

# Proposed Rules

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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.

## RAILROAD RETIREMENT BOARD

### 20 CFR Part 321

RIN 3220-AB57

### Electronic Filing of Applications and Claims for Benefits Under the Railroad Unemployment Insurance Act

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its regulations to permit the filing of applications and claims for benefits under the Railroad Unemployment Insurance Act via the Internet. The Government Paperwork Elimination Act provides that Federal agencies are required to provide “for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper”. This proposed new part will permit the filing of applications and claims for benefits under the Railroad Unemployment Insurance Act electronically.

**DATES:** Submit comments on or before January 6, 2004.

**ADDRESSES:** Address any comments concerning this proposed rule to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092.

**FOR FURTHER INFORMATION CONTACT:** Marguerite P. Dadabo, Assistant General Counsel, (312) 751-4945, TTD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** The amendments would add a new part 321 to the Board’s regulations (20 CFR 321) to permit the filing of applications and claims for benefits under the Railroad Unemployment Insurance Act via the Internet. The Government Paperwork Elimination Act, Public Law 105-277, sections 1701-1710 (codified as 44 U.S.C. 3504n) provides that Federal agencies are required to provide “for the option of the electronic maintenance,

submission, or disclosure of information, when practicable as a substitute for paper”. The proposed part 321 will permit the filing of applications and claims for benefits under the Railroad Unemployment Insurance Act electronically.

The new part 321 provides that both an application and claims for benefits under the Railroad Unemployment Insurance Act may be filed electronically through the Board’s Web site utilizing a User ID/PIN/Password system. The new part further provides that determinations regarding those applications and claims will be adjudicated in accord with established procedures.

In establishing the authenticity of the person who is filing an application or claim for benefits, the Board intends to use a User ID/PIN/Password system for identification as a substitute for a signature.

The Board currently uses a User ID/PIN/password system to allow employers access to RRBLINK to make electronic tax deposits and submit Form DC-1, “Employer’s Quarterly Report of Contributions Under the RUIA” (Railroad Unemployment Insurance Act) electronically. A PIN/password system is used to access the Pay.gov website. The U.S. Department of the Treasury operates the Pay.gov website. Such a system also is consistent with the guidance provided by the Department of Justice regarding the use of electronic processes. The Board has also proposed amending its regulations to permit the filing of an application for benefits under the Railroad Retirement Act using the same User ID/PIN/password system.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866. Therefore, no regulatory analysis is required. The Office of Management and Budget has approved information collections associated with this rule under control numbers 3220-0022, 3220-0039, and 3220-0198.

#### List of Subjects in 20 CFR Part 321

Claims, Railroad unemployment insurance, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, the Railroad Retirement Board proposes to amend title 20,

chapter II, of the Code of Federal Regulations by adding a new part 321 to read as follows:

### PART 321—ELECTRONIC FILING OF APPLICATIONS AND CLAIMS FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Sec.

321.1 Filing applications electronically.

321.2 Filing claims for benefits electronically.

**Authority:** 45 U.S.C. 355 and 362(l).

#### § 321.1 Filing applications electronically.

(a) *Electronic filing.* An application for benefits under the Railroad Unemployment Insurance Act may be filed electronically through the Board’s Web site, <http://www.rrb.gov>, utilizing a User ID/PIN/Password.

(b) *Adjudication of applications filed electronically.* An application filed electronically shall be adjudicated in accordance with the procedures set forth in this part.

(c) *Date of filing.* The date of filing for an application filed electronically shall be the date that the electronic filing of the application is accepted by the Board’s electronic system. If an attempt to file an application through the Board’s electronic system is unsuccessful and is rejected by that system, the claimant must submit another application. If the subsequent application, filed either electronically or on paper, is received by the Board within 30 days from the date of the notification that the initial filing attempt was rejected, the Board will establish the filing date of the subsequent application as the date the rejected application was attempted to be filed.

#### § 321.2 Filing claims for benefits electronically.

(a) *Electronic Filing.* A claim for benefits under the Railroad Unemployment Insurance Act may be filed electronically through the Board’s website, <http://www.rrb.gov>, utilizing a User ID/PIN/Password.

(b) *Adjudication of claims filed electronically.* A claim for benefits under the Railroad Unemployment Insurance Act filed electronically shall be adjudicated in accordance with the procedures set forth in this part.

(c) *Date of filing.* The date of filing for a claim for benefits under the Railroad Unemployment Insurance Act filed electronically shall be the date that the

electronic filing of the claim is accepted by the Board's electronic system. If an attempt to file a claim for benefits under the Railroad Unemployment Insurance Act is unsuccessful and is rejected by the Board's electronic system, the claimant must submit another claim for benefits. If the subsequent claim for benefits, either filed electronically or on paper, is received by the Board within 30 days from the date of the notification that the initial filing was rejected, the Board will establish the filing date of the subsequent claim as the date the rejected claim was attempted to be filed.

Dated: November 3, 2003.

By Authority of the Board.

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 03-28031 Filed 11-6-03; 8:45 am]

BILLING CODE 7905-01-P

## DEPARTMENT OF THE TREASURY

### Alcohol and Tobacco Tax and Trade Bureau

#### 27 CFR Part 9

[TTB Notice No. 22; Re: TTB Notice No. 15]

RIN 1513-AA41

#### Proposed Eola Hills Viticultural Area (2002R-216P)

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau (TTB), Treasury.

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** We are extending the comment period for TTB Notice No. 15, a notice of proposed rulemaking published in the **Federal Register** on September 8, 2003, for an additional 60 days. The proposed rule would amend our regulations to add Eola Hills as an approved American viticultural area in Oregon. We are acting on a request to extend the comment period submitted on behalf of the Eola Hills Wine Cellars of Salem, Oregon.

**DATES:** We must receive written comments on or before January 6, 2004.

**ADDRESSES:** You may send comments to any of the following addresses—

- Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 15);

- 202-927-8525 (facsimile);
- [nprm@ttb.gov](mailto:nprm@ttb.gov) (e-mail); or
- <http://www.ttb.gov> (An online comment form is posted with Notice No. 15 on our Web site).

You may view copies of the petition, the notice of proposed rulemaking, the appropriate maps, and any comments we receive by appointment at our library, 1310 G Street, NW., Washington, DC 20005; phone 202-927-8210. You may also access copies of the notice and comments on our Web site at <http://www.ttb.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Berry, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, Virginia 24014; telephone 540-344-9333; e-mail [Jennifer.Berry@ttb.treas.gov](mailto:Jennifer.Berry@ttb.treas.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 8, 2003, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published a notice of proposed rulemaking (Notice No. 15, 68 FR 52875) to establish "Eola Hills" as an American viticultural area in Oregon. The comment period was to end November 7, 2003.

We have, however, received a request for a 60-day extension of the comment period from Kevin Crawford, an attorney representing a winery with a similar name to that of the proposed viticultural area, Eola Hills Wine Cellars Inc. of Salem, Oregon. Mr. Crawford requested the extension to allow his client more time to gather evidence to support its comment. In consideration of this request, and in light of the impact that the approval of the proposed Eola Hills viticultural area may have on the Eola Hills Wine Cellars' wine labels, we are extending the comment period for an additional 60 days.

##### Public Participation

See the "Public Participation" section of TTB Notice No. 15 for detailed instructions on submitting and reviewing comments. We will carefully consider comments received on or before the new closing date.

We will not recognize any submitted material as confidential. All comments are part of the public record and subject to disclosure. Do not enclose in your comments any material you consider confidential or inappropriate for disclosure. The name of the person submitting a comment is not exempt from disclosure.

##### Drafting Information

Jennifer Berry of the Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, drafted this notice.

#### List of Subjects in 27 CFR Part 9

Wine.

#### Authority and Issuance

TTB Notice No. 15 was issued under the authority of 27 U.S.C. 205.

Signed: November 4, 2003.

**Arthur J. Libertucci,**

*Administrator.*

[FR Doc. 03-28062 Filed 11-6-03; 8:45 am]

BILLING CODE 4810-31-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 122 and 133

[FRL-7584-5]

#### National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment Discharges During Wet Weather Conditions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Request for comment on proposed policy.

**SUMMARY:** Today, EPA is inviting comment on a proposed policy regarding NPDES permit requirements for treatment plants in publicly owned treatment works (POTWs) under peak wet weather flow conditions. Regulatory agencies, municipal operators of POTWs, and representatives of environmental advocacy groups have expressed uncertainty about the appropriate regulatory interpretation for such situations. Today's document describes both a proposed interpretation of regulations, as well as draft guidance to implement such an interpretation. EPA's intention is to ensure that NPDES requirements be applied in a nationally-consistent manner that improves the capacity, management, operation and maintenance of POTW treatment plants and collection systems and protects human health and the environment.

**DATES:** Written comments on this proposed policy must be received by EPA or postmarked by January 9, 2004.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in section I.B. of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** For questions about the substance of this proposed policy, contact Kevin Weiss (e-mail at [weiss.kevin@epa.gov](mailto:weiss.kevin@epa.gov) or phone at (202) 564-0742) at Office of Wastewater Management, U.S.