskets, the Sponsor paid a fee to the Initial Purchaser at the time of its purchase of the initial Baskets. In addition, the Initial Purchaser received commissions/fees from investors who purchased Shares from the initial Baskets through their commission/fee-based brokerage accounts.

(3) Information About Underlying Gold Holdings

The last-sale price for the Shares will be disseminated, on a real-time basis, over the Consolidated Tape by each market trading the Shares. There is a considerable amount of gold price and gold market information available on public Web sites and through professional and subscription services. In most instances, real-time information is available only for a fee, and information available free of charge is subject to delay (typically, 20 minutes).

Investors may obtain on a 24-hour basis gold pricing information based on the spot price for a troy ounce of gold from various financial information service providers, such as Reuters and Bloomberg. Reuters and Bloomberg provide at no charge on their Web sites delayed information regarding the spot price of gold and last sale prices of gold futures, as well as information about news and developments in the gold market. Reuters and Bloomberg also offer a professional service to subscribers for a fee that provides information on gold prices directly from market participants. An organization named EBS provides an electronic trading platform to institutions such as bullion banks and dealers for the trading of spot gold, as well as a feed of live streaming prices to Reuters and Moneyline Telerate subscribers. Complete real-time data for gold futures and options prices traded on COMEX is available by subscription from Reuters and Bloomberg. NYMEX also provides delayed futures and options information on current and past trading sessions and market news free of charge on its Web site. The Exchange notes that there are a variety of other public Web sites providing information on gold, ranging from those specializing in precious metals to sites maintained by major newspapers, such as The Washington Post. Many of these sites offer price quotations drawn from other published sources, and as the information is supplied free of charge, it generally is subject to time delays.[15] Current gold spot prices are also available with bid/ask spreads from gold bullion dealers.

In addition, the Exchange, via a link to the Trust's Web site (*http://www.streettracksgoldshares.com*), will provide at no charge continuously updated bids and offers indicative of the spot price of gold on its own public Web site, *http://www.amex.com.*[16] The Trust Web site provides a calculation of the estimated NAV (also known as the Intraday Indicative Value or ''IIV'') of a Share, as calculated by multiplying the indicative spot price of gold by the quantity of gold backing each Share. Comparing the IIV with the last sale price of the Shares helps an investor to determine whether, and to what extent, Shares may be selling at a premium or a discount to the NAV. Although provided free of charge, the indicative spot price and IIV per Share will be provided on an essentially real-time basis.[17] The Trust Web site provides the NAV of the Trust as calculated each business day by the Sponsor. In addition, the Trust Web site contains the following information, on a per-Share basis, for the Trust: (1) The IIV as of the close of the prior business day and the midpoint of the bid/ask price[18] in relation to such IIV (''Bid/Ask Price''), and a calculation of the premium or discount of such price against such IIV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the Bid/Ask Price against the IIV, within appropriate ranges, for each of the four previous calendar quarters. The Trust Web site also provides the Trust's prospectus, as well as the two most recent reports to stockholders. Finally, the Trust Web site provides the last sale price of the Shares as traded in the U.S. market, subject to a 20-minute delay.[19]

e. Initial Share Issuance and Continued Trading

The Exchange understands that a minimum of three Baskets were outstanding at the commencement of trading on NYSE. The number of Shares per Basket is 100,000.

The Exchange's applicable continued trading criteria require it to delist the Shares if any of the following occur: (1) The value of gold is no longer calculated or available on at least a 15-second delayed basis from a source unaffiliated with the Sponsor, the Trust, the Custodian, Marketing Agent, or the Exchange, or the Exchange stops providing the hyperlink on its Web site to any such unaffiliated gold value; (2) the IIV is no longer made available on at least a 15-second delayed basis; or (3) such other event shall occur or condition exist that, in the opinion of the Exchange, makes further dealings on the Exchange inadvisable. In addition, the Exchange will remove the Shares from trading upon termination of the Trust or delisting from NYSE without immediate re-listing on another exchange.

f. Exchange Trading Rules and Policies

Proposed Amex Rule 1000B and existing Amex Rules 1203A and 1204A apply to the trading of the Shares. Amex Rule 1200A(b), which specifically refers to Commodity-Based Trust Shares, is applicable to this product and thus the Shares are subject to all applicable Exchange trading rules.

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. Trading on the Exchange in the Shares may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may

[15] There may be incremental differences in the gold spot price among the various information service sources. While the Exchange believes the differences in the gold spot price may be relevant to those entities engaging in arbitrage or in the active daily trading of gold or gold-based products, the Exchange believes such differences are likely of less concern to individual investors intending to hold the Shares as part of a long-term investment strategy.

[16] The Trust Web site's gold spot price will be provided by The Bullion Desk (*http://www.thebulliondesk.com*). The Trust Web site will indicate that there are other sources for obtaining the gold spot price. In the event that the Trust Web site should cease to provide this indicative spot price from an unaffiliated source (and the intraday indicative value) of the Shares, the Exchange will cease to trade the Shares.

[17] The Trust's Web site, to which the Exchange's Web sites will link, will disseminate an indicative spot price of gold and the IIV and indicate that these values are subject to an average delay of 5 to 10 seconds.

[18] The bid/ask price is determined using the highest bid and lowest offer on the Consolidated Tape as of the time of calculation of the closing day IIV.

[19] The last-sale price of the Shares in the secondary market is available on a real-time basis for a fee from regular data vendors.

include: (1) The extent to which trading is not occurring in gold; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. In addition, Amex Rule 117 sets forth the trading parameters, *i.e.*, ''circuit breaker,'' applicable to the Shares in periods of extraordinary market volatility.

Trading in the Shares on the Exchange will be effected normally until 4:15 p.m. Eastern Time each business day. The minimum trading increment for the Shares on the Exchange will be $0.01. The trading rules pertaining to odd-lot trading in Amex equities (Rule 205) will apply to the trading of the Shares. The Shares will be deemed ''Eligible Securities,'' as defined in Amex Rule 230, for purposes of the Intermarket Trading System Plan and therefore will be subject to the trade-through provisions of Amex Rule 236, which require that Amex members avoid initiating trade-throughs for ITS securities.

g. Surveillance

The Exchange's surveillance procedures will be comparable to those used for exchange-traded funds (''ETFs'') and trust issued receipts currently trading on the Exchange and will incorporate and rely upon existing Exchange surveillance procedures governing equities. In addition, for intermarket surveillance purposes, the Exchange has entered into a reciprocal Memorandum of Understanding (''MOU'') with NYMEX for the sharing of information related to any financial instrument based, in whole or in part, upon an interest in or performance of gold.

Further, existing Amex Rules 1203A and 1204A set forth certain restrictions on specialists that will apply in connection with trading the Shares in order to facilitate surveillance. Amex Rule 1204A requires that a specialist in the Shares provide the Exchange with information relating to its trading in physical gold, gold futures contracts, options on gold futures, or any other gold derivatives. Amex Rule 1203A prohibits specialists in the Shares from using any material non-public information received from any person associated with a specialist or employee of such person regarding trading by such person or employee in physical gold, gold futures contracts, options on gold futures, or any other gold derivatives. In addition, Amex Rule 1203A also prohibits specialists in the Shares from being affiliated with a market maker in physical gold, gold futures contracts, or options on gold futures unless adequate information barriers are in place as provided for in Amex Rule 193.

h. Suitability

Pursuant to Amex Rule 411, before a member and/or member organization or employee of such member organization undertakes to recommend a transaction in the Shares, such member or member organization should make a determination that the Shares are suitable for such customer. The Exchange states that any recommendation is made with respect to the Shares, the person making the recommendation should have a reasonable basis for believing at the time of making the recommendation that the customer has such knowledge and experience in financial matters that he or she may reasonably be expected to be capable of evaluating the risks and any special characteristics of the recommended transaction, and is financially able to bear the risks of the recommended transaction.

i. Information Circular

The Exchange will distribute an information circular to its members in connection with the trading in the Shares. The circular will discuss the special characteristics and risks of trading this type of security. Specifically, the circular, among other things, will discuss what the Shares are, how a Basket is created and redeemed, the requirement that members and member firms deliver a prospectus to investors purchasing the Share prior to or concurrently with the confirmation of a transaction, applicable Exchange rules, dissemination information regarding the indicative price of gold and the IIV, trading information, and the applicability of suitability rules. The information circular will also explain that the Trust is subject to various fees and expenses described in the Registration Statement, and that the number of ounces of gold required to create a Basket or to be delivered upon a redemption of a Basket will gradually decrease over time because the Shares comprising a Basket will represent a decreasing amount of gold due to the sale of the Trust's gold to pay the Trust's expenses. The information circular will also reference the fact that there is no regulated source of last sale information regarding physical gold, and that the Commission has no jurisdiction over the trading of gold as a physical commodity.

In the information circular, members and member organizations will be informed that procedures for purchases and redemptions of the Shares in Baskets and that the Shares are not individually redeemable but are redeemable only in Basket-size aggregations or multiples thereof. The information circular will also advise members of their suitability obligations with respect to recommended transactions to customers in the Shares. The circular will also discuss any relief if granted by the Commission or the staff from any rules under the Act.

The information circular will likewise disclose that the NAV for the Shares will be calculated as of the earlier of the London p.m. fix for such day or 12 p.m. Eastern Time each day that NYSE is open for trading.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Section 6(b)(5) of the Act,[21] in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments on the proposed rule change were neither solicited nor received.

**III. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml)*; or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–Amex–2005–032 on the subject line.

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

*Paper Comments*

• Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–Amex–2005–032. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml)*. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2005–032 and should be submitted on or before April 26, 2005.

## IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange.[22] In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[23] which requires that an exchange have rules designed, among other things, 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 Commission believes that the proposal will benefit investors by increasing competition among markets that trade GLD.

In addition, the Commission believes that the proposal is consistent with Section 12(f) of the Act,[24] which permits an exchange to trade, pursuant to UTP, a security that is listed and traded on another exchange.[25] The Commission notes that it previously approved the listing and trading of the Shares on NYSE.[26] The Commission also believes that the proposal is consistent with Rule 12f–5 under the Act,[27] which provides that an exchange shall not extend UTP to a security unless the exchange has in effect a rule or rules providing for transactions in the class or type of security to which the exchange extends UTP. The Exchange represented that it meets this requirement because it deems the Shares to be equity securities, thus rendering trading in the Shares subject to the existing rules of the Exchange governing the trading of equity securities, including rules relating to trading hours, trading halts, odd-lots, and the minimum trading increment.

The Commission further believes that the proposal is consistent with Section 11A(a)(1)(C)(iii) of the Act,[28] which sets forth Congress's finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotations for and last sale information regarding GLD are disseminated through the Consolidated Quotation System. Furthermore, as noted by the Exchange, various means exist for investors to obtain reliable gold price information and thereby to monitor the underlying spot market in gold relative to the NAV of their Shares. Additionally, the Trust's Web site will provide an updated IIV at least every 15 seconds. If the Trust ceases to maintain or to calculate the IIV or if the IIV ceases to be widely available, the Exchange would cease trading GLD.

The Commission notes that, if GLD were to be delisted by NYSE, the Exchange would no longer have authority to trade GLD pursuant to this order.

In support of the proposal, the Exchange made the following representations:

1. The Exchange's surveillance procedures for reviewing trading in GLD will be comparable to the procedures used for reviewing trading in ETFs and trust issued receipts on the Exchange and will incorporate and rely upon existing Exchange surveillance procedures governing equities. In addition, the Exchange entered into an MOU with NYMEX for the sharing of information related to any financial instrument based, in whole or in part, upon an interest in or the performance of gold.

2. The Exchange will distribute an information circular prior to the commencement of trading of GLD on the Exchange that explains its terms, characteristics, and risks of trading GLD.

3. The Exchange will require a member or member organization with a customer that purchases the Shares on the Exchange to provide that customer with a product prospectus and will note this prospectus delivery requirement in the information circular.

4. The Exchange's existing rules set forth certain restrictions that apply to specialists in connection with trading of GLD. These rules generally require a specialist to report to the Exchange a list of all accounts for trading gold or gold derivatives over which the specialist exercises investment discretion or has an interest. Furthermore, specialists and their affiliated persons will be required to make available to the Exchange, upon request, their books and records pertaining to transactions in gold and gold derivatives. Finally, these rules prohibit specialists from using any material, non-public information received from any person associated with a specialist or employee of such person regarding trading by such person or employee in gold or gold derivatives, and prohibit specialists from being affiliated with a market maker in gold or gold derivatives unless adequate information barriers are in place in accordance with Exchange rules.

This approval order is conditioned on the Exchange's adherence to these representations.

The Commission finds good cause for approving the proposal prior to the 30th day after the date of publication of the notice of filing thereof in the **Federal Register**. As noted previously, the Commission previously found that the listing and trading of GLD on NYSE is

[22] In approving the proposal, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78f(b)(5).

[24] 15 U.S.C. 78*l*(f).

[25] Section 12(a) of the Act, 15 U.S.C. 78*l*(a), generally prohibits a broker-dealer from trading a security on a national securities exchange unless the security is registered on that exchange pursuant to Section 12 of the Act. Section 12(f) of the Act excludes from this restriction trading in any security to which an exchange ''extends UTP.'' When an exchange extends UTP to a security, it allows its members to trade the security as if it were listed and registered on the exchange even though it is not so listed and registered.

[26] *See* NYSE Approval Order, *supra* note 3.

[27] 17 CFR 240.12f–5.

[28] 15 U.S.C. 78k–1(a)(1)(C)(iii).

consistent with the Act.[29] The Commission presently is not aware of any regulatory issue that should cause the Commission to revisit that earlier finding or preclude the trading of GLD on the Exchange pursuant to UTP. Therefore, accelerating approval of the proposal should benefit investors by creating, without undue delay, additional competition in the market for GLD.

**V. Conclusion**

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act,[30] that the proposed rule change (SR–Amex–2005–032), is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[31]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. E5–1532 Filed 4–4–05; 8:45 am]

**BILLING CODE 8010–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–51448; File No. SR–CHX–2005–07]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Stock Exchange, Incorporated Relating to Participant Fees and Credits.

March 30, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 16, 2005, the Chicago Stock Exchange, Incorporated (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CHX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend its schedule of Participant Fees and Credits (the ''Fee Schedule'') to confirm that late fees will be assessed on a participant's bill ten (10) days from the date on which payment of the bill is due. The text of the proposed rule change is available on CHX's Web site (*http://www.chx.com*), the CHX's Office of the Secretary, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the CHX included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. The CHX has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange bills its participants monthly for fees and other assessments due to the Exchange. These bills typically are distributed to participants on the tenth day of the month following the month in which the fees were incurred and, by their terms, are due by the end of the month.[3] Under the Exchange's Fee Schedule, the Exchange assesses a late fee on the outstanding balance of any unpaid participant bills. The current version of the Fee Schedule, however, allows the Exchange to assess this late fee only when a bill has remained unpaid 60 days from the date on which the fees were due.[4]

Through this proposal, the Exchange seeks to amend the Fee Schedule to permit an earlier assessment of the late fee.[5] The Exchange believes that this change will encourage its participants to pay their bills on time by assessing a reasonable late fee in those instances in which a participant does not do so.

2. Statutory Basis

The Exchange believes that proposed rule change is consistent with Section 6(b)(4) of the Act[6] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

*B. Self-Regulatory Organization's Statement of Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change establishes or changes a due, fee or other charge imposed by the Exchange and therefore has become effective pursuant to Section 19(B)(3)(A) of the Act[7] and subparagraph (f)(2) of Rule 19b–4 thereunder.[8] At any time within 60 days of the filing of such 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 purpose of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–CHX–2005–07 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 No. SR–CHX–2005–07. 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

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[29] *See supra* note 3.

[30] 15 U.S.C. 78s(b)(2).

[31] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] For example, the participant bills relating to the month of March are distributed on or about April 10 and are due on April 30.

[4] Using the same example as above, the Exchange currently cannot assess a late fee unless a participant's March bill (due April 30) remains unpaid on June 30.

[5] Under the proposal, the Exchange could assess a late fee if a participant has not paid its March bill (due April 30) by May 10.

[6] 15 U.S.C. 78(f)(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

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, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of the CHX. 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 No. SR–CHX–2005–07 and should be submitted on or before April 26, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. E5–1531 Filed 4–4–05; 8:45 am]

**BILLING CODE 8010–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–51443; File No. SR–ISE–2004–40]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1, 2, and 3 Thereto by the International Securities Exchange, Inc. Relating to Procedures for the Allocation of Market Maker Appointments

March 29, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 14, 2004, the International Securities Exchange, Inc. (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the ISE. On January 18, 2005, the ISE filed Amendment No. 1 to the proposed rule change.[3] On March 2, 2005, the ISE filed Amendment No. 2 to the proposed rule change.[4] On March 21, 2005, the ISE filed Amendment No. 3 to the proposed rule change.[5] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend ISE Rule 802 to (1) specify that allocations of market maker appointments must be made in the best interest of the Exchange and (2) add criteria specific to the allocation of market maker appointments in index options in addition to the criteria currently contained in the Rule.

The text of the proposed rule change is available on the ISE's Web site (*http://www.iseoptions.com*), at the ISE's Office of the Secretary, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE 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

When the Exchange lists new options classes, it allocates them to one of its Primary Market Makers under ISE Rule 802. Pursuant to power delegated by the Exchange's Board, an Allocation Committee, which consists of representatives of Electronic Access Members, makes allocation decisions according to the guidelines contained in ISE Rule 802. ISE Rule 802 states, among other things, that the Allocation Committee should consider the following in making its decisions: The financial resources available to the Primary Market Maker, the Primary Market Maker's experience and expertise in market making or options trading, and the maintenance and enhancement of competition among Primary Market Makers.

The Exchange believes that, as competition among the options exchanges continues to intensify, it is increasingly important for the Exchange to assure that products are allocated to the Primary Market Makers that make the best markets. While it is implied that the Exchange's Board and all Exchange committees always must act in the best interest of the Exchange to provide competitive markets, because allocation decisions have a direct impact on the competitiveness of the Exchange, the Exchange proposes to specify this obligation to act in the best interest of the Exchange in ISE Rule 802.

According to the Exchange, options on index-based products can be among the most actively traded listed options, making them among the most important products to the Exchange. While the Exchange believes that the allocation standards contained in ISE Rule 802 work reasonably well with respect to the allocation of equity options, the Exchange believes it is appropriate for the Exchange to seek more specific commitments from Primary Market Makers as to the quality of the markets they are prepared to make in certain index-based products (*i.e.*, options on indices and exchange-traded funds). Moreover, the Exchange believes it is appropriate to have the ability to base re-allocation decisions on the failure of a Primary Market Maker to comply with its market quality commitments. The proposed rule change would not apply to allocation decisions made prior to approval of this proposed rule change by the Commission.

The Exchange proposes to supplement the current allocation criteria to require Primary Market Makers who ask for an allocation of an index-based product to provide specific quarterly spread and size commitments for the first year of listing. The Allocation Committee would consider these commitments in making its allocation decisions in addition to the factors currently contained in ISE Rule

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[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Form 19b–4, dated January 18, 2005, which replaced the original filing in its entirety (''Amendment No. 1'').

[4] *See* Form 19b–4, dated March 2, 2005, which replaced Amendment No. 1 in its entirety (''Amendment No. 2'').

[5] *See* Form 19b–4, dated March 21, 2005, which replaced Amendment No. 2 in its entirety (''Amendment No. 3''). Collectively, Amendment Nos. 1, 2, and 3 clarified the following: (1) That ISE's Board or designated committee shall make appointments in the best interest of the exchange to provide competitive markets; (2) that changes to the allocation requirements for index options will be prospective only; and (3) that information regarding order flow arrangements will not be used as a basis for remedial action.

802. A Primary Market Maker also may, but would not be required to, provide commitments regarding marketing or other support (including order flow commitments), with respect to the index-based product.

Under the proposal, the Primary Market Maker's size and spread quotation commitments for the fourth quarter following the listing of the index-based product would remain in effect thereafter on a quarter-to-quarter basis unless a change in such commitment is approved upon the request of the Primary Market Maker. Any other commitments that a Primary Market Maker makes also would remain in effect until modified by the Board or designated committee upon the Primary Market Maker's request. In addition, a failure of a Primary Market Maker to meet its commitments would enable (but not require) the Allocation Committee to terminate an allocation and reallocate the product to another Primary Market Maker.

The proposal also would allow, but would not require, a Primary Market Maker to provide information regarding order flow arrangements with order flow providers. The Allocation Committee would use any information provided by a Primary Market Maker regarding the existence of order flow arrangements solely to evaluate existing order flow arrangements between the applicant and order flow providers. A future change to, or termination of, any such arrangements considered by the Allocation Committee during the review process would not be used by the Committee at any point in the future to terminate an allocation or take remedial action against a Primary Market Maker. Furthermore, the Allocation Committee would not take any remedial action solely because orders subject to any such arrangements were not subsequently routed to the Exchange. Whether actual arrangements result in orders being routed to the Exchange would be considered by the Exchange as a separate matter from the criteria for which a Primary Market Maker's performance would be evaluated.

2. Statutory Basis

The Exchange believes that the proposed rule change, as amended, is consistent with Section 6(b) of the Act,[6] in general, and furthers the objectives of Section 6(b)(5) of the Act,[7] in particular, because it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and national market system, and, in general, to protect investors and the public interest. In particular, the Exchange believes that the proposed rule change, as amended, would help assure that the Exchange allocates index-based products to Primary Market Makers that are committed to making competitive markets, which the Exchange believes would benefit investors and the Exchange.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule change, as amended, does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change, as amended. The Exchange has not received any unsolicited written comments from its members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–ISE–2004–40 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–ISE–2004–40. 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 the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2004–40 and should be submitted on or before April 26, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. E5–1515 Filed 4–4–05; 8:45 am]

**BILLING CODE 8010–01–P**

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–51445; File No. SR–OCC–2005–03]**

## Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish an Electronic Pledge System Through Which Clearing Members May Deposit Securities With Banks Acting as Agents for OCC To Meet Margin and Clearing Fund Requirements

March 29, 2005.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 22, 2005, The Options Clearing Corporation (''OCC'') 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 OCC. 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 proposed rule change establishes an electronic pledge system through which clearing members of OCC may deposit securities with banks acting as agents for OCC to meet minimum margin and clearing fund requirements.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC 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*

Electronic Pledge System

Currently, clearing members that wish to make margin and clearing fund deposits electronically may do so only by using a system operated by The Depository Trust Company (''DTC''). Clearing members that wish to make deposits through a bank must use paper depository receipts through which they pledge securities to OCC. The paper depository receipts must be signed by the clearing member and the bank and faxed to OCC. Hard copies of the executed receipts also must be mailed to OCC. When OCC releases a margin deposit made through a bank, a representative of OCC must sign the paper depository receipt and fax it to the bank where the securities were deposited.

ENCORE, OCC's clearing system, has been modified to allow banks to confirm a clearing member's pledge of government securities and debt securities issued by congressionally-chartered corporations (''GSE debt securities'') and to process approved releases through a Web-based application. OCC anticipates the use of the electronic pledge system will significantly reduce paperwork and reduce costs for banks, clearing members, and OCC.

Other Proposed Revisions

OCC is also making other changes to its rules relating to margin deposits. First, OCC is updating Rule 604, which governs forms of margin, to conform the Rule to OCC's practice of valuing all U.S. and foreign government securities and GSE debt securities on a daily basis. The Rule currently provides that foreign government securities are valued no less frequently than daily but that U.S. government securities and GSE debt securities are valued no less frequently than monthly.

The second revision is the deletion of references in OCC's rules to specific time periods during which clearing members may request withdrawals of margin, deliver depository receipts with respect to deposits in lieu of margin, or withdraw depository receipts. OCC is replacing the deleted language with language that allows OCC to specify the time these transactions can be effectuated. This change provides OCC with greater flexibility in altering these time periods in response to changing business needs and emergency situations.

The third revision is the addition of an Interpretation and Policy to Rule 604, which currently requires that for stocks to be eligible as a margin deposit they must have a market value greater than $10 per share. The revision will clarify OCC's policy to accept for deposit securities that do not satisfy the requirements of the rule or retain on deposit previously deposited securities that no longer satisfy such requirements without giving margin credit for these deposits. Clearing members sometimes desire to deposit with OCC stocks with a market price slightly below $10 per share in anticipation that the price will rise above $10 per share. Alternatively, the market price of a previously deposited stock may fall below $10 per share. The rule change clarifies that in either case, OCC would hold the deposit if the clearing member so desired but would assign a value of zero for margin purposes unless and until the price exceeded $10 per share.

OCC's Proposed By-Law and Rule Changes

To effectuate these revisions, OCC is revising its By-Laws and Rules. First, OCC is amending the definition of ''EDP Pledge System'' in Article I of its By-Laws to include an OCC system such as ENCORE. The term ''EDP Pledge System'' is used in, among other places, Rule 604, which requires an electronic margin deposit be made via an ''EDP Pledge System'' to be effective. Currently, the definition of ''EDP Pledge System'' includes only systems of an approved depository, such as DTC. The proposed amendment is necessary to allow electronic deposits to be made through the ENCORE system.

Second, OCC is amending Rule 604(b)(1) to provide that both U.S. and foreign government securities must be valued no less frequently than daily. The rule currently provides that U.S. government securities are valued no less frequently than monthly. The change will conform the rule to OCC's practice of valuing these securities daily. For similar reasons, OCC is amending Rule 604(b)(2) to provide that GSE debt securities will be valued no less frequently than daily.

Third, OCC is adding an Interpretation and Policy .13 to Rule 604 to state that OCC will accept for deposit securities that do not satisfy the requirements of the rule or will retain on deposit previously deposited securities that no longer meet those requirements but will not give margin credit for these deposits unless and until they do satisfy the rule.

Finally, OCC is amending Rules 608, 610(i), and 610(j), which currently prescribe specific time periods during which clearing members may request withdrawals of margin, deliver depository receipts with respect to deposits in lieu of margin, or withdraw depository receipts. The amendments replace references to specific times with a reference to ''such times as the Corporation may specify.'' This will allow OCC to establish these times as

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

business needs or emergency situations require.

OCC believes the proposed rule change is consistent with the requirements of Section 17A of the Act [3] and the rules and regulations thereunder applicable to OCC because (i) the primary change would provide for a more efficient means for clearing members and banks to process deposits and releases of securities used as margin deposits or clearing fund contributions and (ii) the remaining changes would clarify provisions of OCC's rules, conform the rules to OCC's current practices, or provide OCC with greater flexibility to establish time periods with regards to withdrawals of margin and delivery and withdrawal of depository receipts. The rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

OCC does not believe that the proposed rule change will have an 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 were not and are not intended to be solicited with respect to the proposed rules change, and none have been received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A) of the Act [4] and Rule 19b–4(f) [5] thereunder because the proposed rule does not significantly affect the respective rights or obligations of the clearing agency or persons using the service and does not adversely affect the safeguarding of securities or funds in the custody or control of OCC or for which it is responsible. The rule change will be implemented on the availability of the related systems changes to ENCORE, OCC's clearing system, which are scheduled for implementation on April 4, 2005. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate the 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–OCC–2005–03 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–OCC–2005–03. 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 filings also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *www.optionsclearing.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–OCC–2005–03 and should be submitted on or before April 26, 2005.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. E5–1514 Filed 4–4–05; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78q–1.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f).

[6] 17 CFR 200.30–3(a)(12).

## DEPARTMENT OF STATE

**[Public Notice 5020]**

## U.S. Advisory Commission on Public Diplomacy; Notice of Meeting

The U.S. Advisory Commission on Public Diplomacy will hold a meeting at the U.S. State Department, 301 4th St., SW., Washington, DC on April 13, 2005, at 9 a.m. The Commissioners will review efforts that expand interagency coordination of public diplomacy programs to increase their effectiveness in communicating with foreign audiences.

The Commission was reauthorized pursuant to Pub. L. 106–113 (H.R. 3194, Consolidated Appropriations Act, 2000). It's Charter was renewed February 18, 2005. The U.S. Advisory Commission on Public Diplomacy is a bipartisan Presidentially appointed panel created by Congress in 1948 to provide oversight of U.S. Government activities intended to understand, inform and influence foreign publics. The Commission reports its findings and recommendations to the President, the Congress and the Secretary of State and the American people. Current Commission members include Barbara M. Barrett of Arizona, who is the chairman; Harold Pachios of Maine; Jay T. Snyder of New York; Maria Sophia Aguirre of Washington, DC; Charles ''Tre'' Evers of Florida; Ambassador Elizabeth Bagley of Washington, DC; and Ambassador Penne Korth Peacock of Washington, DC.

For more information, please contact Razvigor Bazala at 202.203.7880.

Dated: March 29, 2005.

**Razvigor Bazala,**

*Acting Executive Director, IIP/ACPD, Department of State.*

[FR Doc. 05–6705 Filed 4–4–05; 8:45 am]

BILLING CODE 4710–11–P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Finance Docket No. 34674]**

### BNSF Railway Company—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant certain trackage rights to BNSF Railway Company (BNSF) over UP's line of railroad between BNSF South Junction, TX (milepost 656.2), extending to Tower 55 in Fort Worth, TX, in the vicinity of UP's milepost 754.4, a total distance of approximately 98.2 miles.

The transaction was scheduled to be consummated on the March 24, 2005 effective date of the exemption.

The purpose of the trackage rights is to allow BNSF and UP to share each other's tracks and implement directional operations by funding certain track and signal improvements.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34674, 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 Michael E. Roper, BNSF Railway Company, P.O. Box 961039, Fort Worth, TX 76161–0039.

Board decisions and notices are available on our Web site at *www.stb.doc.gov.*.

Decided: March 28, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05–6456 Filed 4–4–05; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Docket No. AB–927X]**

### Boot Hill & Western Railway Co., L.C.—Abandonment Exemption—in Ford County, KS

Boot Hill & Western Railway Co., L.C. (BHWR), has filed a notice of exemption under 49 CFR part 1152 Subpart F—*Exempt Abandonments* to abandon a 15.8-mile line of railroad between milepost 0.0, at Bucklin, and milepost 15.8, at Wilroads, in Ford County, KS. The line traverses United States Postal Service Zip Codes 67834, 67842, 67801, and 67843.

BHWR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line for at least 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 5, 2005, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 15, 2005. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 25, 2005, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BHWR's representative: Karl Morell, Ball Janik LLP, 1455 F St., NW., Suite 225, Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

BHWR has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 8, 2005. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BHWR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BHWR's filing of a notice of consummation by April 5, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: March 29, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 05–6587 Filed 4–4–05; 8:45 am]

**BILLING CODE 4915–01–U**

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,200. *See* 49 CFR 1002.2(f)(25).

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Notice 102132–05

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 102132–05, Domestic Reinvestment Plans and Other Guidance under Section 965.

**DATES:** Written comments should be received on or before June 6, 2005 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

**SUPPLEMENTARY INFORMATION:** *Title:* Domestic Reinvestment and Other Guidance under Section 965.

*OMB Number:* 1545–1926.

*Regulation Project Number:* 102132–05.

*Abstract:* This document provides guidance under new section 965 enacted by the American Jobs Creation Act of 2004 (Pub. L. 108–357). In general, and subject to limitations and conditions, section 965(a) provides that a corporation that is a U.S. shareholder of a controlled foreign corporation (CFC) may elect, for one taxable year, an 85 percent dividends received deduction (DRD) with respect to certain cash dividends it receives from its CFCs. Section 965(f) provides that taxpayers may elect the application of section 965 for either the taxpayer's last taxable year which begins before October 22, 2004, or the taxpayer's first taxable year which begins during the one-year period beginning on October 22, 2004. In general, a taxpayer elects to apply section 965 to a taxable year by filing Form 8895 with its timely-filed tax return (including extensions) for such taxable year. If however, a taxpayer files its tax return for the taxable year to which the taxpayer intends to elect section 965 to apply prior to the issuance of Form 8895, the election must be made on a statement that is attached to its timely-filed tax return (including extensions) for such taxable year. In addition, because the taxpayer must establish to the satisfaction of the Commissioner that it has satisfied the conditions to take the DRD, the taxpayer is required under this guidance to report specified information and provide specified documentation.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 25,000.

*Estimated Time Per Respondent:* 150 hours.

*Estimated Total Annual Burden Hours:* 3,750,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request For Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 29, 2005.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E5–1534 Filed 4–4–05; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 6251

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6251, Alternative Minimum Tax-Individuals.

**DATES:** Written comments should be received on or before June 6, 2005 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Allan.M.Hopkins@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Alternative Minimum Tax-Individuals.

*OMB Number:* 1545–0227.

*Form Number:* 6251.

*Abstract:* Form 6251 is used by individuals with adjustments, tax preference items, taxable income above certain exemption amounts, or certain credits to compute the alternative minimum tax, which is added to regular tax. The information on Form 6251 is used by the IRS to verify that the taxpayer correctly figured the tax.

*Current Actions:* There are no changes being made to the Form 6251 at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 4,236,740.

*Estimated Time Per Respondent:* 3 hrs., 47 min.

*Estimated Total Annual Burden Hours:* 16,016,997.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request For Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 29, 2005.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E5–1539 Filed 4–4–05; 8:45 am]

BILLING CODE 4830–01–P

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Area 3 Taxpayer Advocacy Panel (Including the States of Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and Puerto Rico)

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** An open meeting of the Area 3 Taxpayer Advocacy Panel will be conducted (via teleconference).

The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Tuesday, May 3, 2005, from 11 a.m. to 12 p.m. e.t.

**FOR FURTHER INFORMATION CONTACT:** Sallie Chavez at 1–888–912–1227, or 954–423–7979.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10 (a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 3 Taxpayer Advocacy Panel will be held Tuesday, May 3, 2005, from 11 a.m. to 12 p.m. e.t. via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7979, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include: Various IRS issues.

Dated: March 29, 2005.

**Martha Curry,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. E5–1540 Filed 4–4–05; 8:45 am]

BILLING CODE 4830–01–P

# Corrections

Federal Register
Vol. 70, No. 64
Tuesday, April 5, 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.

## CONSUMER PRODUCT SAFETY COMMISSION

**[CPSC Docket No. 05–C0006]**

### Graco Children's Products, Inc., a Corporation and Century Products, f/k/a Century Products Company, Provisional Acceptance of a Settlement Agreement and Order

*Correction*

In notice document 05–6066 beginning on page 15842 in the issue of Tuesday, March 29, 2005, in the first column, in the document heading, correct the subject to read as set forth above.

[FR Doc. C5–6066 Filed 4–4–05; 8:45 am]

BILLING CODE 1505–01–D

## ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Part 271**

**[FRL–7857–8]**

### New York: Final Authorization of State Hazardous Waste Management Program Revision

*Correction*

In rule document 05–504 beginning on page 1825 in the issue of Tuesday, January 11, 2005, make the following correction:

On pages 1826 and 1827, the table is corrected in part to read as follows:

| Description of Federal Requirement (Revision Checklists [1]) | Analogous State regulatory authority [2] |
|---|---|
| * * * * * * * | |
| | **RCRA CLUSTER VIII** |
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| * * * * * * * | |
| Land Disposal Restrictions Phase IV—Bevill Exclusion Revisions and Clarifications (5/26/98, 63 FR 28556; Revision Checklist 167 E).. | 6 NYCRR 371.1(d)(1)(ii)('a') and ('c'), 371.1(e)(2)(vi) introductory paragraph through (vi)('b')('20') and 371.1(e)(2)(vi)('c'). |
| * * * * * * * | |

[FR Doc. C5–504 Filed 4–4–05; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Tuesday,
April 5, 2005

# Part II

# Department of the Treasury

## Fiscal Service

## 31 CFR Part 351

## Offering of United States Savings Bonds, Series EE; Final Rule

**DEPARTMENT OF THE TREASURY**

**Fiscal Service**

**31 CFR Part 351**

## Offering of United States Savings Bonds, Series EE

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

**ACTION:** Final rule.

**SUMMARY:** This final rule changes the interest rate determination for United States Savings Bonds of Series EE issued May 1, 2005, or thereafter.

**DATES:** Effective: May 1, 2005.

**ADDRESSES:** You can download this final rule at the following Internet addresses: *http://www.publicdebt.treas.gov* or *http://www.gpoaccess.gov/ecfr.*

**FOR FURTHER INFORMATION CONTACT:** Elisha Whipkey, Director, Division of Program Administration, Office of Securities Operations, Bureau of the Public Debt, at (304) 480–6319 or *elisha.whipkey@bpd.treas.gov.*

Susan Klimas, Attorney-Adviser, Dean Adams, Assistant Chief Counsel, Edward Gronseth, Deputy Chief Counsel, Office of the Chief Counsel, Bureau of the Public Debt, at (304) 480–8692 or *susan.klimas@bpd.treas.gov.*

**SUPPLEMENTARY INFORMATION:** This final rule changes the interest rate determination for United States Savings Bonds of Series EE. Effective May 1, 2005, the interest rate for a Series EE bond issued on or after that date will be a fixed rate of interest determined by the Secretary of the Treasury or the Secretary's designee. The fixed rate will be announced each May 1 and November 1. The most recently announced fixed rate will apply to Series EE savings bonds purchased during the six months following the announcement (or for any other period of time announced by the Secretary). The fixed rate will be established for the life of the bond, including the extended maturity period, unless the Secretary announces a different fixed rate or we amend the terms and conditions prior to the beginning of the extended maturity period. All other Series EE terms and conditions remain unchanged. These changes do not affect bonds that were purchased before May 1, 2005.

The fixed rate replaces the current variable rate for Series EE bonds. Currently, a new variable rate is announced each May 1 and November 1, and applies to bonds during the first semiannual rate period beginning on or after the effective date of the rate.

Consequently, a Series EE savings bond purchased prior to May 1, 2005, earned a new rate of interest every six months. A Series EE savings bond purchased on or after May 1, 2005, will have one rate of interest that continues for the life of the bond (although a different rate or method of determining the rate may be used for any extended maturity period).

Treasury periodically re-assesses each United States savings bond program and re-examines their pricing models. After the most recent re-examination, Treasury concluded that a change to the Series EE savings bond pricing model is necessary to reflect the unique characteristics of Series EE savings bonds, as well as to harmonize the price with the pricing models used for other series of savings bonds. The change will benefit investors by the establishment of a predetermined rate that will provide greater certainty as to the amount of interest that the bond will earn.

### Procedural Requirements

This final rule does not meet the criteria for a ''significant regulatory action'' as defined in Executive Order 12866. Therefore, a regulatory assessment is not required.

Because this final rule relates to matters of public contract and procedures for United States securities, notice and public procedure and delayed effective date requirements are inapplicable, pursuant to 5 U.S.C. 553(a)(2).

As no notice of proposed rulemaking is required, the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply.

We ask for no new collections of information in this final rule. Therefore, the Paperwork Reduction Act (44 U.S.C. 3507) does not apply.

### List of Subjects in 31 CFR Part 351

Bonds, Federal Reserve System, Government securities.

■ Accordingly, for the reasons set out in the preamble, 31 CFR chapter II, subchapter B, is amended as follows:

## PART 351—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES EE

■ 1. The authority citation for part 351 continues to read as follows:

**Authority:** 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3105.

■ 2. Revise the third sentence of § 351.0 to read as follows:

**§ 351.0 What does this part cover?**

* * * The current offer was effective May 1, 2005, and will continue until terminated by the Secretary.

■ 3. Revise the undesignated center heading located prior to § 351.29 to read as follows:

**Series EE Savings Bonds With Issue Dates of May 1, 1997, Through April 1, 2005**

■ 4. Revise the section heading for § 351.29, and the heading for § 351.29(a)(2), to read as follows:

**§ 351.29 What are the maturity periods of bonds with issue dates of May 1, 1997, through April 1, 2005?**

(a) * * *

(2) *Bonds with issue dates of June 1, 2003, through April 1, 2005.* * * *

* * * * *

■ 5. Revise the heading for § 351.30 to read as follows:

**§ 351.30 What are interest rates and monthly accruals for Series EE bonds with issue dates of May 1, 1997, through April 1, 2005, during the original maturity period?**

* * * * *

■ 6. Revise the heading and the first sentence of § 351.31 to read as follows:

**§ 351.31 What is the interest penalty for Series EE bonds with issue dates of May 1, 1997, through April 1, 2005, that are redeemed less than 5 years after the issue date?**

If you redeem a Series EE savings bond with an issue date of May 1, 1997, through April 1, 2005, less than five years following the issue date, we reduce the overall earning period from the issue date by three months.

* * * * *

■ 7. Revise the heading of § 351.32 to read as follows:

**§ 351.32 How are redemption values calculated for Series EE bonds with issue dates of May 1, 1997, through April 1, 2005?**

* * * * *

■ 8. Revise the heading of § 351.33 to read as follows:

**§ 351.33 What are interest rates and redemption values for Series EE bonds issued May 1, 1997, through April 1, 2005, during an extended maturity period?**

* * * * *

■ 9. Add an undesignated center heading prior to § 351.34, to read as follows:

**Series EE Savings Bonds With Issue Dates of May 1, 2005, or Thereafter**

■ 10. Add § 351.34 to read as follows:

**§ 351.34 What are the maturity periods of Series EE bonds with issue dates of May 1, 2005, or thereafter?**

(a) *Original maturity.* Bonds reach original maturity at 20 years after the issue date.

(b) *Final maturity.* Bonds reach final maturity at 30 years after the issue date. Bonds cease to earn interest at final maturity.

■ 11. Add § 351.35 to read as follows:

**§ 351.35 What do I need to know about interest rates, penalties, and redemption values for Series EE bonds with issue dates of May 1, 2005, or thereafter?**

(a) *Fixed rate or fixed rate of interest.* Fixed rate or fixed rate of interest means the rate of interest for a Series EE savings bond with an issue date of May 1, 2005, or thereafter, established by the Secretary or the Secretary's designee.

(b) *Determination of fixed rate of interest.* (1) The Secretary or the Secretary's designee determines the fixed rate of interest, which is established for the life of the bond, including the extended maturity period, unless, prior to the beginning of such maturity period, the Secretary either announces a different fixed rate applicable to the extended maturity period, or we expressly amend the terms and conditions applicable to the extended maturity period.

(2) The Secretary's determination of rates of interest and savings bond redemption values is final and conclusive.

(c) *Announcement of fixed rate.* (1) The Secretary or the Secretary's designee will furnish a fixed rate of interest in announcements published each May 1 and November 1. The effective date of the rates will be the first day of the month of the announcement.

(2) If the regularly scheduled date for the announcement is a day when the Treasury is not open for business, then the Secretary will make the announcement on the next business day; however, the effective date of the rates remains the first day of the month of the announcement.

(3) The Secretary may announce rates at any other time.

(4) The most recently announced fixed rate applies only to bonds purchased during the six months following the announcement, or for any other period of time announced by the Secretary.

(d) *Monthly accruals.* Interest accrues on the first day of each month; that is, we add the interest earned on a bond during any given month to its value at the beginning of the following month. The accrued interest compounds semiannually.

(e) *Interest penalty for Series EE bonds redeemed less than 5 years after issue date.* If you redeem a bond with an issue date of May 1, 2005, or thereafter, less than five years following the issue date, we reduce the overall earning period from the issue date by three months. However, the redemption value of a bond subject to the 3-month interest penalty shall not be reduced below the issue price. This penalty does not apply to bonds redeemed 5 years or more after the issue date.

(f) *Redemption value of Series EE bonds at original maturity.*

(1) *Definitive bond.* At original maturity, the redemption value of a definitive bond shall not be less than the face amount/denomination of the bond.

(2) *Book-entry bond.* At original maturity, the redemption value of a book-entry bond shall not be less than double the purchase price of the bond.

Dated: March 29, 2005.

**Donald V. Hammond,**

*Fiscal Assistant Secretary.*

[FR Doc. 05–6660 Filed 4–4–05; 8:45 am]

BILLING CODE 4810–39–P

Federal Register

Tuesday,
April 5, 2005

# Part III

# The President

Proclamation 7878—National Child Abuse Prevention Month, 2005

Proclamation 7879—National Donate Life Month, 2005

Proclamation 7880—National Former Prisoner of War Recognition Day, 2005

Executive Order 13375—Amendment to Executive Order 13295 Relating to Certain Influenza Viruses and Quarantinable Communicable Diseases

Federal Register
Vol. 70, No. 64
Tuesday, April 5, 2005

# Presidential Documents

**Title 3—**

## The President

**Proclamation 7878 of April 1, 2005**

## National Child Abuse Prevention Month, 2005

**By the President of the United States of America**

**A Proclamation**

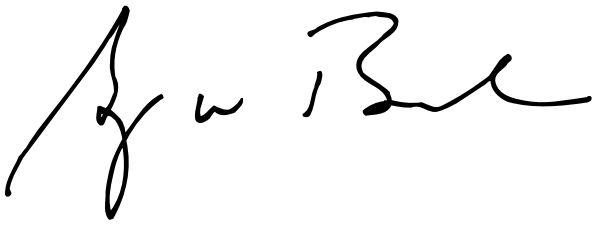
Our Nation has a responsibility to build a safe and nurturing society so that our young people can realize their full potential. During National Child Abuse Prevention Month, we renew our commitment to preventing child abuse and rededicate ourselves to working together to ensure that all children can have a bright and hopeful future.

Creating a protective environment for our young people requires the shared commitment of individuals, families, and faith-based and community organizations. Parents and family members are the first and most important influence in a child's life. A safe and stable family can provide children with a foundation of love and security that encourages positive growth and development. Federal, State, and local government officials can also improve the lives of our young people by doing all they can to keep children safe from harm.

Together, we can protect our future generations so that they can realize the opportunities of our Nation. By providing help and hope to our young people, we will build a better and more compassionate world for our children and grandchildren.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2005 as National Child Abuse Prevention Month. I encourage all Americans to protect our children from abuse and neglect and to help ensure that every child can grow up in a secure and loving environment.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand five, and of the Independence of the United States of America the two hundred and twenty-ninth.



[FR Doc. 05–6904
Filed 4–4–05; 10:49 am]
Billing code 3195–01–P

# Presidential Documents

**Proclamation 7879 of April 1, 2005**

## National Donate Life Month, 2005

**By the President of the United States of America**

**A Proclamation**

America's health care system is the best in the world. We are blessed with skilled doctors and medical professionals, advances in technology, and countless organ, tissue, and bone marrow donors who help save lives. During National Donate Life Month, we continue to work to raise donation awareness, help people get the information they need to become donors, and recognize those who have chosen to donate.

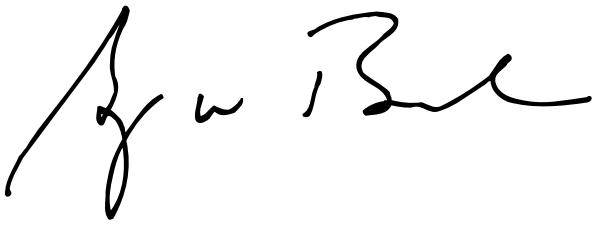
Organ donors share the precious gift of life with others and demonstrate the compassionate spirit of our Nation. Most people are eligible to donate organs, tissue, or bone marrow. They can join the donor registry in their State, indicate donations on their driver's license, or complete and carry a donor card. Through these measures, Americans help others in need to live longer and healthier lives.

My Administration remains committed to increasing organ and tissue donation. Over the past 4 years, more than 10,500 organizations have joined the Department of Health and Human Services' ''Gift of Life Donation Initiative'' and made donation information available to their employees, associates, and members. My fiscal year 2006 budget proposal includes $23 million for donation and transplant services at HHS and an additional $23 million for the National Bone Marrow Donor Registry. These programs will help increase donation rates, treat patients in need, and strengthen efforts to find suitable bone marrow donors.

During National Donate Life Month, I join our citizens in honoring donors and their families. The generosity of these individuals reflects the great character of our country and sets a fine example for all Americans.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2005 as National Donate Life Month. I urge health care professionals, volunteers, educators, government agencies, and private organizations to help raise awareness of the need for organ and tissue donors across our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand five, and of the Independence of the United States of America the two hundred and twenty-ninth.



[FR Doc. 05–6905
Filed 4–4–05; 10:49 am]
Billing code 3195–01–P

# Presidential Documents

**Proclamation 7880 of April 1, 2005**

## National Former Prisoner of War Recognition Day, 2005

**By the President of the United States of America**

**A Proclamation**

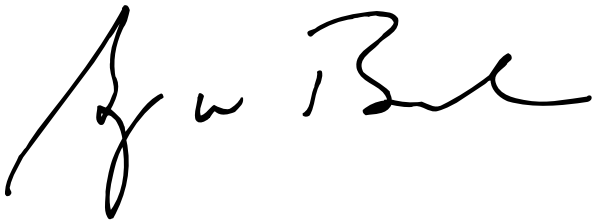
From the time of our Nation's founding, members of our military have built a tradition of honorable and faithful service. As they fought to protect our security and defend our ideals, some endured the extreme hardship of enemy captivity. On National Former Prisoner of War Recognition Day, we remember those courageous individuals taken prisoner while defending our country, and we honor their extraordinary sacrifices.

America's former prisoners of war are among our Nation's bravest heroes. Under the worst conditions, they fought fiercely and served with honor, and they continue to inspire generations with their strength and perseverance. In serving our Nation, each demonstrated personal courage, love of country, and devotion to duty. Because of their sacrifices, and the selflessness and heroism of all who have served in our Armed Forces, millions of people now live in freedom, and America remains the greatest force for good on Earth. On this day, we honor their role in protecting our country and the liberty of mankind.

Today, our brave men and women in uniform carry on their legacy—unrelenting in battle, unwavering in loyalty, and unmatched in decency. As we pursue victory in the war on terror, I join all Americans in expressing our deepest gratitude to every service member who has been a prisoner of war and to their families.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9, 2005, as National Former Prisoner of War Recognition Day. I call upon the people of the United States to join me in remembering former American prisoners of war by honoring their sacrifices. I also call upon Federal, State, and local government officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand five, and of the Independence of the United States of America the two hundred and twenty-ninth.



[FR Doc. 05–6906
Filed 4–4–05; 10:49 am]
Billing code 3195–01–P

# Presidential Documents

**Executive Order 13375 of April 1, 2005**

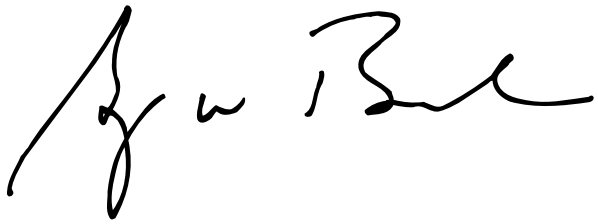
## Amendment to Executive Order 13295 Relating to Certain Influenza Viruses and Quarantinable Communicable Diseases

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 361(b) of the Public Health Service Act (42 U.S.C. 264(b)), it is hereby ordered as follows:

**Section 1.** Based upon the recommendation of the Secretary of Health and Human Services, in consultation with the Surgeon General, and for the purpose set forth in section 1 of Executive Order 13295 of April 4, 2003, section 1 of such order is amended by adding at the end thereof the following new subsection:

''(c) Influenza caused by novel or reemergent influenza viruses that are causing, or have the potential to cause, a pandemic.''.

**Sec. 2.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.



THE WHITE HOUSE,
*April 1, 2005.*

[FR Doc. 05–6907
Filed 4–4–05; 10:49 am]
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## RULES GOING INTO EFFECT APRIL 5, 2005

**ENVIRONMENTAL PROTECTION AGENCY**

Air quality planning purposes; designation of areas:
- Various States; published 1-5-05

Superfund program:
- National oil and hazardous substances contingency plan—
  - National priorities list update; published 2-4-05

**TRANSPORTATION DEPARTMENT**

**Federal Aviation Administration**

Airworthiness directives:
- Airbus; published 3-1-05

## COMMENTS DUE NEXT WEEK

**AGRICULTURE DEPARTMENT**

**Agricultural Marketing Service**

Cotton classing, testing and standards:
- Classification services to growers; 2004 user fees; Open for comments until further notice; published 5-28-04 [FR 04-12138]

**AGRICULTURE DEPARTMENT**

**Animal and Plant Health Inspection Service**

Plant-related quarantine, domestic:
- Bay leaves; comments due by 4-11-05; published 2-8-05 [FR 05-02322]

Plant-related quarantine, foreign:
- Nursery stock; comments due by 4-11-05; published 3-10-05 [FR 05-04705]

**AGRICULTURE DEPARTMENT**

**Food Safety and Inspection Service**

Meat and poultry inspection:
- North Dakota; State inspection of poultry and poultry products; comments due by 4-13-05; published 3-14-05 [FR 05-04993]

**AGRICULTURE DEPARTMENT**

**Rural Housing Service**

Direct single family housing loans and grants; comments due by 4-11-05; published 2-8-05 [FR 05-02429]

**COMMERCE DEPARTMENT**

**National Oceanic and Atmospheric Administration**

Ocean and coastal resource management:
- Florida Keys National Marine Sanctuary, FL; revised management plan; comments due by 4-15-05; published 2-16-05 [FR 05-02949]

**COMMODITY FUTURES TRADING COMMISSION**

Commodity Exchange Act:
- Federal speculative position limits; comments due by 4-14-05; published 3-15-05 [FR 05-05088]

**COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA**

Semi-annual agenda; Open for comments until further notice; published 12-22-03 [FR 03-25121]

**DEFENSE DEPARTMENT**

Acquisition regulations:
- Pilot Mentor-Protege Program; Open for comments until further notice; published 12-15-04 [FR 04-27351]

**EDUCATION DEPARTMENT**

Grants and cooperative agreements; availability, etc.:
- Vocational and adult education—
  - Smaller Learning Communities Program; Open for comments until further notice; published 2-25-05 [FR E5-00767]

**ENERGY DEPARTMENT**

Meetings:
- Environmental Management Site-Specific Advisory Board—
  - Oak Ridge Reservation, TN; Open for comments until further notice; published 11-19-04 [FR 04-25693]

**ENERGY DEPARTMENT**

**Energy Efficiency and Renewable Energy Office**

Commercial and industrial equipment; energy efficiency program:
- Test procedures and efficiency standards—
  - Commercial packaged boilers; Open for comments until further notice; published 10-21-04 [FR 04-17730]

**ENERGY DEPARTMENT**

**Federal Energy Regulatory Commission**

Electric rate and corporate regulation filings:
- Virginia Electric & Power Co. et al.; Open for comments until further notice; published 10-1-03 [FR 03-24818]

**ENVIRONMENTAL PROTECTION AGENCY**

Air quality implementation plans; approval and promulgation; various States:
- Maine; comments due by 4-11-05; published 3-10-05 [FR 05-04708]
- Oregon; comments due by 4-14-05; published 3-15-05 [FR 05-05045]

Environmental statements; availability, etc.:
- Coastal nonpoint pollution control program—
  - Minnesota and Texas; Open for comments until further notice; published 10-16-03 [FR 03-26087]

Hazardous waste program authorizations:
- Alabama; comments due by 4-14-05; published 3-15-05 [FR 05-05047]
- Tennessee; comments due by 4-13-05; published 3-14-05 [FR 05-04952]

Pesticides; emergency exemptions, etc.
- Removal of expired time-limited tolerances for emergency exemptions; comments due by 4-11-05; published 2-10-05 [FR 05-02614]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Thiamethoxam; comments due by 4-12-05; published 2-11-05 [FR 05-02715]

Radiation protection programs:
- Transuranic radioactive waste for disposal at Waste Isolation Pilot Plant; waste characterization program documents availability—
  - Idaho National Engineering and Environmental Laboratory, ID; comments due by 4-11-05; published 3-10-05 [FR 05-04713]

Water pollution control:
- National Pollutant Discharge Elimination System—
  - Concentrated animal feeding operations in New Mexico and Oklahoma; general permit for discharges; Open for comments until further notice; published 12-7-04 [FR 04-26817]
- Ocean dumping; site designations—
  - Port Royal, SC; comments due by 4-11-05; published 2-24-05 [FR 05-03525]

Water pollution; effluent guidelines for point source categories:
- Meat and poultry products processing facilities; Open for comments until further notice; published 9-8-04 [FR 04-12017]

**FEDERAL COMMUNICATIONS COMMISSION**

Committees; establishment, renewal, termination, etc.:
- Technological Advisory Council; Open for comments until further notice; published 3-18-05 [FR 05-05403]

Common carrier services:
- Interconnection—
  - Incumbent local exchange carriers unbounding obligations; local competition provisions; wireline services offering advanced telecommunications capability; Open for comments until further notice; published 12-29-04 [FR 04-28531]
- Prepaid calling card services; comments due by 4-15-05; published 3-16-05 [FR 05-05167]
- Wireless telecommunications services—
  - 800 MHz cellular handsets, telephones, and other wireless devices use aboard airborne aircraft; facilitation; comments due by 4-11-05; published 3-10-05 [FR 05-04725]

Radio stations; table of assignments:
- Florida; comments due by 4-11-05; published 3-3-05 [FR 05-04114]

**HARRY S. TRUMAN SCHOLARSHIP FOUNDATION**

Scholar accountability policy; comments due by 4-13-05;

published 3-14-05 [FR 05-04951]

**HEALTH AND HUMAN SERVICES DEPARTMENT**

**Food and Drug Administration**

Human drugs:
Antiperspirant products (OTC); final monograph; partial stay; comments due by 4-13-05; published 10-15-04 [FR 04-23106]

Reports and guidance documents; availability, etc.:
Evaluating safety of antimicrobial new animal drugs with regard to their microbiological effects on bacteria of human health concern; Open for comments until further notice; published 10-27-03 [FR 03-27113]
Medical devices—
Dental noble metal alloys and base metal alloys; Class II special controls; Open for comments until further notice; published 8-23-04 [FR 04-19179]

**HOMELAND SECURITY DEPARTMENT**

**Coast Guard**

Anchorage regulations:
Maryland; Open for comments until further notice; published 1-14-04 [FR 04-00749]

Port access routes:
Portland, ME and Casco Bay; comments due by 4-11-05; published 2-10-05 [FR 05-02559]

**HOMELAND SECURITY DEPARTMENT**

**Federal Emergency Management Agency**

Disaster assistance:
National Urban Search and Rescue Response System; financing, administration, and operation standardization; comments due by 4-11-05; published 2-24-05 [FR 05-03192]

**HOMELAND SECURITY DEPARTMENT**

**Transportation Security Administration**

Civil aviation security:
Enhanced security procedures for certain airports' operations in the Washington, DC metropolitan area flight restricted zone; comments due by 4-11-05; published 2-10-05 [FR 05-02630]

**INTERIOR DEPARTMENT**

**Fish and Wildlife Service**

Endangered and threatened species permit applications
Recovery plans—
Paiute cutthroat trout; Open for comments until further notice; published 9-10-04 [FR 04-20517]

Endangered and threatened species:
Northern aplomado falcons; nonessential experimental population establishment in New Mexico and Arizona; comments due by 4-11-05; published 2-9-05 [FR 05-02415]

**INTERIOR DEPARTMENT**

**Minerals Management Service**

Outer Continental Shelf; oil, gas, and sulpher operations:
Service fees; comments due by 4-14-05; published 3-15-05 [FR 05-04999]

**LIBRARY OF CONGRESS**

**Copyright Office, Library of Congress**

Copyright Arbitration Royalty Panel rules and procedures:
Sound recordings under statutory license; usage reports; comments due by 4-14-05; published 3-15-05 [FR 05-05064]

**NUCLEAR REGULATORY COMMISSION**

Environmental statements; availability, etc.:
Fort Wayne State Developmental Center; Open for comments until further notice; published 5-10-04 [FR 04-10516]

**SMALL BUSINESS ADMINISTRATION**

Disaster loan areas:
Maine; Open for comments until further notice; published 2-17-04 [FR 04-03374]

**OFFICE OF UNITED STATES TRADE REPRESENTATIVE**

**Trade Representative, Office of United States**

Generalized System of Preferences:
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]

**TRANSPORTATION DEPARTMENT**

**Federal Aviation Administration**

Airworthiness directives:
AeroSpace Technologies of Australia Pty Ltd.; comments due by 4-15-05; published 3-16-05 [FR 05-05153]
Agusta S.p.A.; comments due by 4-11-05; published 2-10-05 [FR 05-02588]
Airbus; comments due by 4-15-05; published 3-16-05 [FR 05-05138]
Boeing; Open for comments until further notice; published 8-16-04 [FR 04-18641]
Bombardier; comments due by 4-14-05; published 3-15-05 [FR 05-05012]
Eurocopter France; comments due by 4-11-05; published 2-10-05 [FR 05-02586]
Fokker; comments due by 4-14-05; published 3-15-05 [FR 05-05011]
MD Helicopters, Inc.; comments due by 4-11-05; published 2-10-05 [FR 05-02608]
New Piper Aircraft, Inc.; comments due by 4-11-05; published 2-9-05 [FR 05-02374]
Saab; comments due by 4-14-05; published 3-15-05 [FR 05-05013]

Airworthiness standards:
Special conditions—
Cessna 172R and 172S airplanes; comments due by 4-11-05; published 3-10-05 [FR 05-04745]

Class D airspace; comments due by 4-11-05; published 3-11-05 [FR 05-04134]

Class E airspace; comments due by 4-13-05; published 3-14-05 [FR 05-04980]

**TRANSPORTATION DEPARTMENT**

**Federal Motor Carrier Safety Administration**

Civil rights; Title VI procedures for financial assistance recipients; comments due by 4-15-05; published 2-14-05 [FR 05-02768]

**TRANSPORTATION DEPARTMENT**

**National Highway Traffic Safety Administration**

Anthropomorphic test devices:
Occupant crash protection—
SID-IIsFRG side impact crash test dummy, 5th percentile adult female; specifications and qualification requirements; comments due by 4-12-05; published 3-8-05 [FR 05-04432]

Motor vehicle safety standards:
Side impact protection—
Phase-in reporting requirements; comments due by 4-12-05; published 1-12-05 [FR 05-00548]

**TREASURY DEPARTMENT**

**Internal Revenue Service**

Procedure and administration:
Written contracts or agreements for acquisition of property and services for tax administration purposes; returns and return information disclosure; comments due by 4-12-05; published 1-12-05 [FR 05-00636]

**TREASURY DEPARTMENT**

**Alcohol and Tobacco Tax and Trade Bureau**

Alcohol; viticultural area designations:
Niagara Escarpment, Niagara County, NY; comments due by 4-11-05; published 2-9-05 [FR 05-02489]

## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

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. 1270/P.L. 109–6**

To amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate. (Mar. 31, 2005; 119 Stat. 20)

**Last List April 1, 2005**

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