

or to accompany the Armed Forces outside the United States) shall not be responsible for the expenses associated with the return of the person to the overseas location, or the person's subsequent return travel to the United States for further court proceedings that may be required.

(f) This part, including its appendices, is intended exclusively for the guidance of military personnel and civilian employees of the Department of Defense, and of the United States Coast Guard by agreement with the Department of Homeland Security. Nothing contained in this part creates or extends any right, privilege, or benefit to any person or entity. *See United States v. Caceres*, 440 U.S. 741 (1979).

#### Appendix A to Part 153—Guidelines

(a) Civilians employed by the Armed Forces outside the United States who commit felony offenses while outside the U.S. are subject to U.S. criminal jurisdiction under the Act, and shall be held accountable for their actions, as appropriate.

(b) Civilians accompanying the Armed Forces outside the United States who commit felony offenses while outside the U.S. are subject to U.S. criminal jurisdiction under the Act, and shall be held accountable for their actions, as appropriate.

(c) Former military members who commit felony offenses while serving as a member of the Armed Forces outside the U.S., but who ceased to be subject to UCMJ court-martial jurisdiction without having been tried by court-martial for such offenses, are subject to U.S. criminal jurisdiction under the Act and shall be held accountable for their actions, as appropriate.

(d) The procedures of this part and DoD actions to implement the Act shall comply with applicable international law, Status of Forces Agreements, and other international agreements affecting relationships and activities between the respective host nation countries and the U.S. Armed Forces. These procedures may be employed outside the United States only if the foreign country concerned has been briefed or is otherwise aware of the Act and has not interposed an objection to the application of these procedures. Such awareness may come in various forms, including but not limited to Status of Forces Agreements, Diplomatic Notes, Mutual Legal Assistance Treaties, or case-by-case arrangements, agreements, or understandings with local host nation officials.

(e) Consistent with the long-standing policy of maximizing U.S. jurisdiction over its citizens, the Act and this part provide a mechanism for furthering this objective by closing a jurisdictional gap in U.S. law and thereby permitting the criminal prosecution of covered persons for offenses committed outside the United States. In so doing, the Act and this part provide, in appropriate cases, an alternative to the host nation's exercise of its criminal jurisdiction over conduct that is both a violation of the laws of the host nation and the U.S.

(f) In addition to the limitations imposed upon prosecutions by section 3261(b) of the Act, the Act and these procedures should be reserved generally for serious misconduct for which administrative or disciplinary remedies are determined to be inadequate or inappropriate. Because of the practical constraints and limitations on the resources available to bring these cases to successful prosecution in the United States, initiation of action under this part would not generally be warranted unless serious misconduct was involved. Examples of serious misconduct might include:

- (1) Frauds against the Government or significant attempted or actual theft, damage or destruction of Government property;
- (2) Death or serious injury to, attempted injury or threatened injury to, or sexual assault of a national of the United States, or any other person employed by or accompanying the Armed Forces outside the United States, as defined in §153.3, or
- (3) Conduct that affected adversely or threatened to affect adversely the readiness, morale, discipline or health of the Armed Forces or its members.

#### Appendix B to Part 153— Acknowledgment of Limited Legal Representation (Sample)

1. I, \_\_\_\_\_, have been named as a suspect or defendant in a matter to which I have been advised is subject to the jurisdiction of the Military Extraterritorial Jurisdiction Act of 2000 (section 3261, *et seq.*, of title 18, United States Code.); hereinafter referred to as "the Act"). I have also been informed that certain initial proceedings under 18 U.S.C. 3265 may be required under this Act, for which I am entitled to be represented by legal counsel.
2. I acknowledge and understand that the appointment of military counsel for the limited purpose of legal representation in proceedings conducted pursuant to the Act is dependent upon my being unable to retain civilian defense counsel representation for such proceedings, due to my indigent status, and that qualified military defense counsel has been made available.
3. Pursuant to the Act, \_\_\_\_\_, a Federal Magistrate Judge, has issued the attached Order and has directed that military counsel be made available:
  - For the limited purpose of representing me at an initial proceeding to be conducted outside the United States pursuant to 18 U.S.C. 3265,
  - For the limited purpose of representing me in an initial detention hearing to be conducted outside the United States pursuant to 18 U.S.C. 3265(b),
4. \_\_\_\_\_, military counsel, has been made available in accordance with Department of Defense Instruction 5525.bb, and as directed by the attached Order of a Federal Magistrate Judge.
5. I (do) (do not) wish to be represented by \_\_\_\_\_, military counsel \_\_\_\_\_ (initials).
6. I understand that the legal representation of \_\_\_\_\_, military counsel, is limited to:

- a. Representation at the initial proceedings conducted outside the United States pursuant to 18 U.S.C. 3265. \_\_\_\_\_ (Initials)
- b. The initial detention hearing to be conducted outside the United States pursuant to the Military Extraterritorial Jurisdiction Act of 2000 (18 U.S.C. 3261, *et seq.*). \_\_\_\_\_ (Initials)
- c. Other proceedings (Specify): \_\_\_\_\_ (Initials)

\_\_\_\_\_  
(Signature of Person To Be Represented by  
Military Counsel)

\_\_\_\_\_  
(Signature of Witness)\*

Attachment:  
Federal Magistrate Judge Order

(\*Note: The witness must be someone other than the defense counsel to be made available for this limited legal representation.)

Dated: January 16, 2004.

**Patricia L. Toppings,**  
*Alternate OSD Federal Register Liaison  
Officer, Department of Defense.*

[FR Doc. 04-1868 Filed 1-30-04; 8:45 am]

BILLING CODE 5001-06-U

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 51, 72, 75, and 96

[FRL-7617-5]

#### Public Hearings for Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule) and Proposed National Emission Standards for Hazardous Air Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units

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

**ACTION:** Announcement of public  
hearings.

**SUMMARY:** The EPA is announcing three public hearings to be held jointly for two related proposals that were published in the **Federal Register** on January 30, 2004. The hearings are for the proposed "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule)" and the "Proposed National Emission Standards for Hazardous Air Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units," which is also known as the proposed Utility Mercury Reductions Rule. The hearings will be held concurrently in Chicago, Illinois; Philadelphia, Pennsylvania;

and Research Triangle Park, North Carolina. Each hearing will last two days and is scheduled for February 25 and 26, 2004. Persons wishing to present oral testimony for one or both proposals may speak on either day. Details of the facility sites for the hearings and the starting and ending times will be provided on the web sites for the rulemakings identified under **ADDRESSES** as soon as the information is available.

The EPA's proposed Interstate Air Quality Rule would reduce emissions of sulfur dioxide and nitrogen dioxides in 29 eastern States and the District of Columbia that are significantly contributing to fine particulate matter and 8-hour ozone nonattainment problems in downwind States. Each State would be required to adopt control measures to meet specific statewide emission reduction requirements. The EPA believes that the most cost-effective way for States to achieve the required reductions would be to regulate utilities under a cap-and-trade program similar to EPA's highly successful Acid Rain Program. The proposed Utility Mercury Reductions Rule provides options that would reduce mercury emissions and would set a mandatory, declining cap on the total mercury emissions allowed from utilities nationwide. The proposal also would reduce nickel emissions from utilities. The EPA is coordinating these rulemakings to allow the emissions reductions to be achieved in the most cost-effective manner by sources affected by both actions.

**DATES:** The public hearings will be held on February 25 and 26, 2004. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the public hearings.

**ADDRESSES:** The hearings will be held concurrently in Chicago, Illinois; Philadelphia, Pennsylvania; and Research Triangle Park, North Carolina.

Written comments on these proposed rules may also be submitted to EPA electronically, by mail, by facsimile, or through hand delivery/courier. Please refer to the proposals for the addresses and detailed instructions.

Documents relevant to this action are available for public inspection at the EPA Docket Center, located at 1301 Constitution Avenue, NW, Room B102, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Documents are also available through EPA's electronic Docket system at <http://www.epa.gov/edocket>.

The EPA Web sites for the rulemakings, which will include

information about the public hearings, are at <http://www.epa.gov/interstateairquality> and <http://www.epa.gov/mercury>.

**FOR FURTHER INFORMATION CONTACT:** If you would like to speak at the public hearings or have questions concerning the public hearings, please contact JoAnn Allman at the address given below under **SUPPLEMENTARY INFORMATION**. Questions concerning the Interstate Air Quality Rule should be addressed to Scott Mathias, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division (C539-01), Research Triangle Park, NC 27711, telephone number (919) 541-5310, e-mail at [mathias.scott@epa.gov](mailto:mathias.scott@epa.gov). Questions concerning the Utility Mercury Reductions Rule should be addressed to William Maxwell, U.S. EPA, Office of Air Quality Planning and Standards, Emission Standards Division, Combustion Group (C439-01), Research Triangle Park, NC 27711, telephone number (919) 541-5430, fax number (919) 541-5450, e-mail at [maxwell.bill@epa.gov](mailto:maxwell.bill@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Public Hearings**

The public hearings will provide interested parties the opportunity to present data, views, or arguments concerning the proposed rules. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearings. Written comments must be postmarked by the last day of the comment period, as specified in the proposals.

If you would like to present oral testimony at the hearings, please notify JoAnn Allman, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, C539-02, Research Triangle Park, NC 27711, telephone (919) 541-1815, e-mail [allman.joann@epa.gov](mailto:allman.joann@epa.gov) no later than February 20, 2004. She will provide you with a specific time and date to speak. Oral testimony will be limited to 10 minutes for each commenter to address either or both proposals. We will not be providing equipment for commenters to show overhead slides or make computerized slide presentations unless we receive special requests in advance. Commenters should notify JoAnn Allman if they will need specific

equipment. The hearing schedules, including lists of speakers, will be posted on EPA's Web pages for the proposals at <http://www.epa.gov/interstateairquality> and <http://www.epa.gov/mercury> prior to the hearing. Verbatim transcripts of the hearings and written statements will be included in the rulemaking dockets.

**How Can I Get Copies of This Document and Other Related Information?**

The EPA has established the official public docket for the Interstate Air Quality Rule under Docket ID No. OAR-2003-0053. The EPA has established the official public docket for the Utility Mercury Reductions Rule under Docket ID No. OAR-2002-0056. The EPA has also developed web sites for the proposals at the addresses given above. Please refer to the proposals, which were published in the **Federal Register** on January 30, 2004, for detailed information on accessing information related to the proposals.

Dated: January 28, 2004.

**Anna B. Duncan,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. 04-2152 Filed 1-30-04; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[TN-257-200402(b); FRL-7616-1]

**Approval and Promulgation of Implementation Plans, Tennessee: Knox County Maintenance Plan Update**

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve revisions to the Tennessee State Implementation Plan (SIP) submitted by the Tennessee Department of Environment and Conservation (TDEC) on August 20, 2003. This SIP revision satisfies the requirement of the Clean Air Act as amended in 1990 (CAA) for the 10-year update of the Knox County 1-hour ozone maintenance plan. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant material and adverse comments are received in