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# Federal Register

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# Presidential Documents

**Title 3—**

## The President

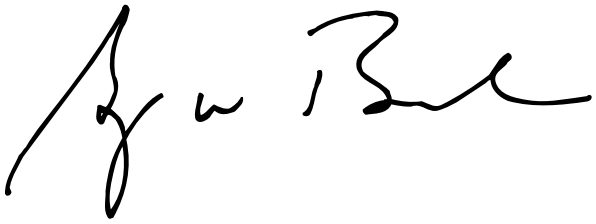
**Presidential Determination No. 2004–22 of February 5, 2004**

## Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

**Memorandum for the Secretary of State**

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest of the United States that up to $12 million be made available from the U.S. Emergency Refugee and Migration Assistance Fund to address unexpected urgent refugee and migration needs, including those of refugees, displaced persons, conflict victims, and other persons at risk from the Sudanese refugee crisis in Chad and to prepare for refugee repatriations to Sudan. These funds may be used, as appropriate, to provide contributions to international, governmental, and nongovernmental organizations.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority, and to arrange for the publication of this memorandum in the **Federal Register**.



THE WHITE HOUSE,
*Washington, February 5, 2003.*

[FR Doc. 04–4137
Filed 2–23–04; 8:45 am]
Billing code 4710–10–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.

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## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 792

**RIN 3206–AJ77**

### Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing final regulations implementing the Child Care Subsidy Program legislation. OPM is issuing final regulations because Congress made permanent the law authorizing agencies in the Executive Branch of the Federal Government to assist lower income employees with their child care costs, thus making child care more affordable for those employees.

**EFFECTIVE DATE:** The regulations are effective March 24, 2003.

**ADDRESSES:** Direct questions to: U.S. Office of Personnel Management, 1900 E St. NW., Room 7315, Washington, DC 20415, Attn: Bonnie Storm or e-mail *bstorm@opm.gov*.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Storm at (202) 606–1313; by fax at (202) 606–2091; or by e-mail at *bstorm@opm.gov*.

**SUPPLEMENTARY INFORMATION:** OPM is issuing final regulations for 5 CFR part 792. Congress enacted Pub. L. 106–58, sec. 643, on September 29, 1999, which allowed Executive agencies to use appropriated funds to assist their lower income Federal employees with the costs of child care. The authority was first established as a pilot program effective from March 14, 2000, until September 30, 2001.

OPM first issued interim regulations to implement the authority, which were published in the **Federal Register** on March 14, 2000. The authority for the Child Care Subsidy Program was then made permanent on November 12, 2001, by sec. 630, Pub. L. 107–67, the 2001 Treasury and General Government Appropriations Act. OPM then issued interim regulations ''Agency Use of Appropriated Funds for Child Care Costs for Lower Income Employees'' on March 24, 2003 (68 FR 14127). This regulation became effective on March 24, 2003.

The latest interim regulations clarified that the law was permanent and removed dates that were no longer relevant. The regulation also authorized advance payments to child care providers under certain circumstances as described in Sec. 792.231. The revisions contained in the interim regulations also made the regulations easier to understand by substituting the words ''child care subsidy'' for ''tuition assistance'' to avoid any confusion associated with educational programs versus custodial care programs. Finally, the interim regulations clarified that agencies must use child care providers that meet State and local licensing standards, and that employees are free to choose among both accredited and non-accredited providers in order to qualify.

The interim regulations that were published in the **Federal Register** on March 24, 2003, provided a 30-day period for comments, but no comments were received.

#### Executive Order 12866 Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

#### Regulatory Flexibility Act

I certify that these changes will not have a significant economic impact on a substantial number of small entities because the regulations pertain only to Federal employees and agencies.

#### List of Subjects in 5 CFR Part 792

Alcohol abuse, Alcoholism, Day care, Drug abuse, Government employees.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

■ Accordingly, under the authority of Pub. L. 107–67, the interim rule issued on March 24, 2003 (68 FR 14127) amending 5 CFR part 792, is adopted as final with no substantive changes.

[FR Doc. 04–3953 Filed 2–23–04; 8:45 am]
**BILLING CODE 6325–41–M**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Parts 916 and 917

**[Docket No. FV03–916–610 REVIEW]**

### Nectarines and Peaches/Pears Grown in California; Section 610 Review

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Confirmation of regulations.

**SUMMARY:** This action summarizes the results under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA), of an Agricultural Marketing Service (AMS) review of Marketing Orders 916 and 917 regulating the handling of nectarines and peaches/pears grown in California. The provisions and regulations for pears have been suspended since 1994. Based upon its review, AMS has determined that the nectarine and peach marketing orders should be continued, and that the pear order provisions should be continued, as suspended.

**ADDRESSES:** Interested persons may obtain a copy of the review. Requests for copies should be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; fax: (202) 720–8938; or e-mail: *moab.docketclerk@usda.gov*.

**FOR FURTHER INFORMATION CONTACT:** Terry Vawter, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (209) 487–5902; fax: (209) 487–5906; e-mail: *Terry Vawter@usda.gov;* or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491; fax: (202) 720–8938; e-mail: *George.Kelhart@usda.gov*.

**SUPPLEMENTARY INFORMATION:** Marketing Orders 916 and 917, as amended (7 CFR parts 916 & 917), regulate the handling of nectarines and peaches grown in California. The marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) hereinafter referred to as the ''Act.''

The nectarine marketing order authorizes the Nectarine Administrative Committee (NAC), consisting of eight growers or employees of growers and their respective alternates from four districts in California.

The peach marketing order authorizes the Peach Commodity Committee (PCC) consisting of 13 growers or employees of growers, representing five districts within the production area.

Currently, there are approximately 1,800 nectarine and peach growers and approximately 300 handlers. The majority of the growers and handlers may be classified as small entities. The regulations implemented under the orders are applied uniformly to all size entities, and are designed to benefit all entities, regardless of size.

Marketing Order No. 916, originally established in 1948, and Marketing Order No. 917, established in 1939, authorize grade, size, maturity, quality, and container marking and pack requirements; mandatory inspection and reporting; cultural research; marketing research; marketing development; and promotion projects.

AMS published in the **Federal Register** (63 FR 8014; February 18, 1999), its plan to review certain regulations, including Marketing Orders 916 and 917, under criteria contained in section 610 of the Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612). Updated plans were published in the **Federal Register** on January 4, 2002 (67 FR 525), and again on August 14, 2003 (68 FR 48574). AMS published a notice of review and request for written comments on the California nectarine, peach, and pear marketing orders in the April 21, 2003, issue of the **Federal Register** (68 FR 19491). No comments were received from that publication, but, as discussed below, numerous comments on the programs were received as a result of a public meeting (listening sessions) held by USDA in May 2003.

The 610 review was undertaken to determine whether the California nectarine and peach marketing orders should be continued without change, amended, or rescinded to minimize the impacts on small entities. Regarding pears, the review was conducted to determine whether the program should be reactivated with change, amended, or rescinded. In conducting this review, AMS considered the following factors: (1) The continued need for the marketing orders; (2) the nature of complaints or comments received from the public concerning the marketing orders; (3) the complexity of the marketing orders; (4) the extent to which the marketing orders overlap, duplicate, or conflict with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the marketing orders have been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the marketing orders.

The nectarine and peach marketing orders require that a continuance referendum be held every four years to determine whether growers favor continuation. Continuance referenda were held on both orders in January 2003. Results from the referenda revealed that slightly less than two-thirds of those voting favored continuation of the nectarine and peach orders. The vote of pear growers to continue the order met the two-thirds criteria. As a result, USDA published an announcement of a public meeting to review the nectarine and peach orders (listening sessions) in the April 21, 2003, issue of the **Federal Register** (68 FR 19466). The listening sessions were held in the production area on May 20 and 21, 2003, and written comments were solicited until June 20, 2003. Thirty-seven individuals spoke at the listening sessions and seven others filed comments on the marketing orders.

The majority of commenters believed that the programs are effective and important tools for the nectarine and peach industries. Commenters identified the orders' promotional programs, research activities, quality regulations, and data collection provisions as benefits to growers and handlers. Many commenters believe that recent changes in the programs will improve support for the marketing orders.

The marketing orders for nectarines and peaches have been used effectively in the areas of quality control and marketing research and development. The establishment of a quality control program that includes minimum grades and standards and mandatory inspections, the establishment of container and pack requirements, and the compilation and dissemination of statistical information to the industry has helped improve the quality of product moving from the farm to market and has helped growers and handlers more effectively market their crops.

These order requirements have helped ensure that only satisfactory quality product reaches the consumer. This has helped increase and maintain market demand for nectarines and peaches from this marketing order area over the years. In regard to complaints or comments received from the public regarding the marketing orders, USDA received 44 comments from industry members as a result of the listening sessions relative to the nectarine and peach marketing orders. Only four of the commenters favored termination of the marketing orders. The majority of the comments were supportive of the programs as they currently exist. However, there were some concerns voiced by commenters. Some of the commenters found the referendum ballot complicated or confusing, some objected to or supported continued shipments of ''CA Utility'' quality fruit, some felt that reporting and compliance requirements should be eliminated and assessments reduced, and some felt that the size regulations needed to be reviewed. The committees and USDA will review the issues raised by the commenters.

Marketing order issues and programs are discussed at public meetings, and all interested persons are allowed to express their views. All comments are considered in the decision making process by the committees and USDA before program changes are implemented.

In considering the orders' complexity, AMS has determined that the marketing orders are not unduly complex. During the review, the orders were also checked for duplication and overlap with other regulations. AMS did not identify any relevant Federal rules, or State and local regulations that duplicate, overlap, or conflict with the marketing orders for nectarines and peaches grown in California.

As stated previously, the orders were established in 1939 and 1958. During this time, AMS and the California nectarine and peach industries have continuously monitored marketing operations. Changes in regulations have been implemented to reflect current industry operating practices, and to solve marketing problems as they occur. The goal of these evaluations is to assure that the marketing orders and the regulations implemented under them fit the needs of the industries and are consistent with the Act. The committees meet whenever needed, but at least annually, to discuss the marketing orders and the various regulations issued thereunder, and to determine if, or what, changes may be necessary to reflect current industry practices. As a result, regulatory changes have been

made numerous times over the years to address industry operation changes and to improve program administration.

In 1994, the provisions of part 917 relating to pears were suspended indefinitely (59 FR 10054). The suspension was implemented because the California Bartlett pear industry began using a California State pear program. We believe that if a pear program were in effect under part 917, similar conclusions could be made regarding the 610 review as have been made for nectarines and peaches.

Based upon its review, AMS has determined that the nectarine and peach marketing orders should be continued, and that the pear order provisions should be continued, as suspended.

The marketing orders were established to help the California nectarine and peach industries work with USDA to solve marketing problems. The marketing order regulations on grade, size, maturity, quality, container marking and pack requirements, mandatory inspection, and reporting; and cultural research, marketing research, marketing development, and promotion continue to be beneficial to producers, handlers, and consumers. AMS will continue to work with the California nectarine and peach industries in maintaining effective marketing order programs.

Dated: February 18, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04–3956 Filed 2–23–04; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 1135

**[Docket No. AO–380–A18; DA–01–08–W]**

### Milk in the Western Marketing Area; Termination of the Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule terminates the Western Federal milk marketing order, effective April 1, 2004. A referendum held to determine approval by producers did not obtain the necessary two-thirds percent for adopting the amended order. In these circumstances, the continuation of the existing Western order would not be in conformity with the declared policy of the Agricultural Marketing Agreement Act (AMAA), the statute providing for milk marketing orders.

**EFFECTIVE DATE:** April 1, 2004.

**FOR FURTHER INFORMATION CONTACT:** Gino M. Tosi, Marketing Specialist, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, Stop 0231—Room 2971, 1400 Independence Avenue, SW., Washington, DC 20250–0231, (202) 690–1366, e-mail address: *gino.tosi@usda.gov*.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this proposed action will not have a significant economic impact on a substantial number of small entities. This rule would eliminate the regulatory impact of the order on dairy farmers and regulated handlers. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a ''small business'' if it has an annual gross revenue of less than $750,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. In the Western Federal milk order 550 of the 860 dairy producers (farmers), or 64 percent, whose milk was pooled under the order in June 2003 would meet the definition of small businesses. On the processing side, 15 of the 42 milk plants or 36 percent associated with the Western milk order during June 2003 would qualify as ''small businesses''.

This rule terminates the Western Federal milk marketing order, effective April 1, 2004. It is likely that market conditions would tend to become less orderly or stable. However, it must be assumed that the consequences of the termination of the Western order have been considered by those producers who rejected the proposed amended order, and that possibly other methods have or will be made to replace the stabilizing influence of the marketing order. Less than two-thirds percent of the voting producers in the referendum approved the issuance of the proposed amended order.

The Department is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and may request a modification of an order or to be exempted from the order. After a hearing, the Secretary would rule on the petition. The Act provides that the district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of termination is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of the milk in the Western marketing area.

**Prior Documents in This Proceeding:**

*Proposed Termination of Order:* Issued January 7, 2004; published January 13, 2004 (69 FR 1957).

*Tentative Final Decision:* Issued August 8, 2003; published August 18, 2003 (68 FR 49375).

**Statement of Consideration**

This rule terminates the Western Federal milk marketing order, effective April 1, 2004.

In total, eight comments were received from interested parties. Five comments were from dairy interests regulated under the terms of the Western milk marketing order. Of these five comments, two supported termination and three expressed support for retaining the current Western order.

Three interested parties who are not regulated or pool milk on the Western order also submitted comments. Of these three comments, one comment did not either support or oppose termination and two supported retaining the current Western order.

Comments that supported retaining the current Western order expressed concern for the potential consequences to producers in other Federal milk

marketing orders if the Western order is terminated. In this regard, concerns were offered, most notably, that milk currently pooled on the Western order would seek to be pooled on other orders which may give rise to disorderly marketing conditions in other markets and lower prices received by producers who pool milk under the terms of another milk marketing order.

One comment that supported the termination of the Western order was of the opinion that the current and the proposed amended Western order harmed specific dairy interests in Utah. A second comment supporting termination of the Western order stressed the dairy-farmer orientation of the Federal milk marketing order program and that the Agricultural Marketing Agreement Act (AMAA) (the enabling legislation for milk marketing orders) requires the proper endorsement of producers before milk order regulations can be implemented. This comment stressed that the Western order lacks this needed endorsement. In this regard, the comment stressed that the lack of the required two-thirds support of producers leaves the Department with no other recourse than to terminate the Western order so as to be in conformity with the requirements of the AMAA.

Termination of the Western order will remove government enforcement of minimum prices to handlers and to producers that are established by the order. It will also remove other stabilizing features of the regulatory program such as: An impartial audit of handler records to insure payment to dairy farmers and to verify the reported uses of milk; the assurance to farmers of accurate weighing, testing, classification and accounting for milk; and the existence of marketing information to evaluate market performance. Thus, it is likely that market conditions would tend to become less orderly or stable. However, it must be assumed that the consequences of the termination of the Western order have been considered by those producers who rejected the proposed amended order, and that possibly other methods have or will be made to replace the stabilizing influence of the marketing order.

Regardless of the possible economic effects of terminating the Western order, a termination is required by the AMAA. As stated in the proposed termination, less than two-thirds percent of the voting producers in the referendum approved the issuance of the proposed amended order. In these circumstances, where it has been determined that the order should be amended to effectuate the declared policy of the AMAA, and that the amended order was not approved by producers, it is concluded that the existing Western order should be terminated because it is not in conformity with the AMAA.

**List of Subjects in 7 CFR Part 1135**

Milk marketing orders.

**Order**

It is therefore ordered, that the terms and provisions of the order, as amended, regulating the handling of milk in the Western marketing area (7 CFR part 1135), except § 1135.1 which incorporates the General Provisions in Part 1000, are hereby terminated, effective on April 1, 2004.

■ Accordingly, 7 CFR part 1135 is amended as follows:

## PART 1135—MILK IN THE WESTERN MARKETING AREA

■ 1. The authority citation for 7 CFR Part 1135 continues to read as follows:

**Authority:** 7 U.S.C. 601–674 and 7253.

**§§ 1135.2 through 1135.86 [Removed]**

■ 2. Sections 1135.2 through 1135.86 and the undesignated center headings in part 1135 are removed, effective on April 1, 2004.

Dated: February 18, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04–3952 Filed 2–19–04; 3:20 pm]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Part 72

**[Docket No. 04–008–1]**

### Texas (Splenetic) Fever in Cattle; Incorporation by Reference

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the Texas (splenetic) fever in cattle regulations by updating the incorporation by reference of the Texas Animal Health Commission's regulations that contain the description of the areas in Texas quarantined because of ticks. This action is necessary to update the incorporation by reference to reflect the Texas Animal Health Commission's changes to the organization of its regulations that describe the quarantined area.

**DATES:** This rule is effective February 24, 2004. The incorporation by reference provided for by this rule is approved by the Director of the Federal Register as of February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Dr. Glen Garris, Assistant Associate Deputy Administrator for National Animal Health Policy and Programs, VS, APHIS, 4700 River Road Unit 33, Riverdale, MD 20737–1231; (301) 734–5875.

**SUPPLEMENTARY INFORMATION:**

**Background**

The regulations in 9 CFR part 72, Texas (Splenetic) Fever in Cattle (referred to below as the regulations), restrict the interstate movement of cattle from areas quarantined because of ticks that are vectors of bovine babesiosis. This disease is referred to in the regulations as splenetic or tick fever. Splenetic or tick fever is a contagious, infectious, and communicable disease of cattle that causes cattle to become weak and dehydrated and can cause death.

Section 72.3 quarantines Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. Previously, § 72.5 specifically described the area in Texas that was quarantined because of ticks. However, in a final rule published in the **Federal Register** on July 30, 1999 (64 FR 41265–41266, Docket No. 96–067–2), we replaced that description with an incorporation by reference of the Texas Animal Health Commission's (TAHC) regulations in § 41.2 of title 4, part II, Texas Administrative Code (4 TAC 41.2), that describe the quarantined area in Texas. The effective date of the TAHC regulations that we incorporated by reference was July 22, 1994.

In a rule effective on April 8, 2001, the TAHC amended the tick quarantine zone described in 4 TAC 41.2; consequently, we amended the incorporation by reference in our regulations in § 72.5 to reflect the effective date of the amended TAHC regulations (*see* 67 FR 18466–18467, Docket No. 01–110–1).

In a final rule published in the *Texas Register* on June 14, 2002, and effective June 23, 2002 (27 TexReg 5175–5176), the TAHC revised, in their entirety, its regulations concerning fever ticks. In that final rule, the TAHC reorganized its regulations to list each county containing quarantined areas in a separate section. Thus, the description of the quarantined area that had been found in 4 TAC 41.2 is now distributed across §§ 41.14 through 41.22 of title 4, part II, Texas Administrative Code. The boundaries of the quarantined areas described were not affected by this reorganization.

Therefore, in order for our regulations to reflect the TAHC's reorganization of its regulations concerning fever ticks, we are amending the incorporation by reference in § 72.5 to cite 4 TAC 41.14 through 41.22 as the location of the TAHC's regulations describing areas quarantined for fever ticks and to specify the June 23, 2002, effective date of the current TAHC regulations.

**Effective Date**

We are taking this action to update our regulations with respect to changes that have already occurred in the organization of the TAHC's regulations that describe the areas of Texas quarantined because of ticks. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedure with respect to this rule are unnecessary. We also find good cause for making this rule effective less than 30 days after publication in the **Federal Register**.

**Executive Order 12866 and Regulatory Flexibility Act**

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

The Animal and Plant Health Inspection Service's (APHIS) regulations in 9 CFR part 72 restrict the interstate movement of cattle from areas quarantined because of the presence of ticks that are vectors of bovine babesiosis, also known as splenetic or tick fever. The TAHC's regulations describing the quarantined area in Texas are incorporated by reference in APHIS' regulations in § 72.5.

This rule updates the incorporation by reference in § 72.5 so that it reflects the changes made by the TAHC to its regulations describing the quarantined areas in Texas. The amendments in this rule are entirely administrative in nature, thus we do not expect this rule will have an economic effect on any entities, large or small.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (*See* 7 CFR part 3015, subpart V.)

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This interim rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 9 CFR Part 72**

Animal diseases, Cattle, Incorporation by reference, Quarantine, Transportation.

■ Accordingly, we are amending 9 CFR part 72 as follows:

## PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

■ 1. The authority citation for part 72 continues to read as follows:

**Authority:** 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 72.5 is revised to read as follows:

### § 72.5 Area quarantined in Texas.

The area quarantined in Texas is the quarantined area described in the regulations of the Texas Animal Health Commission (TAHC) contained in §§ 41.14 through 41.22 of title 4, part II, of the Texas Administrative Code (4 TAC 41.14 through 41.22), effective June 23, 2002, which is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of 4 TAC 41.14 through 41.22 may be obtained from the TAHC at 2105 Kramer Lane, Austin, TX 78758, and from area offices of the TAHC, which are listed in local Texas telephone directories. The TAHC also maintains a copy of its regulations on its Internet homepage at *http://www.tahc.state.tx.us/.* Copies may be inspected at the Animal and Plant Health Inspection Service, Veterinary Services, suite 3B08, 4700 River Road, Riverdale, MD, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Done in Washington, DC, this 13th day of February 2004.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 04–3722 Filed 2–23–04; 8:45 am]

BILLING CODE 3410–34–P

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 200

**[Release No. 34–49259]**

### Delegation of Authority to the Director of the Division of Market Regulation

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (''Commission'') is amending its Rules of Practice to delegate its authority to the Director of the Division of Market Regulation to grant or deny exemptions from the rule filing requirements of section 19(b) of the Securities Exchange Act of 1934 (''Exchange Act'') pursuant to section 36 of the Exchange Act, in cases of a self-regulatory organization (''SRO'') incorporating by reference the rules of another SRO. The delegation of authority is intended to conserve Commission resources by permitting the staff to review and act on exemptive applications under section 36 when appropriate.

**EFFECTIVE DATE:** February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Florence Harmon, Senior Special Counsel, at (202) 942–0773; Geoffrey Pemble, Special Counsel, at (202) 942–0757, Office of Market Supervision, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–1001.

**SUPPLEMENTARY INFORMATION:** The Commission today announces an amendment to its Rules of Practice governing Delegations of Authority to the Director of the Division of Market Regulation (''Director'').[1] The amendment adds to Rule 30–3 a new paragraph (a)(78) authorizing the Director to grant or deny exemptions from the rule filing requirements of section 19(b) of the Exchange Act under section 36 of the Exchange Act in a case where an SRO chooses to incorporate by reference one or more rules of another SRO.[2]

[1] 17 CFR 200.30–3.

[2] 15 U.S.C. 78s(b) and 78mm.

Section 36(a) provides that ''the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.'' [3]

The delegation of authority to the Director is intended to conserve Commission resources by permitting the staff, pursuant to section 36(a), to review and act on exemptive applications from section 19(b) of SROs incorporating the rules of another SRO. Nevertheless, the staff may submit matters to the Commission for consideration as it deems appropriate. In addition, under section 4A(b) of the Exchange Act, the Commission retains discretionary authority to review, upon its own initiative or upon application by a party adversely affected, any exemption granted or denied by the Director pursuant to delegated authority.[4]

The Commission finds, in accordance with section 553(b)(A) of the Administrative Procedure Act,[5] that this amendment relates solely to agency organization, procedure, or practice, and does not relate to a substantive rule. Accordingly, notice, opportunity for public comment, and publication of the amendment prior to its effective date are unnecessary.

**List of Subjects in 17 CFR Part 200**

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

**Text of Amendment**

■ In accordance with the preamble, the Commission hereby amends title 17, chapter II of the Code of Federal Regulations as follows:

## PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

### Subpart A—Organization and Program Management

■ 1. The authority citation for part 200, subpart A, continues to read, in part, as follows:

**Authority:** 15 U.S.C. 77s, 78d–1, 78d–2, 78w, 78ll(d), 78mm, 79t, 77sss, 80a–37, 80b–11, unless otherwise noted.

* * * * *

■ 2. Section 200.30–3 is amended by adding paragraph (a)(78) to read as follows:

**§ 200.30–3 Delegation of authority to the Director of Division of Market Regulation.**

* * * * *

(a) * * *

(78) Pursuant to section 36 of the Act (15 U.S.C. 78mm) to review and grant or deny exemptions from the rule filing requirements of section 19(b) (15 U.S.C. 78s(b)) of the Act, in a case where a self-regulatory organization elects to incorporate by reference one or more rules of another self-regulatory organization, provided that the following specified terms and conditions are met:

(i) A self-regulatory organization electing to incorporate rules of another self-regulatory organization has requested to incorporate rules other than trading rules (*e.g.*, the self-regulatory organization has requested to incorporate rules such as margin, suitability, arbitration);

(ii) A self-regulatory organization electing to incorporate rules of another self-regulatory organization has requested to incorporate by reference categories of rules (rather than to incorporate individual rules within a category); and

(iii) The incorporating self-regulatory organization has reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another self-regulatory organization.

* * * * *

Dated: February 17, 2004.

By the Commission.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3881 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

[3] 15 U.S.C. 78mm(a).

[4] For information concerning the filing of exemptive relief applications, *see* Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998); 17 CFR 240.0–12.

[5] 5 U.S.C. 553(b)(A).

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 1

**[Docket No. 2002N–0278]**

### Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Interim final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting an interim final rule that appeared in the **Federal Register** of October 10, 2003 (68 FR 58974; corrected February 2, 2004 (69 FR 4851). The correction document (69 FR 4851) was published with typographical errors in a Web site address. This document corrects those errors.

**DATES:** Effective February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Deborah Ralston, Office of Regulatory Affairs, Office of Regional Operations, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6230.

**SUPPLEMENTARY INFORMATION:** In FR Doc. 04–1592, appearing on page 4851 in the **Federal Register** of Monday, February 2, 2004, in the second column, in the fifth numbered correction, the following correction is made:

1. On page 59072, in the second column, in § 1.280(d), in the first sentence, remove the phrase ''*http://www.fda.gov''* and replace it with the phrase ''*http://www.cfsan.fda.gov/~furls/fisstat.html''* and, in the third sentence, remove the phrase ''is listed at *http://www.fda.gov*—see Prior Notice'' and replace it with the phrase ''will be listed at *http://www.access.fda.gov* or *http://www.cfsan.fda.gov/~furls/fisstat.html*, whichever FDA determines is available''.

Dated: February 15, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 04–3941 Filed 2–23–04; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

**[TD 9110]**

**RIN 1545–BA85**

### Section 42 Carryover and Stacking Rule Amendments; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to final regulations that were published in the **Federal Register** on January 6, 2004 (69 FR 502) that amend several existing regulations concerning the low-income housing tax credit.

**EFFECTIVE DATE:** These corrections are effective January 6, 2004.

**FOR FURTHER INFORMATION CONTACT:** Lauren R. Taylor (202) 622–3040 or Christopher J. Wilson (808) 539–2874 (not a toll free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations that are the subject of these corrections are under section 42 of the Internal Revenue Code.

**Need for Correction**

As published, the final regulations (TD 9110), contains errors that may prove to be misleading and are in need of clarification.

**Correction of Publication**

■ Accordingly, the publication of the final regulations (TD 9110), which were the subject of FR Doc. 03–32219, is corrected as follows:

■ 1. On page 502, column 3, in the preamble under the paragraph heading ''Special Analyses'', line 13, the language ''(5 U.S.C. chapter 6) does not apply.'' Is corrected to read ''(5 U.S.C. chapter 6) does not apply. The collection of information contained in this Treasury decision has been previously reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1545–1102.''

**§ 1.42–14 [Corrected]**

■ 2. On page 506, column 1, § 1.42–14(l)(2), line 12, the language ''subject to the applicable applicability'' is corrected to read ''subject to the applicable effective''.

**Cynthia E. Grigsby,**

*Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).*

[FR Doc. 04–3998 Filed 2–23–04; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Part 345

### Removal of Regulations

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the Code of Federal Regulations (CFR) to remove obsolete regulations. As a result of the enactment of the Assistive Technology Act of 1998, these regulations are no longer needed. The Secretary therefore takes this action to remove the regulations.

**DATES:** Part 345 is removed effective March 25, 2004.

**FOR FURTHER INFORMATION CONTACT:** Sandy M. Jablonski, U.S. Department of Education, room 6C109, FB–6, 400 Maryland Avenue, SW., Washington, DC 20202–2110. Telephone: (202) 401–8300.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

**SUPPLEMENTARY INFORMATION:** The Department has reviewed its regulations and has identified the regulations removed by this document as obsolete and unnecessary. The regulations removed are 34 CFR part 345 (State Grants Program for Technology-Related Assistance for Individuals with Disabilities).

The regulations being removed are no longer necessary because the statutory authority for the regulations ''the Technology-Related Assistance for Individuals with Disabilities Act of 1988—has been superseded by the Assistive Technology Act of 1998, 29 U.S.C. 3001 through 3058.

**Waiver of Proposed Rulemaking**

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, this document merely removes obsolete regulations from the Code of Federal Regulations. Removal of the regulations does not establish or affect substantive policy. Therefore, the Secretary has determined, pursuant to 5 U.S.C. 553(b)(B), that public comment is unnecessary and contrary to the public interest.

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**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

**List of Subjects in 34 CFR Part 345**

Grant programs-education, Individuals with disabilities, Reporting and recordkeeping requirements, Research.

Dated: February 18, 2004.

**Troy R. Justesen,**

*Acting Deputy Assistant Secretary for Special Education and Rehabilitative Services.*

### PART 345—STATE GRANTS PROGRAM FOR TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

■ For the reasons stated in the preamble, under the authority at 20 U.S.C. 1221e–3, the Secretary amends title 34 of the Code of Federal Regulations by removing part 345.

[FR Doc. 04–3850 Filed 2–23–04; 8:45 am]

**BILLING CODE 4000–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 64

**[CC Docket No. 98–67, FCC 03–112; DA 04–347]**

### Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget (OMB) has approved for three years the information collection requirements contained in the *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration (*Second Report and Order*). Also, this document includes the effective date of 47 CFR 64.604 (a)(3)(v), (vi) and (viii) that were adopted or modified in the *Second Report and Order*, will become effective February 24, 2004.

**DATES:** 47 CFR 64.604 (a)(3) and (c)(2) published at 68 FR 50973, August 25, 2003 are effective February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Dana Jackson or Cheryl King, Consumer & Governmental Affairs Bureau, Disability Rights Office at (202) 418–2517 (voice), (202) 418–7898 (TTY).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Public Notice*, DA 04–347, released February 11, 2004 announcing OMB approval for three years the information collection requirements contained in *Second Report and Order*. The information collections were approved by OMB on January 27, 2004. OMB Control Number 3060–1047. The Commission publishes this notice of the effective date of the rules. If you have any comments on these burden estimates, or how we can improve the collection(s) and reduce the burden(s) they cause you, please write to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, SW., Washington, DC 20554. Please include the OMB Control Number 3060–1047, in your correspondence. We will also accept your comments regarding the Paperwork Reduction Act aspects of the collection via the Internet, if you send them to *Leslie.Smith@fcc.gov* or call (202) 418–0217. The *Second Report and Order* also adopted or modified regulations that do not require OMB approval, and states that such regulations become effective 6 months from the date of publication of the *Second Report and Order*, in the **Federal Register**. See *Second Report and Order* at paragraph 27, released June 17, 2003. A summary of the *Second Report and Order* was published in the **Federal Register** at 68 FR 50973, August 25, 2003. However, 47 CFR 64.604 (a)(3), (v), (vi) and (viii) that do not require OMB approval, published at 68 FR 50973, August 25, 2003, will become effective February 24, 2004. A copy of the TRS rules, as amended, will appear after that date on the Commission's website at: *http://www.fcc.gov/cgb/dro/4regs.html*.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0531 (voice), (202) 418–7365 (TTY). This *Public Notice* can also be downloaded in Text and ASCII formats at: *http://www.fcc.gov/cgb/dro.*

**Synopsis**

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received approval from OMB on January 27, 2004, for the collection(s) of information contained in the Commission's new voluntary and mandatory reporting requirements in 47 CFR 64.604 (a) (3) and (c) (2). The OMB Control Number is 3060–1047. The annual reporting burden for the collection(s) of information, including the time for gathering and maintaining the collection of information, is estimated to be: 352 respondents, and average of 5.311 hours per response per annum, for a total hour burden of 1,366 hours, and no annual cost. Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB Control Number.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, 44 U.S.C. 3507.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04–4086 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–265, MM Docket No. 00–133, RM–9895]**

## Digital Television Broadcast Service; Portland, ME

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of HMW, Inc., substitutes DTV channel 43 for DTV channel 4 at Portland, Maine. *See* 67 FR 9646, March 4, 2002. DTV channel 43 can be allotted to Portland, Maine, in compliance with the principal community coverage requirements of Section 73.625(a) at reference coordinates 43–51–06 N. and 70–19–40 W. with a power of 750, HAAT of 265 meters and with a DTV service population of 670 thousand. Since the community of Portland is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government was obtained for this allotment. With this action, this proceeding is terminated.

**DATES:** Effective March 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 00–133, adopted February 3, 2004, and released February 11, 2004. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Digital television broadcasting, Television.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

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

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

**§ 73.622 [Amended]**

■ 2. Section 73.622(b), the Table of Digital Television Allotments under Maine, is amended by removing DTV channel 4 and adding DTV channel 43 at Portland.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04–3964 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–264, MB Docket No. 03–193, RM–10768]**

## Digital Television Broadcast Service; Hobbs, NM

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Eastern New Mexico University, allots DTV channel *47 to Hobbs, New Mexico, as the community's first noncommercial television allotment. *See* 68 FR 54408,

September 17, 2003. DTV channel *47 can be allotted to Hobbs, New Mexico, in compliance with sections 73.623(d) and 73.625(a) of the Commission's Rules at coordinates 32–45–20 N. and 103–11–09 W. With this action, this proceeding is terminated.

**DATES:** Effective March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 03–193, adopted February 3, 2004, and released February 6, 2004. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Digital television broadcasting, Television.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 73—[AMENDED]

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

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

**§ 73.622 [Amended]**

■ 2. Section 73.622(b), the Table of Digital Television Allotments under New Mexico, is amended by adding DTV channel *47 at Hobbs.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04–3962 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–272, MB Docket No. 03–224, RM–10801]**

### Digital Television Broadcast Service and Television Broadcast Service; Knoxville, TN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Knoxville Channel 25, LLC, substitutes DTV channel 7 for channel 26- at Knoxville, Tennessee. *See* 68 FR 62046, October 31, 2003. DTV channel 7 can be allotted to Knoxville in compliance with the Sections 73.623(c)(2) and 73.625(a) of the Commission's Rules at reference coordinates 36–00–36 N. and 83–55–57 W. with a power of 55, HAAT of 367 meters and with a DTV service population of 1048 thousand. With this action, this proceeding is terminated.

**DATES:** Effective March 29, 2004.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No.03–224, adopted February 5, 2004, and released February 12, 2004. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Digital television broadcasting, Television.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 73—[AMENDED]

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

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

**§ 73.606 [Amended]**

■ 2. Section 73.606(b), the Table of Television Allotments under Tennessee, is amended by removing TV channel 26- at Knoxville.

**§ 73.622 [Amended]**

■ 3. Section 73.622(b), the Table of Digital Television Allotments under Tennessee, is amended by adding DTV channel 7 at Knoxville.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Division, Media Bureau.*

[FR Doc. 04–3965 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–245; MM Docket No. 02–199; RM–10514]**

### Radio Broadcasting Services; Magnolia, AR and Oil City, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, petition for reconsideration.

**SUMMARY:** This document denies a petition for reconsideration filed by Access.1 Communications-Shreveport, LLC seeking reconsideration of the *Report and Order* in this proceeding. *See* 68 FR 27940 May 22, 2003. The petition for reconsideration was opposed by Columbia Broadcasting Company, Inc. licensee of Station KVMA–FM, Magnolia, Arkansas. We find that this document is not subject to the requirements of Congressional Review Act because it denies the petition for reconsideration filed by Access.1 Communications-Shreveport, LLC.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 02–199, adopted January 29, 2004, and released January 30, 2004. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals ll, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3961 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–285; MB Docket No. 02–79; RM–10424]**

### Radio Broadcasting Services; Park City, MT

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of Chaparral Broadcasting, Inc., licensee of FM Station KLZY, Channel 223C, Powell, Wyoming, removes Channel 223C at Powell, Wyoming, from the FM Table of Allotments, allots Channel 223C0 at Park City, Montana, as the community's first local FM service, and modifies the license of FM Station KLZY to specify operation on Channel 223C0 at Park City. Channel 223C0 can be allotted to Park City, Montana, in compliance with the Commission's minimum distance separation requirements with a site restriction of 23.8 km (14.8 miles) southeast of Park City. The coordinates for Channel 223C0 at Park City, Montana, are 45–32–24 North Latitude and 108–38–34 West Longitude. The Audio Division also allots Channel 221C at Byron, Wyoming, as the community's first local FM service. Channel 221C can be allotted to Byron, Wyoming, with a site restriction of 44.7 kilometers (27.7 miles) southwest of Byron. The coordinates for Channel 221C at Byron, Wyoming, are 44–38–08 NL and 109–01–20 WL. The Audio Division also substitutes Channel 222C for Channel 223C at Miles City, Montana, and modifies the license of FM Station KKRY to specify operation on Channel 222C at Miles City, Montana, at the existing reference coordinates.

**DATES:** Effective March 25, 2004.

**FOR FURTHER INFORMATION CONTACT:** Deborah Dupont, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order,* MB Docket No. 02–79, adopted February 4, 2004 and released February 9, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Channel 222C and by removing Channel 223C at Miles City, and by adding Park City, Channel 223C.

■ 3. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Byron, Channel 281C.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3967 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–143, MM Docket No. 01–248, RM–10241 and RM–10342]**

### Radio Broadcasting Services; Big Sur, Chualar, and Dos Palos, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document grants a counterproposal to allot Channel 240A to Big Sur, California, as its first local aural service, at reference coordinates 36–15–28 and 121–49–28. The document also denies a rulemaking petition to reallot and change the community of license for Station KSKD(FM), Channel 240A, from Dos Palos to Chualar, California, because this would not result in a preferential arrangement of allotments. See 66 FR 51361, published October 9, 2001.

**DATES:** Effective March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Andrew J. Rhodes, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order,* MM Docket 01–248, adopted February 4, 2004, and released February 6, 2004. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com*

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

■ 2. Section 73.202(b), the Table of FM allotments under California, is amended by adding Big Sur, Channel 240A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3968 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–235; MB Docket No. 02–335; RM–10545]**

### Radio Broadcasting Services; Coopersville, Hart, and Pentwater, MI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a *Notice of Proposed Rulemaking,* 67 FR 71925, December 30, 2002, this document grants a petition for rulemaking filed jointly by Waters Broadcasting Corporation, licensee of Station WCXT, Hart, Michigan, and Synergy Media, Inc., licensee of Station WWKR, Pentwater, Michigan. Channel 287B is substituted for Channel 287C2 at Hart and is reallotted from Hart, Michigan, to Coopersville, Michigan, with the license for Station WCXT modified to specify operation on Channel 287B at Coopersville. The Audio Division granted a minor change application

(BPH–20020116AAR) on May 1, 2002, which allowed Station WCXT to specify operation on Channel 287C2 in lieu of Channel 287C1 at Hart, Michigan. Station WCXT received a construction permit on Channel 231C3 is reallotted from Pentwater, Michigan, to Hart, Michigan, to provide continuing service at Hart with the license for Station WWKR modified accordingly. The coordinates for Channel 287B at Coopersville are 43–17–20 and 86–02–51. Channel 231C3 is allotted at Hart at coordinates 43–51–33 and 86–18–27. The counterproposal filed by Fort Bend Broadcasting Company has been dismissed. With this action this proceeding is terminated.

**DATES:** Effective March 22, 2004.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 02–335, adopted February 4, 2004, and released February 6, 2004. The reallotment from Hart to Coopersville is conditioned on the reallotment of Station WWKR, Channel 231C3, Pentwater, Michigan, to Hart, Michigan. Operating authority for Station WCXT, Channel 287B at Coopersville may not be granted until operations have commenced by Station WWKR, Channel 231C3, at Hart, Michigan. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 73—RADIO BROADCAST SERVICES

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

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

■ 2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Coopersville, Channel 287B, by removing Channel 287C1 and adding Channel 231C3 at Hart, and by removing Channel 231C3 at Pentwater.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3970 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

## 48 CFR Parts 1801, 1811, 1823, 1851, and 1852

## Government-Owned Contractor-Operated Vehicle Fleet Management and Reporting

**AGENCY:** Office of Procurement, Contract Management Division, National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** This rule adopts as final, without change, the interim rule published in the **Federal Register** (68 FR 43333–43334) on July 22, 2003. This final rule amends the NASA Federal Acquisition Regulation Supplement (NFS) to require contractors to collect data and report on usage of government-owned contractor-operated vehicles, including Interagency Fleet Management System (IFMS) vehicles.

**EFFECTIVE DATE:** February 24, 2004.

**FOR FURTHER INFORMATION:** Patrick Flynn, NASA, Office of Procurement, Contract Management Division (Code HK); (202) 358–0460; e-mail: *patrick.flynn@nasa.gov.*

**SUPPLEMENTARY INFORMATION:**

### A. Background

In Executive Order 13149, ''Greening the Government through Federal Fleet and Transportation Efficiency'', section 505 requires Federal agencies to ensure that all government-owned contractor-operated vehicles comply with all applicable goals and other requirements of the order. Section 302(c) requires agencies to collect data and report on performance in meeting the goals of the order, in accordance with requirements and guidance from the Department of Energy. In July 2000, the Department of Energy prepared the Guidance Document for Federal Agencies, as required by Executive Order 13149. Section 2–3 requires agencies to report data on government-owned motor vehicle usage, using DOE's Federal Automotive Statistical Tool (FAST). Information required for FAST reporting must be obtained from contractors who have been authorized to obtain vehicles and related services pursuant to FAR paragraph 11.101(b)(1). NASA published an interim rule in the **Federal Register** at 68 FR 43333–43334 on July 22, 2003, providing procedures for FAST reporting.

No public comments were received. The interim rule is converted to a final rule without change. This is not a significant regulatory action, and therefore, was not subject to review under section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This final rule is not a major rule under 5 U.S.C. 804.

### B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small businesses within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it clarifies existing property reporting policies and procedures contractors must follow when accounting for reporting assets.

### C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the changes contain recordkeeping or information collection requirements. The Office of Management and Budget approved this reporting requirement under OMB control number 2700–0106.

**List of Subjects in 48 CFR Part 1801, 1811, 1823, 1851, and 1852**

Government procurement.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

### Interim Rule Adopted as Final Without Change

Accordingly, NASA adopts the interim rule amending 48 CFR parts 1801, 1811, 1823, 1851, and 1852, which was published in the **Federal Register** on July 22, 2003 (68 FR 43333–43334), as a final rule without change.

[FR Doc. 04–3990 Filed 2–23–04; 8:45 am]

**BILLING CODE 7510–01–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Parts 600 and 660**

**[Docket No. 020508114–3291–02; I.D. 030702C]**

**RIN 0648–AM97**

## Fisheries Off West Coast States and in the Western Pacific; Coral Reef Ecosystems Fishery Management Plan for the Western Pacific

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

**ACTION:** Final rule.

**SUMMARY:** NMFS publishes this final rule to implement the Fishery Management Plan for Coral Reef Ecosystems of the Western Pacific Region (CREFMP). The rule establishes a coral reef ecosystem regulatory area, marine protected areas (MPAs), permitting and reporting requirements, no-anchoring zone, gear restrictions, and a framework regulatory process. This rule also pertains to the other four western Pacific fishery management plans with respect to fishing activities in the U.S. exclusive economic zone (U.S. EEZ) of the western Pacific region and implements Amendment 10 to the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region (Pelagics FMP), Amendment 11 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (Crustaceans FMP), Amendment 7 to the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (Bottomfish and Seamount Groundfish FMP), and Amendment 5 to the Fishery Management Plan for the Precious Coral Fisheries of the Western Pacific Region (Precious Corals FMP).

**DATES:** Effective March 25, 2004.

**ADDRESSES:** CD or paper copies of the CREFMP, Environmental Impact Statement (EIS) for the CREFMP, regulatory impact review/final regulatory impact flexibility analysis (RIR/FRFA) may be obtained from Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council (Council), 1164 Bishop Street, Suite 1400, Honolulu, HI 96813. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Alvin Katekaru, Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814. Comments will not be accepted by NMFS if submitted via the Internet. Comments may also be submitted by e-mail to *David_Rostker@omb.eop.gov*, or faxed to 202–395–7285.

**FOR FURTHER INFORMATION CONTACT:** Jarad Makaiau, Council staff, at (808) 522–8220 or Alvin Katekaru at 808–973–2937.

**SUPPLEMENTARY INFORMATION:**

### Electronic Access

This final rule is also accessible via the Internet at the Office of the Federal Register's Web site at *http://www.gpoaccess.gov/fr/index.html*.

### Background

Coral reef ecosystem fisheries in federally managed waters of the western Pacific U.S. EEZs are currently unregulated under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The CREFMP would apply ecosystem principles to fisheries management to conserve and protect coral reef fisheries, their ecosystems and associated habitats in the Council's management area which includes U.S. EEZ waters around American Samoa, Guam, Hawaii, Commonwealth of the Northern Mariana Islands (CNMI) and the U.S. Pacific remote island areas (PRIA).

On June 14, 2002, NMFS partially approved the CREFMP and parallel amendments to the Council's management plans for the Bottomfish FMP, Pelagics FMP, Precious Corals FMP, and the Crustaceans FMP. The CREFMP was approved, except for that portion of the CREFMP that governs fishing in waters of the U.S. EEZ around the Northwestern Hawaiian Islands (NWHI) west of 160°50′ W. long. NMFS disapproved a portion of the plan because it would be inconsistent with, or duplicate, certain provisions of Executive Orders 13178 and 13196, which together establish the NWHI Coral Reef Ecosystem Reserve (Reserve), as authorized by section 6(g) of Public Law 106–513. The Reserve encompasses a portion of the U.S. EEZ around the NWHI from the seaward boundary of the State of Hawaii, out to a distance of 50 nautical miles (nm). Specifically, section 7(b)(5) of Executive Order 13178, one of two executive orders establishing the Reserve, prohibits the harvest of almost all living and non-living resources throughout the Reserve while the CREFMP would actively manage the same species within the same geographical area.

On September 24, 2002, NMFS published a proposed rule (67 FR 59813) for those provisions of the CREFMP that were approved by NMFS. These provisions govern fishing activities in the coral reef ecosystem regulatory area defined as waters of the U.S. EEZs around American Samoa, Guam, Hawaii, (except for the waters of the U.S. EEZ around the NWHI west of 160°50′ W. long.), CNMI (except for the portion of the U.S. EEZ 0–3 nm off the coastline), and the remote U.S. Pacific islands in the central Pacific Ocean, consisting of Kingman Reef, Jarvis, Howland, Baker and Wake Islands and Johnston and Palmyra Atolls. No-take and low-use MPAs are established in the coral reef ecosystem regulatory area, where fishing for marine species is prohibited and where only controlled harvest of CREFMP management unit species is allowed with a special permit, respectively. Any person who operates under a CREFMP special permit or transshipment permit in the coral reef ecosystem regulatory area must record and submit catch and effort data to NMFS. Large (>15.25 m or 50 ft in length) fishing vessels are prohibited from anchoring on the offshore southern banks located in the U.S. EEZ off Guam. The final rule also contains gear restrictions, such as no spear fishing at night with SCUBA in the U.S. EEZ off the remote U.S. Pacific islands, and establishes a framework process to allow regulatory adjustments to the coral reef ecosystem management program. Except for permitting and reporting requirements that are unique to fishing for CREFMP management unit species, the CREFMP regulations apply to fishing activities governed under the other four existing western Pacific fishery management plans for pelagics, crustaceans, bottomfish and seamount groundfish, and precious corals.

The preamble to the proposed rule presented substantial background information on the purpose and objectives of the CREFMP, description of the principle management actions that would be implemented under the CREFMP, and a summary of potential impacts resulting from the proposed rule on small business entities. Also, the preamble presented background information on NMFS' June 14, 2002, partial approval of the CREFMP and parallel amendments to the Fishery Management Plan (FMP) for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region, FMP for the Pelagic Fisheries of the Western Pacific Region, and FMP for the Precious Coral Fisheries of the Western Pacific Region. Background information

may be found in the preamble to the proposed rule and is not presented here.

NMFS will make technical corrections to 50 CFR 600.502 in Table 1 to include the address of the Regional Administrator for the new NMFS Pacific Islands Region and Director of the new NMFS Pacific Islands Fisheries Science Center. Corrections will also be made to Table 2 with respect to the area of responsibility/fishery of the NMFS Pacific Islands Regional Administrator.

NMFS will also make technical corrections to 50 CFR part 660 subpart B, subpart C, subpart D, subpart E, and subpart F to correct an outdated title of an organization.

**Comments and Responses**

*Comment 1:* Two commenters requested that the final rule contain a definition of the U.S. Pacific remote island areas (PRIA) and a description of the various jurisdictions associated with the PRIA and Rose Atoll in American Samoa, including maps depicting these areas appearing in the CREFMP.

*Response:* NMFS published a definition of the PRIA (consisting of Palmyra Atoll, Kingman Reef, Jarvis Island, Baker Island, Howland Island, Johnston Atoll, Wake Island and Midway Atoll) in the **Federal Register** on September 4, 2002 (67 FR 56501). This definition is contained in § 660.12 of 50 CFR part 660, subpart B. Regarding the descriptions and maps of various jurisdictions in the PRIA and Rose Atoll, the CREFMP and accompanying EIS contain nearly 40 pages of text and tables, and 13 pages of maps describing and illustrating the various jurisdictions and authorities in the PRIA. NMFS will make available to fishermen in a ''small entity compliance guide'' maps illustrating the jurisdictional authorities and description of the management measures implemented by the final rule.

*Comment 2:* Several commenters questioned NMFS' authority to implement management measures in certain waters of the U.S. EEZ within the boundaries of National Wildlife Refuges (NWRs) in the Pacific insular areas and the Naval Defensive Sea Area around Wake Island. They requested that NMFS include language in the final rule stating that the CREFMP management measures, as well as all other management measures contained in other western Pacific FMPs, begin seaward of the outer boundary of the NWRs and the Naval Defensive Sea Area around Wake Island.

*Response:* The Magnuson-Stevens Act authorizes NMFS to protect, conserve, and manage fishery resources in the U.S. EEZ, including Federal waters around the PRIA. For this reason, NMFS will not abdicate its responsibilities to manage fishery resources in waters of the U.S. EEZ within the boundaries of NWRs in the Pacific insular areas and the Naval Defensive Sea Area around Wake Island. However, NMFS will continue to work closely with the Council, Department of the Interior, U.S. Fish and Wildlife Service (USFWS), and the Department of Defense to protect fishery resources and marine habitats in waters of the U.S. EEZ in the western Pacific region which encompasses the NWRs and the Naval Defensive Sea Area around Wake Island. NMFS did not include the requested language in the final rule. First, the FMP covers the entire U.S. EEZ of the western Pacific region, except for the waters of the U.S. EEZ around the NWHI west of 160°50′ W. long. and the portion of the U.S. EEZ 0–3 nm off the coastline of CNMI. Second, it is not uncommon for multiple agencies to be vested with concurrent authority to manage resources in the same areas. As stated above, NMFS will continue to work closely with the Council, Department of the Interior, USFWS, and the Department of Defense to protect fishery resources and marine habitats in waters of the U.S. EEZ in the western Pacific region which encompasses the NWRs and the Naval Defensive Sea Area around Wake Island.

*Comment 3:* Several commenters requested that the final rule include language to prohibit fishing in all no-take MPAs established under the CREFMP, and within the boundaries of Palmyra Atoll NWR, Kingman Reef NWR, Johnston Atoll NWR, Rose Atoll NWR, Baker Island NWR, Howland Island NWR, and Jarvis Island NWR, unless authorized by the USFWS.

*Response:* The final rule prohibits fishing in all no-take MPAs. The final rule also prohibits fishing activities, governed under 50 CFR part 660 subpart J, within the boundary of a NWR unless specifically authorized by the Secretary of the Interior, regardless of whether that refuge was established by action of the President or the Secretary of the Interior.

*Comment 4:* Several commenters requested that the final rule should include language stating that the NWHI bottomfish fishery is also governed by Executive Orders 13178 and 13196 that specify, among other things, catch and effort limits, boundary limits, and gear type limits.

*Response:* Executive Orders 13178 and 13196 are currently in effect, including Reserve Preservation Areas and certain other conservation measures that either completely prohibit fishing or allow fishing in accordance with restrictions that are applicable in the Reserve. The CREFMP does not contain these measures and therefore they are not included in this final rule.

*Comment 5:* Several commenters recommended that fishing vessels be required to post bonds to mitigate adverse impacts to coral reef ecosystem resources in the event of vessel groundings. Also, vessels should be required to operate 24-hour vessel monitoring systems (VMS) by which vessel positions can be tracked when approaching an MPA or reef, bank or atoll.

*Response:* The Council proposed an insurance requirement for all vessels managed under the western Pacific FMPs while operating in or transiting through coral reef ecosystem MPAs. This was intended to mitigate reef damage in the event of vessel groundings or oil spills, including coverage of costs due to wreck removals and reef recovery activities. The CREFMP however did not provide sufficient details on administering and implementing this complex and novel approach to mitigation. However, NMFS is working with the Council and other agencies to develop appropriate strategies, including a measure on vessel insurance, to protect and restore coral reef ecosystem resources from vessel groundings or oil spills.

VMS has proven to be a viable technology and effective tool in fisheries management. VMS is currently required on all Hawaii-based pelagic longline fishing vessels. Although it is a valuable monitoring tool, because logistics and management needs may differ among fisheries and geographical areas, it is necessary that NMFS work with the Council, U.S. Coast Guard, USFWS, U.S. Pacific islands marine resource agencies, and the fishing industry to evaluate the cost-effectiveness and feasibility of requiring VMS for western Pacific fisheries operating in and around coral reef ecosystems.

*Comment 6:* One commenter recommended that the final rule should contain measures to prevent the introduction of invasive species to NWRs and measures to eradicate invasive species and recover habitats, if they are accidentally introduced by fishing vessels.

*Response:* NMFS recognizes that invasive species pose a serious threat to remote Pacific island coral reef ecosystems such as the PRIA and also is aware that all vessels, including fishing vessels, can serve as carriers of invasive species. Given that fishing in the PRIA is minimal at this time and that the USFWS already has measures to mitigate invasive species introductions

by any person upon entry into NWRs, additional regulatory measure to prevent invasive species introductions by FMP-permitted vessels are not necessary at this time. Nonetheless, NMFS will work with the Council, USFWS, and other Federal and state marine resource agencies to develop comprehensive invasive species mitigation measures for all vessels transiting through the western Pacific region.

*Comment 7:* One commenter recommended that in addition to the fishermen reports, NMFS observers should be placed on federally-permitted fishing vessels to collect representative harvest data used to calculate fishery production yields.

*Response:* NMFS agrees and will consider implementing such a program. The NMFS Pacific Islands Region Observer Program is one of the primary means for collecting catch data from U.S. commercial fishing and processing vessels. The other programs are fishery-dependent data collected by other U.S. Pacific island marine resource management authorities. The mandatory placement of observers on fishing vessels must be considered in terms of safety issues and cost-effectiveness relative to the level of coverage and information required for analysis and management. For example, it would be inappropriate to place observers on small vessels (<10.67 m or 35 ft in length) due to safety concerns. As appropriate, NMFS will evaluate the need for observer coverage for vessels fishing for coral reef ecosystem resources and, in consultation with the Council, may consider implementing such a program in the future.

*Comment 8:* Several commenters said the CREFMP is inconsistent with the guidance provided by the Ecosystem Principles Advisory Panel (EPAP) on ecosystem-based fishery management because the CREFMP exempts species managed under other FMPs.

*Response:* NMFS disagrees. The CREFMP is the first ecosystem-based management plan for fisheries developed in the U.S. and incorporates many of the basic principles, goals, and policies for ecosystem-based management outlined by the EPAP. The CREFMP is a first step to fully integrating the EPAP guidance on ecosystem-based management for western Pacific FMPs and marks the initial phase for development of fishery ecosystem plans as recommended by EPAP. It is the goal of NMFS and the Council to incorporate ecosystem approaches into the regulatory structure of the current western Pacific bottomfish, pelagic, precious coral, and crustacean FMPs.

*Comment 9:* Two commenters expressed concern over the Council's intent to designate 49 species of fish as bottomfish management unit species (BMUS).

*Response:* Although not an action under the CREFMP, the Council recommended that 49 species of fish be designated as BMUS. The basis for this recommendation is that fishery surveys and reports show that these 49 species are being harvested in the Guam and CNMI bottomfish fisheries. Also, since catch and effort data are presently being collected on these 49 species, it is appropriate to continue monitoring harvest of these species as BMUS under the bottomfish FMP.

*Comment 10:* One commenter stated that the use of the mixed stock exception would allow overfishing of individual species, contrary to the National Standard Guidelines under the Magnuson-Stevens Act. Overfishing of any species managed under the CREFMP should be specifically prohibited.

*Response:* The Magnuson-Stevens Act allows several stocks of fish which are harvested together to be managed as a unit. The National Standard Guidelines provide specific guidance to prevent overfishing of any fishery resource. However, the National Standard Guidelines also allows for a mixed stock fishery to continue even if overfishing of one stock in that fishery is occurring. Overfishing of one stock in a mixed stock fishery is allowed if three conditions specified in the guidelines are met: (1) The action will result in long-term net benefits to the Nation; (2) a similar level of benefits cannot be achieved by modifying fleet behavior, gear selection or configuration, or other technical characteristic so that no overfishing would occur; and (3) the action will not cause any species or evolutionarily significant unit thereof to require protection under the Endangered Species Act. The CREFMP establishes formats and methods for defining overfishing definitions, maximum sustainable yield (MSY) control rules and reference points for coral reef ecosystem management unit species. NMFS recognizes that there is incomplete or no information available to evaluate the stock status for virtually all of the coral reef ecosystem management unit species, however, the definitions of overfishing in the plan will be revised accordingly when new information indicates that catch-per-unit-effort (CPUE), as an index for abundance, is found to be deficient in reflecting true abundance.

*Comment 11:* One commenter stated that CPUE should not be used as the primary data source for determining allowable exploitation rates or biomass reference points such as minimum stock size threshold (MSST) and that methods for determining MSY, optimum yield, and MSST should be made more precautionary.

*Response:* NMFS agrees that ideally CPUE would not be used as the primary data source for determining allowable exploitation rates or biomass reference points. However, there is a paucity of information on life histories, spawning biomass, fishing mortality, natural mortality, and ecological relationships of coral reef ecosystem resources covered by the CREFMP. As such, standardized CPUE and effort data represent the best information available at this time and were used to establish limits and reference point values consistent with the National Standard Guidelines. NMFS agrees that additional work needs to be conducted on western Pacific coral reef ecosystem fishery resources to improve estimates of biological parameters for the purpose of determining allowable exploitation rates. The CREFMP identifies region-specific research needs necessary for improving the information base on coral reef ecosystems for management.

*Comment 12:* One commenter requested clarification on the intent of the Council to include in the list of coral reef ecosystem management unit species, all species of cephalopods, including those that do not inhabit the coral reef ecosystem (water column and substrate within waters less than 50 fathoms in total depth). The commenter noted that the CREFMP lists the entire Class Cephalopoda (squid/octopus), as Potentially Harvested Coral Reef Taxa (PHCRT) which apparently would require a special permit issued by NMFS for harvesting any and all species of cephalopods. The commenter also recommended that three species of pelagic cephalopods be excluded from the PHCRT as they do not meet the definition of coral reef ecosystem management unit species as defined in the proposed rule published in the **Federal Register** on September 24, 2002 (67 FR 59813).

*Response:* NMFS agrees that species that inhabit the pelagic ecosystem for their entire life history are not considered as coral reef ecosystem management unit species. The proposed rule, published in the **Federal Register** on September 24, 2002 (67 FR 59813), clarified that CREFMP management unit species are those taxa listed in Table 1.2 and 1.3 of the CREFMP that spend the majority of their non-pelagic (post-

settlement) life stages within waters less than or equal to 50 fathoms in total depth. NMFS believes this definition is consistent with the intent of the Council and provides adequate clarification for the purpose of permit and reporting requirements under the CREFMP. Therefore, pelagic species of cephalopods are not coral reef ecosystem management unit species. Similarly, species that inhabit deep demersal marine ecosystems do not meet the CREFMP management unit species definition, are not meant to be managed under the CREFMP and should also be excluded from the PHCRT. In developing the coral reef ecosystem management unit species list, in particular the PHCRT list, the Council recognized the challenge involved in listing literally thousands of coral reef ecosystem species, and thus, chose to rely on a more general taxonomic classification scheme for certain groups of organisms to ensure that all coral reef ecosystem species, including those not yet described by science, could be managed under the CREFMP. To aid fishermen, NMFS will be issuing compliance guides on the CREFMP, including the Currently Harvested Coral Reef Taxa (CHCRT) and PHCRT. Additionally, these guides will provide further clarification on permit requirements and permit issuance among other regulatory and procedural requirements. Beyond this, NMFS, in consultation with the Council, will address specific inquiries on permit requirements on a case-by-case basis.

**Changes From the Proposed Rule**

This final rule contains changes to the regulatory text from the proposed rule. Throughout subpart J, the words ''PIAO Administrator'' which means Pacific Islands Area Office Administrator, is deleted and replaced with the words ''Regional Administrator.''

In § 660.12, Definitions, the words ''Currently Harvested Coral Reef Ecosystem MUS'', and ''Potentially Harvested Coral Reef Ecosystem MUS'' are deleted and replaced by the words ''Currently Harvested Coral Reef Taxa'' and ''Potentially Harvested Coral Reef Taxa.'' These terms, which describe the two categories of Coral Reef Ecosystem management unit species, are identical to the terms used in Table 1.2 and Table 1.3 of the CREFMP. This change is also made in § 660.602(a)(1)(ii); § 660.602(a)(2) and; § 660.602(a)(3)(ii).

In 50 CFR part 660, subpart J, § 660.601 (Relation to other laws), the word ''Secretary of Commerce'' is deleted and replaced by the ''Secretary of the Interior'', as the subject pertains to national wildlife refuges administered by the Department of the Interior. Also, in this paragraph, immediately following the words ''National Wildlife Refuge'', text is added to state ''unless specifically authorized by the U.S. Fish and Wildlife Service,''. This new language clarifies that fishing authorized under subpart J is not allowed within the boundaries of a national wildlife refuge, unless specifically authorized by the U.S. Fish and Wildlife Service.

In § 660.602(a)(3)(i), Exemptions, the first sentence is deleted and replaced with the following: ''Any person issued a permit to fish under the Bottomfish and Seamount Groundfish FMP, Pelagics FMP, Crustaceans FMP or Precious Corals FMP who incidentally catches coral reef ecosystem MUS while fishing for bottomfish management unit species, crustaceans management unit species, Pacific pelagic management unit species, precious coral, or seamount groundfish.''

This change is being made for three reasons. First, all persons issued a permit under the Bottomfish and Seamount Groundfish FMP, Pelagics FMP, Crustaceans FMP or Precious Corals FMP are already required to maintain accurate and complete records of catch, including any incidental catch of coral reef ecosystem MUS. Therefore, these persons will be exempted from the special permit requirement. Second, the word ''targeting'' is an ambiguous term and may not clearly convey the activity of fishing. Replacing this term with ''fishing for'', which is defined in 50 CFR 600.10, clearly conveys the intent or act of fishing. Third, the words ''MUS listed under a separate FMP'' is also ambiguous because it does not define to which MUS this exemption pertains. Replacing these words with four specific fishery management units as defined in 50 CFR 660.12 provides this clarity. Additionally, in the next sentence of this paragraph, the word ''targeting'' is again replaced with the words ''fishing for'' for the same reason previously explained above. Replacement of the word ''targeting'' with ''fishing for'' is also made in § 660.602(a)(3)(ii). Also in § 660.602(a)(3)(i) Exemptions, the second sentence beginning with, ''It will be considered a rebuttable presumption * * * '', is deleted in its entirety. The intent of the special permit requirement is to ensure that fisheries data is collected while fishing in any designated low-use MPA and while fishing for and retaining PHCRT. As clarified above, persons issued a permit under the Bottomfish and Seamount Groundfish FMP, Pacific Pelagic FMP, Crustacean FMP or Precious Coral FMP are already required to maintain accurate and complete records of catch, including any incidental catch of coral reef ecosystem MUS. However, in determining whether a person is primarily fishing for coral reef ecosystem MUS or bottomfish management unit species, crustaceans management unit species, Pacific pelagic management unit species, precious coral, or seamount groundfish, the Council, as a general rule of thumb, considers that such person is fishing for coral reef ecosystem MUS if the total weight or number of pieces of landed coral reef ecosystem MUS comprise more than 20 percent of the total landed weight or number of pieces, respectively, on any one trip. If, during processing of fisheries information, it is determined that such threshold has been exceeded by a Bottomfish and Seamount Groundfish FMP, Pelagics FMP, Crustaceans FMP or Precious Corals FMP permitted fisher, NMFS, the Coral Reef Ecosystem Plan Team, the relevant FMP Plan Team, and the affected local jurisdiction will, through a multi-agency and plan team coordination process, discuss and identify appropriate action for the Council to consider.

In § 660.602 (a)(3)(d), the entire paragraph beginning with ''Low use MPAs special permits'' until ''specified in this section.'' is deleted and replaced with, ''Special permit. The Regional Administrator shall issue a special permit in accordance with the criteria and procedures specified in this section.''. The original language contained in the preamble was redundant with the language stated in § 660.602(a)(1), § 660.602(a)(2) and § 660.602(a)(3) which describes the applicability of the special permit requirement.

In 50 CFR § 660.608(c), following ''and 142 °E.'' the phrase ''long., 16 °N. lat.'' is added. The inclusion of this phrase makes accurate the location of the line intersecting the outer boundary of the U.S. EEZ between CNMI and Guam regulatory area.

**Classification**

The Administrator, Pacific Islands Region, NMFS, determined that the final rule is consistent with the CREFMP, as partially approved on June 14, 2002, the national standards, other provisions of the Magnuson-Stevens Act, and other applicable laws.

The Council prepared a final environmental impact statement for the CREFMP; a notice of availability was published on May 10, 2002 (67 FR 31801). On June 14, 2002, in partially approving the CREFMP, NMFS issued a

Record of Decision identifying the selected alternative, a variation of the preferred alternative in the EIS. The intent of the partially approved CREFMP and its implementing regulations (*i.e.*, selected alternative) is to prevent adverse impacts to the environment before they occur. This final rule is intended to maintain the sustainability of target and non-target coral reef ecosystem species; safeguard against substantial damage to the ocean and coastal habitats and/or essential fish habitat; protect endangered or threatened species, marine mammals, and critical habitat; help ensure public health and safety; prevent the occurrence of cumulative adverse effects that could have a substantial impact on target or non-target coral reef ecosystem species; promote biodiversity and ecosystem stability; and minimize, if not eliminate, negative social or economic impacts.

This final rule has been determined to be significant for the purposes of Executive Order 12866.

The Council prepared a FRFA describing the impact of the action on small entities. It incorporates the Initial Regulatory Flexibility Analysis (IRFA), the comments and responses to the proposed rule, and a summary of the analyses completed to support this action.

The following is a summary of the FRFA. The need for and objective of this final rule are stated in the summary and supplementary information sections of this notice and are not repeated here. None of the comments received on the proposed rule addressed the economic impacts of the rule.

Both large and small vessels affected by the final rule are considered to be ''small entities'' under guidelines issued by the Small Business Administration because they are independently owned and operated and have annual receipts not in excess of $3.5 million. Based on information provided in the FRFA, this rule would potentially affect 24 to 63 small entities, including commercial harvesters of food fish, ornamental fish collectors, charter sportsfishing operations, and research entities. It is difficult to predict how many entities would alter their planned operations by fishing in state waters or moving to other target species to avoid applying for special permits and complying with increased reporting requirements under this final rule. However, as a rough estimate, NMFS expects that approximately five special permit applications may be received each year.

It is estimated that the costs to these small entities will primarily consist of a special permit application fee of between $50 and $100 per application. It is not anticipated that additional small entities (beyond those mentioned above) will be affected by the final rule, as most MPAs are far from inhabited areas and the majority of other fisheries operate outside of MPA waters utilizing gears that would continue to be allowed under this rule. However, small entities using fish or crab traps to target coral reef ecosystem management unit species throughout the coral reef ecosystem regulatory area will be required to affix identification markers to each trap on board a vessel or deployed in the water. Based on similar requirements in other fisheries, the cost of this requirement is anticipated to be minimal, as identification markings may be inexpensively made using permanent ink, paint, or dye. Other, non-quantifiable, potential costs include revenue impacts resulting from the implementation of no-take MPAs. These no-take MPAs are anticipated to have minimal impacts on small entities as sufficient fishing areas remain open to accommodate their displaced effort. This action has information collection requirements that are addressed elsewhere in this classification section.

Several alternatives to the measures in the final rule are examined in the FRFA. The first alternative is the no action alternative which would not impose any economic costs on small entities. This alternative was rejected on the basis that it could lead to unsustainable levels of fishing effort and eventual degradation of coral reef ecosystems and their component resources. The second alternative examined is similar to the preferred alternative with the following exceptions: It would not designate any no-take MPAs (low-use MPAs would be designated); it would not prohibit spearfishing at night with SCUBA/hookah gear for coral reef ecosystem management unit species; and it would not prohibit the harvesting of live rock or coral throughout the coral reef ecosystem regulatory area. This alternative was also rejected because it would not provide adequate protection to coral reef ecosystems or their component resources. Finally, the third alternative examined would designate no-take MPAs out to 100 fathoms around all western Pacific islands and atolls (no low-use MPAs would be designated); require general permits for harvesting CHCRT and special permits for harvesting PHCRT in waters of the U.S. EEZ of the western Pacific region; prohibit spearfishing at night with SCUBA or a hookah and prohibit the take of live rock or coral. This alternative was rejected on the basis that it would unnecessarily impede the sustainable use of coral reef ecosystem resources, while the preferred alternative would provide adequate conservation and protection for these resources. A copy of this analysis is available from the Council (*see* **ADDRESSES**).

Section 212 of the Small Business Regulatory Enforcement and Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with the rule or group of rules. Copies of this final rule and the guide may be obtained from the Pacific Islands Regional Office.

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). These collections were approved by OMB with the following control numbers and response times: Control Number 0648–0360 for marking fishing gear (2 minutes); 0648–0462 for an at-sea notification (3 minutes), for a logbook (30 minutes per day), and for transhipment reporting (15 minutes per day); and 0648–0463 for a permit application (2 hours) and a permit appeal (3 hours). These response time estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to Alvin Katekaru, Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814, and by e-mail to *David_Rostker@omb.eop.gov*, or faxed to (202) 395–7285.

Notwithstanding any other provisions of the law, no person is required to respond to, and no person shall be subject to penalty to comply with, a collection of information subject to the requirement of the PRA, unless that collection of information displays a currently valid OMB control number.

An informal consultation under the Endangered Species Act was concluded for the CREFMP on March 7, 2002. As a result of the informal consultation, the NMFS Regional Administrator determined that fishing activities conducted under this rule are not likely to affect adversely endangered or threatened species or critical habitat

under NMFS's jurisdiction. On May 22, 2002, the USFWS concurred with the determination of NMFS that the activities conducted under this rule are not likely to adversely affect listed species under USFWS's exclusive jurisdiction (*i.e.*, seabirds and terrestrial plants) and listed species shared with NMFS (*i.e.*, sea turtles).

This final rule is consistent with Executive Order 13089, which is intended to preserve and protect the biodiversity, health, and social and economic value of the U.S. coral reef ecosystems and the marine environment.

**List of Subjects**

*50 CFR Part 600*

Fisheries, Fishing.

*50 CFR Part 660*

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian natives, Indians, Northern Mariana Islands, and Reporting and recordkeeping requirements.

Dated: February 17, 2004.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

■ For the reasons set out in the preamble, 50 CFR parts 600 and 660 are amended as follows:

## PART 600—MAGNUSON-STEVENS ACT PROVISIONS

■ 1. The authority citation for part 600 is revised to read as follows:

**Authority:** 5 U.S.C. 561 and 16 U.S.C. 1801 *et seq.*

■ 2. In § 600.502, a new address is added at the end of Table 1 and the last row of Table 2 is revised to read as follows:

**§ 600.502 Vessel reports.**

* * * * *

TABLE 1 TO § 600.502.—ADDRESSES

| NMFS regional administrators | NMFS science and research directors | U.S. Coast Guard commanders |
|---|---|---|
| * * | * * * | * * |
| Administrator, Pacific Islands Region, National Marine Fisheries Service, NOAA, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814. | Director, Pacific Islands Fisheries Science Center, National Marine Fisheries Service, NOAA, 2570 Dole Street, Honolulu, HI 96822. | Commander, Fourteenth Coast Guard District, 300 Ala Moana Blvd., Honolulu, HI 96850. |

TABLE 2 TO § 600.502.—AREAS OF RESPONSIBILITY OF NMFS AND U.S. COAST GUARD OFFICES

| Area of responsibility/fishery | National Marine Fisheries Service | U.S. Coast Guard |
|---|---|---|
| * * | * * * | * * |
| Pacific Ocean off Hawaii, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and U.S. Insular Possessions in the Central and Western Pacific. | Administrator, Pacific Islands Region ..... | Commander, Fourteenth Coast Guard District. |

* * * * *

## PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

■ 3. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

■ 4. In § 660.11, paragraph (b) is revised, and a new paragraph (c) is added to read as follows:

**§ 660.11 Purpose and scope.**

* * * * *

(b) Regulations specific to individual fisheries are included in subparts C, D, E, F, and J of this part.

(c) Nothing in subparts C, D, E, F, and J of this part is intended to supercede any valid state or Federal regulations that are more restrictive than those published here.

■ 5. Section 660.12 is amended by revising the introductory text and the definitions for ''Pacific pelagic management unit species'' and ''Regional Administrator'; and adding definitions for the ''Commonwealth of the Northern Mariana Islands (CNMI)'', ''CNMI offshore area'', ''Coral reef ecosystem management unit species'', ''Coral reef ecosystem regulatory area'', ''Currently harvested coral reef taxa'', ''Hookah breather'', ''Live rock'', ''Low use marine protected area'', ''No-take MPA'', ''Potentially harvested coral reef taxa(PHCRT)'', and ''Special permit'', alphabetically to read as follows:

**§ 660.12 Definitions.**

In addition to the definitions in the Magnuson-Stevens Act, and in § 600.10, the terms used in subparts B through F and subpart J of this part have the following meanings:

* * * * *

*Commonwealth of the Northern Mariana Islands* (CNMI) means Northern Mariana Islands.

*CNMI offshore area* means the portion of the U.S. EEZ around the CNMI extending seaward from a line drawn 3 nautical miles from the baseline around the CNMI from which the territorial sea is measured, to the outer boundary of the U.S. EEZ, which to the south means those points which are equidistant between Guam and the island of Rota in the CNMI.

* * * * *

*Coral reef ecosystem management unit species* (Coral reef ecosystem MUS) means all of the Currently Harvested Coral Reef Taxa listed in Table 3 and Potentially Harvested Coral Reef Taxa listed Table 4 of this part and which spend the majority of their non-pelagic (post-settlement) life stages within waters less than or equal to 50 fathoms in total depth.

*Coral reef ecosystem regulatory area* means the U.S. EEZ waters around American Samoa, Guam, Hawaii, CNMI and the PRIA except for the portion of

EEZ waters 0–3 miles around the CNMI, and EEZ waters around the NWHI west of 160°50′ W. long.

* * * * *

*Currently harvested coral reef taxa* (CHCRT) means coral reef associated species, families, or subfamilies, as described in Table 3 of this part, that have annual landings greater than 454.54 kg (1,000 lb) as reported on individual state, commonwealth, or territory catch reports or through creel surveys. Fisheries and research data from many of these species have been analyzed by regional management agencies.

* * * * *

*Hookah breather* means a tethered underwater breathing device that pumps air from the surface through one or more hoses to divers at depth.

* * * * *

*Live rock* means any natural, hard substrate, including dead coral or rock, to which is attached, or which supports, any living marine life-form associated with coral reefs.

* * * * *

*Low use marine protected area* (MPA) means an area of the U.S. EEZ where fishing operations have specific restrictions in order to protect the coral reef ecosystem, as specified under area restrictions.

* * * * *

*No-take MPA* means an area of the U.S. EEZ that is closed to fishing for or harvesting of management unit species, precious corals and seamount groundfish, as defined in this section.

* * * * *

*Pacific Pelagic Management Unit Species* means the following fish:

| Common name | Scientific name |
|---|---|
| Mahimahi (dolphinfish) | *Coryphaena spp.* |
| Indo-Pacific blue marlin | *Makaira mazara* |
| Black marlin | *M. indica* |
| Striped marlin | *Tetrapturus audax* |
| Shortbill spearfish | *T. angustirostris* |
| Swordfish | *Xiphias gladius* |
| Sailfish | *Istiophorus platypterus* |
| Pelagic thresher shark | *Alapias pelagicus* |
| Bigeye thresher shark | *Alopias* |
| Common thresher shark | *Alopias vulpinus* |
| Silky shark | *Carcharhinus falciformis* |
| Oceanic whitetip shark | *Carcharhinus longimanus* |
| Blue shark | *Prionace glauca* |
| Shortfin mako shark | *Isurus oxyrinchus* |
| Longfin mako shark | *Isurus paucus* |
| Salmon shark | *Lamna ditropis* |
| Albacore | *Thunnus alalunga* |
| Bigeye tuna | *T. obesus* |
| Yellowfin tuna | *T. albacore* |
| Northern bluefin tuna | *T. thynnus* |
| Skipjack tuna | *Katsuwonus pelamis* |
| Kawakawa | *Euthynnus affinis* |
| Wahoo | *Acanthocybium solandri* |
| Moonfish | *Lampris spp.* |
| Oilfish family | *Gempylidae* |
| Pomfret | *family Bramidae* |
| Other tuna relatives | *Auxis spp., Scomber spp.;* Allothunus spp. |

*Potentially harvested coral reef taxa* (PHCRT) means coral reef associated species, families, or subfamilies, as listed in Table 4 of this part, for which little or no information is available beyond general taxonomic and distribution descriptions. These species have either not been caught in the past or have been harvested annually in amounts less than 454.54 kg (1,000 lb). Coral reef ecosystem management unit species that are not listed as management unit species, precious corals, seamount groundfish, as defined in this section, or listed as CHCRT in Table 3 of this part.

* * * * *

*Regional Administrator* means Director, Pacific Islands Region, NMFS (*see* Table 1 of § 600.502 for address).

* * * * *

*Special permit* means a permit issued to allow fishing for coral reef ecosystem management unit species in low-use MPAs or to fish for any PHCRT.

* * * * *

■ 6. In § 660.13, paragraph (a), the first sentence of paragraph (c)(1), the first and second sentences of paragraph (c)(2), and paragraphs (e), (f)(2), and (g)(1) are revised to read as follows:

**§ 660.13 Permits and fees.**

(a) *Applicability.* The requirements for permits for specific Western Pacific fisheries are set forth in subparts C, D, E, F and J of this part.

* * * * *

(c) *Application.* (1) A Pacific Island Region Federal fisheries permit application form may be obtained from the Pacific Island Region Office (PIRO) to apply for a permit or permits to operate in any of the fisheries regulated under subparts C, D, E, F, and J of this part. * * *

(2) A minimum of 15 days should be allowed for processing a permit application for fisheries under subparts C, D, E, and F of this part. A minimum of 60 days should be allowed for processing a permit application for fisheries under subpart J of this part.

* * *

* * * * *

(e) *Issuance.* (1) After receiving a complete application, the Regional Administrator will issue a permit to an applicant who is eligible under §§ 660.21, 660.41, 660.61, and 660.81.

(2) After receiving a complete application, the Regional Administrator may issue a special permit in accordance with § 660.601(d)(3).

(f) * * *

(2) PIRO will charge a fee for each application for a Hawaii longline limited access permit, a Mau zone limited access permit, and a coral reef

ecosystem special permit (including permit transfers and permit renewals). The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook, for determining the administrative costs of each special product or service. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of any of the permits listed in this section.

(g) *Expiration.* (1) Permits issued under subparts C, D, E, F, and J of this part are valid for the period specified on the permit unless transferred, revoked, suspended, or modified under 15 CFR part 904.

* * * * *

■ 7. In § 660.14, paragraphs (a), (b), and (g) are revised and paragraph (f)(4) is added to read as follows:

**§ 660.14 Reporting and recordkeeping.**

(a) *Fishing record forms.* The operator of any fishing vessel subject to the requirements of §§ 660.21, 660.41, 660.81, or 660.602 must maintain on board the vessel an accurate and complete record of catch, effort and other data on report forms provided by the Regional Administrator. All information specified on the forms must be recorded on the forms within 24 hours after completion of each fishing day. Each form must be signed and dated by the fishing vessel operator. For the fisheries managed under §§ 660.21, 660.41, and 660.81, the original logbook form for each day of the fishing trip must be submitted to the Regional Administrator within 72 hours of each landing of MUS. For the fisheries managed under § 660.601, the original logbook form for each day of the fishing trip must be submitted to the Regional Administrator within 30 days of each landing of MUS.

(b) *Transshipment logbooks.* Any person subject to the requirements of § 660.21(c) or § 660.602(a)(2) must maintain on board the vessel an accurate and complete NMFS transshipment logbook containing report forms provided by the Regional Administrator. All information specified on the forms must be recorded on the forms within 24 hours after the day of transshipment. Each form must be signed and dated by the receiving vessel operator. The original logbook for each day of transshipment activity must be submitted to the Regional Administrator within 72 hours of each landing of Pacific pelagic management unit species. The original logbook for each day of transshipment activity must be submitted to the Regional Administrator within 7 days of each landing of coral reef ecosystem MUS.

* * * * *

(f) * * *

(4) *Coral reef ecosystem MUS.* Any person who has a special permit and who is required by state laws and regulations to maintain and submit records of catch and effort, landings and sales for coral reef ecosystem MUS by this subpart and subpart J of this part must make those records immediately available for Federal inspection and copying upon request by an authorized officer as defined in § 600.10 of this chapter of this chapter

(g) *State reporting.* Any person who has a permit under § 660.21, 660.61, or 660.601 and who is regulated by state laws and regulations to maintain and submit records of catch and effort, landings and sales for vessels regulated by subparts C, E and J of this part must maintain and submit those records in the exact manner required by state laws and regulations.

■ 8. In § 660.15, paragraphs (f) and (k) are revised and a new paragraph (l) is added to read as follows:

**§ 660.15 Prohibitions.**

* * * * *

(f) Fail to affix or maintain vessel or gear markings, as required by §§ 660.16, 660.24, 660.47, and 660.605.

* * * * *

(k) Fail to notify officials as required in §§ 660.23, 660.28, 660.43, 660.63, and 660.603.

(l) Fish for, take or retain within a no-take MPA, defined in § 660.18, any bottomfish management unit species, crustacean management unit species, Pacific pelagic management unit species, precious coral, seamount groundfish or coral reef ecosystem MUS.

■ 8a. In subpart B, § 660.18 is added to read as follows:

**§ 660.18 Area restrictions.**

(a) Fishing is prohibited in all no-take MPAs designated in this section.

(b) Anchoring by all fishing vessels over 50 ft (15.25 m) LOA is prohibited in the U.S. EEZ seaward of the Territory of Guam west of 144°30′ E. long. except in the event of an emergency caused by ocean conditions or by a vessel malfunction that can be documented.

(c) *MPAs*—(1) *No-take MPAs.* The following U.S. EEZ waters are no-take MPAs:

(i) Landward of the 50-fathom (fm) (91.5-m) curve at Jarvis, Howland, and Baker Islands, and Kingman Reef; as depicted on National Ocean Survey Chart Numbers 83116 and 83153;

(ii) Landward of the 50-fm (91.5-m) curve around Rose Atoll, as depicted on National Ocean Survey Chart Number 83484.

(2) *Low-use MPAs.* The following U.S. EEZ waters in the Western Pacific Region are low-use MPAs:

(i) All waters between the shoreline and the 50-fm (91.5-m) curve around Johnston Atoll, Palmyra Atoll, and Wake Island as depicted on National Ocean Survey Chart Numbers 83637, 83157 and 81664.

(ii) [Reserved]

■ 9. A new subpart J is added to read as follows:

**Subpart J—Western Pacific Coral Reef Ecosystem Fisheries**

Sec.

660.601 Relation to other laws 660.602 Permits and fees.
660.603 Prohibitions.
660.604 Notifications.
660.605 Allowable gear and gear restrictions.
660.606 Gear identification.
660.607 Framework for regulatory adjustments.
660.608 Regulatory area.
660.609 Annual reports.

## Subpart J—Western Pacific Coral Reef Ecosystem Fisheries

**§ 660.601 Relation to other laws.**

To ensure consistency between the management regimes of different Federal agencies with shared management responsibilities of fishery resources within the Coral reef ecosystem regulatory area, fishing authorized under this subpart is not allowed within the boundary of a National Wildlife Refuge unless specifically authorized by the USFWS, regardless of whether that refuge was established by action of the President or the Secretary of the Interior.

**§ 660.602 Permits and fees.**

(a) *Applicability.* Unless otherwise specified in this subpart, § 660.13 applies to coral reef ecosystem permits.

(1) *Special permit.* Any person of the United States fishing for, taking or retaining coral reef ecosystem MUS must have a special permit if they, or a vessel which they operate, is used to fish for any:

(i) Coral reef ecosystem MUS in low-use MPAs as defined in § 660.18;

(ii) Potentially Harvested Coral Reef Taxa in the coral reef ecosystem regulatory area; or

(iii) Coral reef ecosystem MUS in the coral reef ecosystem regulatory area with any gear not specifically allowed in this subpart.

(2) *Transshipment permit.* A receiving vessel must be registered for use with a

transshipment permit if that vessel is used in the coral reef ecosystem regulatory area to land or tranship PHCRT, or any coral reef ecosystem MUS harvested within low-use MPAs.

(3) *Exceptions.* The following persons are not required to have a permit under this section:

(i) Any person issued a permit to fish under the Bottomfish and Seamount Groundfish FMP, Pelagics FMP, Crustaceans FMP or Precious Corals FMP who incidentally catches coral reef ecosystem MUS while fishing for bottomfish management unit species, crustaceans management unit species, Pacific pelagic management unit species, precious coral, or seamount groundfish.

(ii) Any person fishing for CHCRT outside of an MPA, who does not retain any incidentally caught PHCRT; and

(iii) Any person collecting marine organisms for scientific research as described in § 600.745 of this chapter.

(b) *Validity*. Each permit will be valid for fishing only in the fishery management subarea specified on the permit.

(c) *General requirements*. General requirements governing application information, issuance, fees, expiration, replacement, transfer, alteration, display, sanctions, and appeals for permits are contained in § 660.13.

(d) *Special permit*. The Regional Administrator shall issue a special permit in accordance with the criteria and procedures specified in this section.

(1) *Application.* An applicant for a special or transshipment permit issued under this section must complete and submit to the Regional Administrator, a Special Coral Reef Ecosystem Fishing Permit Application Form issued by NMFS. Information in the application form must include, but is not limited to a statement describing the objectives of the fishing activity for which a special permit is needed, including a general description of the expected disposition of the resources harvested under the permit (*i.e.*, stored live, fresh, frozen, preserved; sold for food, ornamental, research, or other use, and a description of the planned fishing operation, including location of fishing and gear operation, amount and species (directed and incidental) expected to be harvested and estimated habitat and protected species impacts).

(2) *Incomplete applications.* The Regional Administrator may request from an applicant additional information necessary to make the determinations required under this section. An applicant will be notified of an incomplete application within 10 working days of receipt of the application. An incomplete application will not be considered until corrected in writing.

(3) *Issuance.* (i) If an application contains all of the required information, the Regional Administrator will forward copies of the application within 30 days to the Council, the U.S. Coast Guard, the fishery management agency of the affected state, and other interested parties who have identified themselves to the Council, and the USFWS.

(ii) Within 60 days following receipt of a complete application, the Regional Administrator will consult with the Council through its Executive Director, USFWS, and the Director of the affected state fishery management agency concerning the permit application and will receive their recommendations for approval or disapproval of the application based on:

(A) Information provided by the applicant,

(B) The current domestic annual harvesting and processing capacity of the directed and incidental species for which a special permit is being requested,

(C) The current status of resources to be harvested in relation to the overfishing definition in the FMP,

(D) Estimated ecosystem, habitat, and protected species impacts of the proposed activity, and

(E) Other biological and ecological information relevant to the proposal. The applicant will be provided with an opportunity to appear in support of the application.

(iii) Following a review of the Council's recommendation and supporting rationale, the Regional Administrator may:

(A) Concur with the Council's recommendation and, after finding that it is consistent with the goals and objectives of the FMP, the national standards, the Endangered Species Act, and other applicable laws, approve or deny a special permit; or

(B) Reject the Council's recommendation, in which case, written reasons will be provided by the Regional Administrator to the Council for the rejection.

(iv) If the Regional Administrator does not receive a recommendation from the Council within 60 days of Council receipt of the permit application, the Regional Administrator can make a determination of approval or denial independently.

(v) Within 30 working days after the consultation in paragraph (d)(3)(ii) of this section, or as soon as practicable thereafter, NMFS will notify the applicant in writing of the decision to grant or deny the special permit and, if denied, the reasons for the denial. Grounds for denial of a special permit include the following:

(A) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his or her application.

(B) According to the best scientific information available, the directed or incidental catch in the season or location specified under the permit would detrimentally affect any coral reef resource or coral reef ecosystem in a significant way, including, but not limited to issues related to, spawning grounds or seasons, protected species interactions, EFH, and habitat areas of particular concern (HAPC).

(C) Issuance of the special permit would inequitably allocate fishing privileges among domestic fishermen or would have economic allocation as its sole purpose.

(D) The method or amount of harvest in the season and/or location stated on the permit is considered inappropriate based on previous human or natural impacts in the given area.

(E) NMFS has determined that the maximum number of permits for a given area in a given season has been reached and allocating additional permits in the same area would be detrimental to the resource.

(F) The activity proposed under the special permit would create a significant enforcement problem.

(vi) The Regional Administrator may attach conditions to the special permit, if it is granted, consistent with the management objectives of the FMP, including but not limited to:

(A) The maximum amount of each resource that can be harvested and landed during the term of the special permit, including trip limits, where appropriate.

(B) The times and places where fishing may be conducted.

(C) The type, size, and amount of gear which may be used by each vessel operated under the special permit.

(D) Data reporting requirements.

(E) Such other conditions as may be necessary to ensure compliance with the purposes of the special permit consistent with the objectives of the FMP.

(4) *Appeals of permit actions.* (i) Except as provided in subpart D of 15 CFR part 904, any applicant for a permit or a permit holder may appeal the granting, denial, conditioning, or suspension of their permit or a permit affecting their interests to the Regional Administrator. In order to be considered by the Regional Administrator, such appeal must be in writing, must state

the action(s) appealed, and the reasons therefore, and must be submitted within 30 days of the original action(s) by the Regional Administrator. The appellant may request an informal hearing on the appeal.

(ii) Upon receipt of an appeal authorized by this section, the Regional Administrator will notify the permit applicant, or permit holder as appropriate, and will request such additional information and in such form as will allow action upon the appeal. Upon receipt of sufficient information, the Regional Administrator will rule on the appeal in accordance with the permit eligibility criteria set forth in this section and the FMP, as appropriate, based upon information relative to the application on file at NMFS and the Council and any additional information, the summary record kept of any hearing and the hearing officer's recommended decision, if any, and such other considerations as deemed appropriate. The Regional Administrator will notify all interested persons of the decision, and the reasons therefor, in writing, normally within 30 days of the receipt of sufficient information, unless additional time is needed for a hearing.

(iii) If a hearing is requested, or if the Regional Administrator determines that one is appropriate, the Regional Administrator may grant an informal hearing before a hearing officer designated for that purpose after first giving notice of the time, place, and subject matter of the hearing in the **Federal Register**. Such a hearing shall normally be held no later than 30 days following publication of the notice in the **Federal Register**, unless the hearing officer extends the time for reasons deemed equitable. The appellant, the applicant (if different), and, at the discretion of the hearing officer, other interested parties, may appear personally or be represented by counsel at the hearing and submit information and present arguments as determined appropriate by the hearing officer. Within 30 days of the last day of the hearing, the hearing officer shall recommend in writing a decision to the Regional Administrator.

(iv) The Regional Administrator may adopt the hearing officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Regional Administrator will notify interested persons of the decision, and the reason(s) therefore, in writing, within 30 days of receipt of the hearing officer's recommended decision. The Regional Administrator's action constitutes final action for the agency for the purposes of the Administrative Procedure Act.

(5) Any time limit prescribed in this section may be extended for good cause, for a period not to exceed 30 days by the Regional Administrator, either upon his or her own motion or upon written request from the Council, appellant or applicant stating the reason(s) therefore.

### § 660.603 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter and § 660.15 of this part, it is unlawful for any person to do any of the following:

(a) Fish for, take, retain, possess or land any coral reef ecosystem MUS in any low-use MPA as defined in § 660.18(c)(1) and (c)(2) unless:

(1) A valid permit has been issued for the hand harvester or the fishing vessel operator that specifies the applicable area of harvest;

(2) A permit is not required, as outlined in § 600.602 of this chapter;

(3) The coral reef ecosystem MUS possessed on board the vessel originated outside the regulatory area and this can be demonstrated through receipts of purchase, invoices, fishing logbooks or other documentation.

(b) Fish for, take, or retain any coral reef ecosystem MUS species:

(1) That is determined overfished with subsequent rulemaking by the Regional Administrator.

(2) By means of gear or methods prohibited under § 660.604.

(3) In a low-use MPA without a valid special permit.

(4) In violation of any permit issued under § 660.13 or § 660.601.

(c) Fish for, take, or retain any wild live rock or live hard coral except under a valid special permit for scientific research, aquaculture seed stock collection or traditional and ceremonial purposes by indigenous people.

### § 660.604 Notifications.

Any special permit holder subject to the requirements of this subpart must contact the appropriate NMFS enforcement agent in American Samoa, Guam, or Hawaii at least 24 hours before landing any coral reef ecosystem MUS unit species harvested under a special permit, and report the port and the approximate date and time at which the catch will be landed.

### § 660.605 Allowable gear and gear restrictions.

(a) Coral reef ecosystem MUS may be taken only with the following allowable gear and methods:

(1) Hand harvest;

(2) Spear;

(3) Slurp gun;

(4) Hand net/dip net;

(5) Hoop net for Kona crab;

(6) Throw net;

(7) Barrier net;

(8) Surround/purse net that is attended at all times;

(9) Hook-and-line (includes handline (powered or not)), rod-and-reel, and trolling);

(10) Crab and fish traps with vessel ID number affixed; and

(11) Remote-operating vehicles/submersibles.

(b) Coral reef ecosystem MUS may not be taken by means of poisons, explosives, or intoxicating substances. Possession or use of these materials by any permit holder under this subpart who is established to be fishing for coral reef ecosystem MUS in the regulatory area is prohibited.

(c) Coral reef ecosystem MUS may not be taken by means of spearfishing with SCUBA at night (from 6 p.m. to 6 a.m.) in the U.S. EEZ waters around Howland Island, Baker Island, Jarvis Island, Wake Island, Kingman Reef, Johnston Atoll and Palmyra Atoll.

(d) Existing FMP fisheries shall follow the allowable gear and methods outlined in their respective plans.

(e) Any person who intends to fish with new gear not included in § 660.604 must describe the new gear and its method of deployment in the special permit application. A decision on the permissibility of this gear type will be made by the Regional Administrator after consultation with the Council and the director of the affected state fishery management agency.

### § 660.606 Gear identification.

(a) The vessel number must be affixed to all fish and crab traps on board the vessel or deployed in the water by any vessel or person holding a permit under § 660.13 or § 660.601 or that is otherwise established to be fishing for coral reef ecosystem MUS in the regulatory area.

(b) *Enforcement action.* (1) Traps not marked in compliance with paragraph (a) of this section and found deployed in the coral reef ecosystem regulatory area will be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMFS or an authorized officer;

(2) Unattended surround nets or bait seine nets found deployed in the coral reef ecosystem regulatory area will be considered unclaimed or abandoned property, and may be disposed of in any manner considered appropriate by NMFS or an authorized officer.

**§ 660.607 Framework for regulatory adjustments.**

(a) *Procedure for established measures.* (1) Established measures are management measures that, at some time, have been included in regulations implementing the FMP, or for which the impacts have been evaluated in Council/NMFS documents in the context of current conditions;

(2) Following framework procedures of the CREFMP, the Council may recommend to the Regional Administrator that established measures be modified, removed, or re-instituted. Such recommendation shall include supporting rationale and analysis, and shall be made after advance public notice, public discussion and consideration of public comment. NMFS may implement the Council's recommendation by rulemaking if approved by the Regional Administrator.

(b) *Procedure for new measures.* (1) New measures are management measures that have not been included in regulations implementing the FMP, or for which the impacts have not been evaluated in Council/NMFS documents in the context of current conditions. New measures include but are not limited to catch limits, resource size limits, closures, effort limitations, reporting and recordkeeping requirements;

(2) Following the framework procedures of the FMP, the Regional Administrator will publicize, including by **Federal Register** notice, and solicit public comment on, any proposed new management measure. After a Council meeting at which the measure is discussed, the Council will consider recommendations and prepare a document summarizing the Council's deliberations, rationale, and analysis for the preferred action, and the time and place for any subsequent Council meeting(s) to consider the new measure. At subsequent public meeting(s), the Council will consider public comments and other information received to make a recommendation to the Regional Administrator about any new measure. NMFS may implement the Council's recommendation by rule making if approved by the Regional Administrator.

(i) The Regional Administrator will consider the Council's recommendation and supporting rationale and analysis, and, if the Regional Administrator concurs with the Council's recommendation, will propose regulations to carry out the action. If the Regional Administrator rejects the Council's proposed action, the Regional Administrator will provide a written explanation for the denial within 2 weeks of the decision.

(ii) The Council may appeal denial by writing to the Assistant Administrator, who must respond in writing within 30 days.

(iii) The Regional Administrator and the Assistant Administrator will make their decisions in accordance with the Magnuson-Stevens Act, other applicable laws, and the CREFMP.

(iv) To minimize conflicts between the Federal and state/territorial/commonwealth management systems, the Council will use the procedures in paragraph (a)(2) in this section to respond to state/territorial/commonwealth management actions. The Council's consideration of action would normally begin with a representative of the state, territorial or commonwealth government bringing a potential or actual management conflict or need to the Council's attention.

**§ 660.608 Regulatory area.**

(a) The regulations in this subpart govern fishing for coral reef ecosystem management unit species by vessels of the United States or persons who operate or are based inside the outer boundary of the U.S. EEZ off:

(1) The Hawaiian Islands Archipelago lying to the east of 160° 50′ W. long.

(2) Guam.

(3) American Samoa.

(4) Offshore area of the CNMI or that portion of the U.S. EEZ around the CNMI between three nautical miles offshore and the outer boundary of the U.S. EEZ.

(5) Baker Island, Howland Island, Jarvis Island, Wake Island, Johnston Atoll, Palmyra Atoll and Kingman Reef.

(b) The inner boundary of the regulatory area is as follows:

(1) The shoreline of Baker Island, Howland Island, Jarvis Island, Wake Island, Johnston Atoll, Palmyra Atoll and Kingman Reef.

(2) The seaward boundaries of the State of Hawaii, the Territory of Guam, the Territory of American Samoa; and

(3) A line three nautical miles seaward from the shoreline of the CNMI.

(c) The outer boundary of the regulatory area is the outer boundary of the U.S. EEZ or adjacent international maritime boundaries. The CNMI and Guam regulatory area is divided by a line intersecting these two points: 148° E. long., 12° N. lat., and 142° E. long., 16° N. lat.

**§ 660.609 Annual reports**

(a) *Annual reports.* By July 31 of each year, a Council-appointed coral reef ecosystem plan team will prepare an annual report on coral reef fisheries of the western Pacific region. The report will contain, among other things, fishery performance data, summaries of new information and assessments of need for Council action.

(b) *Recommendation for Council action.* (1) The Council will evaluate the annual report and advisory body recommendations and may recommend management action by either the state/territorial/commonwealth governments or by Federal regulation;

(2) If the Council believes that management action should be considered, it will make specific recommendations to the Regional Administrator after considering the views of its advisory bodies.

■ 10. In part 660, Tables 3 and 4 are added to read as follows:

TABLE 3 TO PART 660.—CURRENTLY HARVESTED CORAL REEF TAXA

| Family name | Common name (scientific name) |
|---|---|
| Acanthuridae (Surgeonfishes) | Orange-spot surgeonfish (*Acanthurus olivaceus*)<br>Yellowfin surgeonfish (*Acanthurus xanthopterus*)<br>Convict tang (*Acanthurus triostegus*)<br>Eye-striped surgeonfish (*Acanthurus dussumieri*)<br>Blue-lined surgeon (*Acanthurus nigroris*)<br>Whitebar surgeonfish (*Acanthurus leucopareius*)<br>Blue-banded surgeonfish (*Acanthurus lineatus*)<br>Blackstreak surgeonfish (*Acanthurus nigricauda*)<br>Whitecheek surgeonfish (*Acanthurus nigricans*)<br>White-spotted surgeonfish (*Acanthurus guttatus*)<br>Ringtail surgeonfish (*Acanthurus blochii*)<br>Brown surgeonfish (*Acanthurus nigrofuscus*) |

TABLE 3 TO PART 660.—CURRENTLY HARVESTED CORAL REEF TAXA—Continued

| Family name | Common name (scientific name) |
|---|---|
| | Elongate surgeonfish (*Acanthurus mata*) |
| | Mimic surgeonfish (*Acanthurus pyroferus*) |
| | Yellow-eyed surgeonfish (*Ctenochaetus strigousus*) |
| | Striped bristletooth (*Ctenochaetus striatus*) |
| | Twospot bristletooth (*Ctenochaetus binotatus* |
| | Bluespine unicornfish (*Naso unicornus*) |
| | Orangespine unicornfish (*Naso lituratus*) |
| | Humpnose unicornfish (*Naso tuberosus*) |
| | Black tongue unicornfish (*Naso hexacanthus*) |
| | Bignose unicornfish (*Naso vlamingii*) |
| | Whitemargin unicornfish (*Naso annulatus*) |
| | Spotted unicornfish (*Naso brevirostris*) |
| | Humpback unicornfish (*Naso brachycentron*) |
| | Barred unicornfish (*Naso thynnoides*) |
| | Gray unicornfish (*Naso caesius*) |
| Balistidae (Triggerfishes) | Titan triggerfish (*Balistoides viridescens*) |
| | Clown triggerfish (*Balistoides conspicillum*) |
| | Orangstriped triggerfish (*Balistapus undulatus*) |
| | Pinktail triggerfish (*Melichthys vidua*) |
| | Black triggerfish (*Melichtys niger*) |
| | Blue Triggerfish (*Pseudobalistesfucus fucus*) |
| | Picassofish (*Rhinecanthus aculeatus*) |
| | Wedged Picassofish (*Balistoides rectangulus*) |
| | Bridled triggerfish (*Sufflamen fraenatus*) |
| Carangidae (Jacks) | Bigeye scad (*Selar crumenophthalmus*) |
| | Mackerel scad (*Decapterus macarellus*) |
| Carcharhinidae (Sharks) | Grey reef shark (*Carcharhinus amblyrhynchos*) |
| | Silvertip shark (*Carcharhinus albimarginatus*) |
| | Galapagos shark (*Carcharhinus galapagenis*) |
| | Blacktip reef shark (*Carcharhinus melanopterus*) |
| | Whitetip reef shark (*Triaenodon obesus*) |
| Holocentridae (Soldierfish/Squirrelfish) | Bigscale soldierfish (*Myripristis berndti*) |
| | Bronze soldierfish (*Myripristis adusta*) |
| | Blotcheye soldierfish (*Myripristis murdjan*) |
| | Brick soldierfish (*Myripristis amaena*) |
| | Scarlet soldierfish (*Myripristis pralinia*) |
| | Violet soldierfish (*Myripristis violacea*) |
| | Whitetip soldierfish (*Myripristis vittata*) |
| | Yellowfin soldierfish (*Myripristis chryseres*) |
| | Pearly soldierfish (*Myripristis kuntee*) |
| | Double tooth squirrel fish (*Myripristis hexagona*) |
| | Tailspot squirrelfish (*Sargocentron caudimaculatum*) |
| | Blackspot squirrelfish (*Sargocentron melanospilos*) |
| | File-lined squirrelfish (*Sargocentron microstoma*) |
| | Pink squirrelfish (*Sargocentron tieroides*) |
| | Crown squirrelfish (*Sargocentron diadema*) |
| | Peppered squirrelfish (*Sargocentron punctatissimum*) |
| | Blue-lined squirrelfish (*Sargocentron tiere*) |
| | Hawaiian squirrelfish (*Sargocentron xantherythrum*) |
| | Squirrelfish (*Sargocentron furcatum*) |
| | Saber or Long jaw squirrelfish (*Sargocentron spiniferum*) |
| | Spotfin squirrelfish (*Neoniphon* spp.) |
| Kuhliidae (*Flag-tails*) | Hawaiian flag-tail (*Kuhlia sandvicensis*) |
| | Barred flag-tail (*Kuhlia mugil*) |
| Kyphosidae Rudderfish | Rudderfish (*Kyphosus biggibus*) |
| | Rudderfish (*Kyphosus cinerascens*) |
| | Rudderfish (*Kyphosus vaigienses*) |
| Labridae (*Wrasses*) | Saddleback hogfish (*Bodianus bilunulatus*) |
| | Napoleon wrasse (*Cheilinus undulatus*) |
| | Triple-tail wrasse (*Cheilinus trilobatus*) |
| | Floral wrasse (*Cheilinus chlorourus*) |
| | Harlequin tuskfish (*Cheilinus fasciatus*) |
| | Ring-tailed wrasse (*Oxycheilinus unifasciatus*) |
| | Bandcheek wrasse (*Oxycheilinus diagrammus*) |
| | Arenatus wrasse (*Oxycheilinus arenatus*) |
| | Razor wrasse (*Xyricthys pavo*) |
| | Whitepatch wrasse (*Xyrichtes aneitensis*) |
| | Cigar wrasse (*Cheilio inermis*) |
| | Blackeye thicklip (*Hemigymnus melapterus*) |
| | Barred thicklip (*Hemigymnus fasciatus*) |
| | Three-spot wrasse (*Halichoeres trimaculatus*) |
| | Checkerboard wrasse (*Halichoeres hortulanus*) |

TABLE 3 TO PART 660.—CURRENTLY HARVESTED CORAL REEF TAXA—Continued

| Family name | Common name (scientific name) |
|---|---|
| | Weedy surge wrasse (*Halichoeres margaritacous*) |
| | Goldstripe wrasse(*Halichoeres zeylonicus*) |
| | Surge wrasse (*Thalassoma purpureum*) |
| | Red ribbon wrasse (*Thalassoma quinquevittatum*) |
| | Sunset wrasse (*Thalassoma lutescens*) |
| | Longface wrasse (*Hologynmosus doliatus*) |
| | Rockmover wrasse (*Novaculichthys taeniourus*) |
| Mullidae (Goatfishes) | Yellow goatfish (*Mulloidichthys* spp.) |
| | Orange goatfish (*Mulloidichthys pfleugeri*) |
| | Yellowfin goatfish (*Mulloidichthys vanicolensis*) |
| | Yellowstripe goatfish (*Mulloidichthys flaviolineatus*) |
| | Banded goatfish (*Parupeneus* spp.) |
| | Dash-dot goatfish (*Parupeneus barberinus*) |
| | Doublebar goatfish (*Parupeneus bifasciatus*) |
| | Redspot goatfish (*Parupeneus heptacanthus*) |
| | White-lined goatfish (*Parupeneus ciliatus*) |
| | Yellowsaddle goatfish (*Parupeneus cyclostomas*) |
| | Side-spot goatfish (*Parupeneus pleurostigma*) |
| | Indian goatfish (*Parupeneus indicus*) |
| | Multi-barred goatfish (*Parupeneus multifaciatus*) |
| | Bantail goatfish (*Upeneus arge*) |
| Mugilidae (Mullets) | Stripped mullet (*Mugil cephalus*) |
| | Engel's mullet (*Moolgarda engeli*) |
| | False mullet (*Neomyxus leuciscus*) |
| | Fringelip mullet (*Crenimugil crenilabis*) |
| Muraenidae (Moray ells) | Yellowmargin moray eel (*Gymnothorax flavimarginatus*) |
| | Giant moray eel (*Gymnothorax javanicus*) |
| | Undulated moray eel (*Gymnothorax undulatus*) |
| Octopodidae | Octopus (*Octopus cyanea; Octopus ornatus*) |
| Polynemidae | Threadfin (*Polydactylus sexfilis*) |
| Pricanthidae (Bigeye) | Glasseye (*Heteropriacanthus cruentatus*) |
| | Bigeye (*Priacanthus hamrur*) |
| Scaridae (Parrotfishes) | Humphead parrotfish (*Bulbometapon muracatum*) |
| | Parrotfish (*Scarus* spp.) |
| | Pacific longnose parrotfish (*Hipposcarus longiceps*) |
| | Stareye parrotfish (*Catolomus carolinus*) |
| Scombridae | Dogtooth tuna (*Gymnosarda unicolor*) |
| Siganidae (Rabbitfish) | Forktail rabbitfish (*Siganus aregentus*) |
| | Golden rabbitfish (*Siganus guttatus*) |
| | Gold-spot rabbitfish (*Siganus punctatissimus*) |
| | Randall's rabbitfish (*Siganus randalli*) |
| | Scribbled rabbitfish (*Siganus spinus*) |
| | Vermiculate rabbitfish (*Siganus vermiculatus*) |
| Sphyraenidae (Barracuda) | Heller's barracuda (*Sphyraena helleri*) |
| | Great Barracuda (*Sphyraena barracuda*) |
| Turbinidae (turban shells/green snails) | Green snails (*Turbo* spp.) |
| Aquarium Taxa/Species | Acanthuridae |
| | Yellow tang (*Zebrasoma flavescens*) |
| | Yellow-eyed surgeon fish (*Ctenochaetus strigosus*) |
| | Achilles tang (*Acanthurus achilles*) |
| | Muraenidae |
| | Dragon eel (*Enchelycore pardalis*) |
| | Zanclidae |
| | Morrish idol (*Zanclus cornutus*) |
| | Pomacanthidae |
| | Angelfish (*Centropyge shepardi, Centropyge flavissimus*) |
| | Cirrhitidae |
| | Flame hawkfish (*Neocirrhitus armatus*) |
| | Chaetodontidae |
| | Butterflyfish (*Chaetodon auriga, Chaetodon lunula, Chaetodon melannotus, Chaetodon ephippium*) |
| | Pomacentridae |
| | Damselfish (*Chromis viridis, Dascyllus aruanus, Dascyllus trimaculatus*) |
| | Sabellidae |
| | Featherduster worm |

TABLE 4 TO PART 660.—POTENTIALLY HARVESTED CORAL REEF TAXA

| | |
|---|---|
| Labridae spp. (wrasses) (Those species not listed in Table 3) | Ephippidae (batfish) |

TABLE 4 TO PART 660.—POTENTIALLY HARVESTED CORAL REEF TAXA—Continued

| | |
|---|---|
| Carcharhinidae spp. Sphyrnidae spp. (Those species not listed in Table 3). | Monodactylidae (monos) |
| Dasyatididae, Myliobatidae, Mobulidae (rays) ..... | Haemulidae (sweetlips) |
| Serranidae spp. (groupers) (Those species not listed in Table 3 or are not bottomfish management unit species). | Echineididae (remoras) |
| Carangidae (jacks/trevallies) (Those species not listed in Table 3 or are not bottomfish management unit species). | Malacanthidae (tilefish) |
| | Acanthoclinidae (spiny basslets) |
| Holocentridae spp. (soldierfish/squirrelfish) (Those species not listed in Table 3). | Pseudochromidae (dottybacks) |
| Mullidae spp. (goatfish) (Those species not listed in Table 3) ..... | Plesiopidae (prettyfins) |
| Acanthuridae spp. (surgeonfish/unicornfish) (Those species not listed in Table 3). | Tetrarogidae (waspfish) |
| Lethrinidae spp. (emperor fish) (Those species not listed in Table 3 or are not bottomfish management unit species). | Caracanthidae (coral crouchers) |
| Chlopsidae, Congridae, Moringuidae, Ophichthidae (eels) Muraenidae (morays eels) (Those species not listed in Table 3). | Grammistidae (soapfish) |
| Apogonidae (cardinalfish) ..... | *Aulostomus chinensis* (trumpetfish) |
| Zanclidae spp. (moorish idols) (Those species not listed in Table 3) ..... | *Fistularia commersoni* (coronetfish) |
| Chaetodontidae spp. (butterflyfish) (Those species not listed in Table 3) | Anomalopidae (flashlightfish) |
| Pomacanthidae spp. (angelfish) (Those species not listed in Table 3) ... | Clupeidae (herrings) |
| Pomacentridae spp. (damselfish) (Those species not listed in Table 3) | Engraulidae (anchovies) |
| Scorpaenidae (scorpionfish) ..... | Gobiidae (gobies) |
| Blenniidae (blennies) ..... | Lutjanidae (snappers) (Those species that are not listed in Table 3 or are not bottomfish management unit species) |
| Sphyraenidae spp. (barracudas) (Those species not listed in Table 3) .. | Ballistidae/Monocanthidae spp. (Those species not listed in Table 3) |
| Pinguipedidae (sandperches) ..... | Siganidae spp. (rabbit fish) (Those species not listed in Table 3) |
| *Gymnosarda unicolor* ..... | Kyphosidae spp. (rudderfish) (Those species not listed in Table 3) |
| Bothidae/Soleidae/Pleurnectidae (flounder/sole) ..... | Caesionidae (fusiliers) |
| Ostraciidae (trunkfish) ..... | Cirrhitidae (hawkfish) (Those species not listed in Table 3 |
| Tetradontidae/Diodontidae (puffer/porcupinefish) ..... | Antennariidae (frogfishes) |
| | Syngnathidae (pipefishes/seahorses) |
| Stony corals ..... | Echinoderms (*e.g.*, sea cucumbers, sea urchins) |
| Heliopora (blue corals) ..... | Mollusca (Those species not listed in Table 3) |
| Tubipora (organpipe corals) ..... | Sea Snails (gastropods) (Those species not listed in Table 3) |
| Azooxanthellates (ahermatypic corals) ..... | *Trochus* spp. |
| Fungiidae (mushroom corals) ..... | Opistobranchs (sea slugs) |
| Small and large polyp corals ..... | *Pinctada margaritifera* (black lipped pearl oyster) |
| Millepora (firecorals) ..... | Tridacnidae (giant clams) |
| Soft corals and Gorgonians ..... | Other Bivalves (other clams) |
| Actinaria (anemones) ..... | Cephalopods |
| Zoanthinaria (soft zoanthid corals) ..... | Crustaceans (Lobsters, Shrimps/mantis shrimps, true crabs and hermit crabs (not listed as crustacean management unit species) |
| Sponges (Porifera) ..... | Stylasteridae (lace corals) |
| Hydrozoans ..... | Solanderidae (hydroid corals) |
| Bryozoans ..... | Annelids (segmented worms) (Those species not listed in Table 3) |
| | Algae (seaweeds) |
| Tunicates (sea squirts) ..... | Live rock |

All other coral reef ecosystem management unit species that are marine plants, invertebrates, and fishes that are not listed in Table 3 or are not bottomfish management unit species, crustacean management unit species, Pacific pelagic management unit species, precious coral or seamount groundfish.

[FR Doc. 04–3851 Filed 2–23–04; 8:45 am]

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# Proposed Rules

Federal Register
Vol. 69, No. 36
Tuesday, February 24, 2004

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 19, 20, and 50

### Collection, Reporting, or Posting of Information; Availability of Draft Rule Language

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Availability of draft rule language.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is making available the draft wording of possible changes to its regulations. The changes under consideration would clarify or revise the regulations to reduce unnecessary regulatory burden associated with the collecting, reporting, and posting of information. The NRC staff is making the draft rule language available to inform stakeholders of the NRC staff's consideration of possible changes to its regulations, and to solicit comments on the staff's direction and draft language. The draft wording and several specific requests for feedback are available on the NRC's public Web site at *http://ruleforum.llnl.gov*.

**DATES:** Submit comments by April 9, 2004. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods. Personal information will not be removed from your comments:

*Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

*E-mail comments to: SECY@nrc.gov*. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415–1966. You may also submit comments via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov*. Address questions about our rulemaking Web site to Carol Gallagher at (301) 415–5905; e-mail: *cag@nrc.gov*. Comments can also be submitted via the Federal eRulemaking Portal *http://www.regulations.gov*.

Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm on Federal workdays (Telephone: (301) 415–1966).

*Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission (301) 415–1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking Web site at *http://ruleforum.llnl.gov*.

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html*. From this site, the public can gain entry into the NRC's Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at (800) 397–4209, (301) 415–4737, or by e-mail to *pdr@nrc.gov*.

**FOR FURTHER INFORMATION CONTACT:** William D. Reckley, Division of Licensing Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: (301) 415–1323; e-mail: *wdr@nrc.gov*.

**SUPPLEMENTARY INFORMATION:**

#### Background

In SECY–02–0081, ''Staff Activities Related to the NRC Goal of Reducing Unnecessary Regulatory Burden on Power Reactor Licensees,'' dated May 13, 2002 (ADAMS Accession No. ML020420137), the NRC staff described various interactions with stakeholders regarding ways to reduce unnecessary regulatory burden. By memorandum dated June 25, 2002 (ADAMS Accession No. ML021760768), the Commission directed the staff to proceed with its evaluation of possible rule changes. In developing the initiative described in SECY–02–0081, the NRC staff solicited observations and suggestions by placing a notice in the **Federal Register** (66 FR 22134; May 3, 2001) and sponsoring a workshop on May 31, 2001. In a letter dated July 2, 2001 (ADAMS Accession No. ML011870432), the Nuclear Energy Institute provided a list of suggestions from its members for possible changes to several regulations that could reduce unnecessary regulatory burden, including certain reporting and labeling requirements in 10 CFR parts 19 and 20. The NRC staff has evaluated the suggestions from industry and other stakeholders and selected 10 CFR 19.13, ''Notifications and reports to individuals,'' 10 CFR 20.2104, ''Determination of prior occupational dose,'' and container labeling requirements as being candidates for further consideration. The NRC staff is also considering changes to 10 CFR 20.1003 to clarify the use of the effective dose equivalent in place of the deep dose equivalent in dose assessments (*see* Regulatory Issue Summary 2003–04, ''Use of the Effective Dose Equivalent in Place of the Deep Dose Equivalent in Dose Assessments,'' dated February 13, 2003; ADAMS Accession No. ML030370122). The NRC staff's preliminary assessment is that these regulations result in regulatory burdens on licensees beyond what is needed to protect workers and the public against radiation.

#### Discussion

The rulemaking under consideration would revise several administrative requirements associated with the collection, reporting, and posting of information. The draft wording for the changes being considered by the NRC staff may be viewed on the NRC's public Web site at *http://ruleforum.llnl.gov*.

The first change being considered would affect 10 CFR 19.13 and related regulations in 10 CFR Part 20. Prior to 1992, 10 CFR 19.13(b) required licensees to provide each worker annually the worker's occupational dose ''[a]t the request of any worker.'' Thereafter, the Commission amended its regulations (58 FR 23360; May 21, 1991) to conform to 1987 Presidential guidance for Federal agencies on

occupational radiation protection (52 FR 2822; January 27, 1987). NRC licensees are currently required to advise each worker annually of the worker's received dose as shown in records maintained by the licensee pursuant to 10 CFR 20.2106, ''Records of individual monitoring results.'' Licensees are required by 10 CFR 20.2106 to maintain records of doses received by all individuals for whom monitoring was required pursuant to 10 CFR 20.1502, ''Conditions requiring individual monitoring of external and internal occupational dose.'' Under 10 CFR 20.1502, licensees are required to monitor occupational radiation exposure for workers likely to receive a dose in excess of 10 percent of the limits specified in 10 CFR 20.1201, ''Occupational dose limits for adults,'' or for workers who enter a high or very high radiation area. Licensees make this determination prospectively with a measure of conservatism, so that many of the workers monitored by licensees actually receive no measurable exposure or only a small fraction of the doses specified in 10 CFR 20.1502. As a result, the recordkeeping and reporting requirements have applied to a large number of workers, thereby increasing administrative costs to licensees. The NRC staff is considering a change to the reporting requirement so that licensees would continue the current reporting for workers who receive more than 2 percent of the limits specified in 10 CFR 20.1201 (this would generally translate to exceeding a total effective dose equivalent (TEDE) of 100 millirem in one year), but would not be required to provide annual dose reports to workers who receive less than 2 percent of those limits. Licensees would continue to provide all workers access to information from their dose records and would provide any worker with a copy of their annual dose report upon request. The staff's initial criteria of 100 millirem was selected because it corresponds to the annual dose limit in 10 CFR 20.1301, ''Dose limits for individual members of the public,'' and is also the threshold for requiring employee training pursuant to 10 CFR 19.12, ''Instruction to workers.''

In addition to other comments or suggestions regarding this possible change to NRC regulations, the NRC staff requests that stakeholders responding to this solicitation address the following questions:

(1) Does the language being considered appropriately balance the intent of the Federal government's guidance and regulations related to occupational exposure in terms of avoiding burdensome requirements for doses that are insignificant while adequately providing individuals with information about their occupational exposures?

(2) Has the staff suggested appropriate criteria for when licensees are required to provide a report to workers (*i.e.*, is ''exceeds 2 percent of the dose limits in 10 CFR 20.1201(a) or the worker makes a request for a report of their dose'' a reasonable threshold)?

(3) Would the change, if made based on the language being considered, result in cost savings to licensees? If so, please provide an estimate of the savings.

(4) Should licensees be required to notify workers periodically of their right to request their dose report (*e.g.*, when the worker is issued a personal dosimeter or annually)?

(5) Does the possible consolidation of required reports to individuals into 10 CFR 20.2205 and the deletion of 10 CFR 19.13(d) clarify the regulations and would there be a significant cost associated with implementing this possible change?

The second change under consideration would revise 10 CFR 20.1905, ''Exemptions to labeling requirements,'' or alternatively add a new regulation to 10 CFR part 50 which would define an exemption from 10 CFR 20.1904 for certain containers within facilities with licenses issued under parts 50 or 52. The exempted containers would need to satisfy conditions such as being located within an area posted in accordance with 10 CFR 20.1902, being conspicuously marked, and being accessible only to trained individuals.

In addition to other comments or suggestions regarding this possible change to NRC regulations, the NRC staff requests that stakeholders responding to this solicitation address the following questions:

(1) Does the language being considered provide adequate controls for radioactive materials stored within facilities licensed under 10 CFR part 50?

(2) Would the change, if made based on the language being considered, result in cost savings to part 50 licensees? If so, please provide an estimate of the savings.

(3) Are there categories of materials licensees to which this exemption might be applied, where adequate controls for radioactive materials stored within these facilities could be provided by the conditions being considered for the exemption? If so, what would be the cost savings to these licensees?

The third change under consideration involves 10 CFR 20.2104. This possible change would revise the requirement in 10 CFR 20.2104(a)(2) for licensees to attempt to obtain the records of cumulative occupational radiation dose for each worker requiring monitoring pursuant to 10 CFR 20.1502. The information on occupational doses in years other than the current year is not used except in performing evaluations required by 10 CFR 20.1206, ''Planned special exposures.'' Requirements related to obtaining information, performing evaluations, maintaining records, and making reports to individuals and the NRC about planned special exposures are codified in 10 CFR 20.1206 and 20.2104(b). The NRC staff is considering changing 10 CFR 20.2104 to require that licensees obtain the records of cumulative occupational radiation dose only for those individuals being authorized to receive a planned special exposure.

In addition to other comments or suggestions regarding this possible change to NRC regulations, the NRC staff requests that stakeholders responding to this solicitation address the following questions:

(1) Would the change, if made based on the language being considered, ensure adequate protection of radiation workers?

(2) Would the change, if made based on the language being considered, result in cost savings to licensees? If so, please provide an estimate of the savings.

The fourth change under consideration by the NRC staff is to revise the definition of TEDE in 10 CFR 20.1003 to be more consistent with the technical basis for the requirements in Part 20 (*e.g.*, the recommendations of the International Commission on Radiological Protection in its Publication 30, a copy of which may be purchased through Elsevier at *http://www.elsevier.nl/locate/series/icrp).* The change under consideration resolves a source of possible confusion in the current regulation by clarifying that the TEDE is the sum of the effective dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures). If a licensee is not using a method approved by the NRC for determining effective dose equivalent with radiation measuring devices, the deep dose equivalent, determined for the highest exposed part of the whole body, will be substituted for the effective dose equivalent (for external exposures). Regulatory Issue Summary 2003–04 provides the regulatory basis, and approved methods, for using the effective dose equivalent from external exposures in complying with the regulatory requirements, and limits, on TEDE.

In addition to other comments or suggestions regarding this possible

change to NRC regulations, the NRC staff requests that stakeholders responding to this solicitation address the following questions:

(1) Is the proposed definition of TEDE consistent with the technical basis of the current regulations in 10 CFR part 20 (*e.g.*, recommendations of the International Commission on Radiological Protections in its Publications 26 and 30)?

(2) Does the language clarify the existing requirements as explained in Regulatory Issue Summary 2003–04?

(3) Should the rule address approvals by Agreement States of dosimetry methods for using effective dose equivalent when external exposure is determined by measurement? If so, how should approval by one jurisdiction be considered by other jurisdictions to ensure consistent results and to minimize state-by-state variations in approach for licensees operating in multiple jurisdictions?

The draft rule language is preliminary and may be incomplete in one or more respects. The NRC staff is releasing the draft rule language to inform stakeholders of the NRC staff's consideration of possible changes to 10 CFR parts 19, 20, and 50, and to invite stakeholders to comment on the draft revisions. As appropriate, the Statements of Consideration for the proposed rule will briefly discuss substantive changes made to the rule language as a result of comments received. Comments may be provided as indicated under the **ADDRESSES** heading. The NRC may post updates periodically on the rulemaking web site that may be of interest to stakeholders.

Dated at Rockville, Maryland, this 18th day of February, 2004.

For the Nuclear Regulatory Commission.

**William H. Ruland,**

*Director, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04–3890 Filed 2–23–04; 8:45 am]

**BILLING CODE 7590–01–P**

## DEPARTMENT OF LABOR

## Occupational Safety and Health Administration

## 29 CFR Part 1926

**[Docket No. H011G]**

**RIN No. 1218–AB89**

## Announcement of Stakeholder Meetings for Hearing Conservation Program for Construction Workers

**AGENCY:** Occupational Safety and Health Administration (OSHA); Department of Labor.

**ACTION:** Scheduling of stakeholder meetings.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is inviting the public to participate in informal stakeholder meetings on a Hearing Conservation Program for Construction Workers. The Agency invites the public to address the following subjects: Noise exposure monitoring, audiometric testing, and portability of records for workers in the construction industry with significant noise exposures.

**DATES:** *Stakeholder meetings.* Stakeholder meetings will be held on March 24th and 25th, 2004 in Chicago, Illinois, at Embassy Suites Hotel—Rosemont, 5500 North River Road, Rosemont, Illinois 60018 (telephone 847–678–4000, fax 847–928–7659). Both meetings will begin at 8:30 a.m. and end at 12:30 p.m. Interested parties are requested to notify OSHA of their intent to participate in one of the stakeholder meetings by March 8, 2004. Each half day session will have the same agenda and format. Stakeholders are encouraged to attend only one half-day meeting. OSHA plans to schedule an additional meeting in the Washington, DC area at a later date.

**ADDRESSES:** If you wish to participate in a stakeholder meeting you must notify OSHA by e-mail, facsimile, or mail, as set forth below, giving your name, affiliation, contact information, the stakeholder session you plan to attend, and whether you wish to be an active participant or an observer.

*Electronic:* OSHA encourages you to submit your notice of intent to participate in a stakeholder meeting via e-mail to *garner.christie@dol.gov.*

*Facsimile:* You may fax your notice of intent to participate in a stakeholder meeting to Christie Garner at (202) 693–1678.

*Mail:* You may also notify OSHA of your intent to participate in a stakeholder meeting, by mail, to Christie Garner, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3718, 200 Constitution Ave., NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Michael Seymour, Office of Physical Hazards, Directorate of Health Standards, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3718, 200 Constitution Avenue, NW., Washington DC 20210, telephone (202) 693–1950.

**SUPPLEMENTARY INFORMATION:** OSHA issued a section 6(b)(5) health standard mandating a comprehensive hearing conservation program for noise-exposed workers in general industry in 1983. However, no rule was promulgated to cover workers in the construction industry. Studies show that as many as 750,000 construction workers are currently exposed to noise levels of 85 dBA or greater at work. The largest number of worker exposures to excessive noise occurs during road construction, carpentry, and concrete work. International experience and data show that hearing conservation programs in the construction industry can be effective in reducing occupational hearing loss.

On August 5, 2002, the OSHA published an Advance Notice of Proposed Rulemaking (ANPR) addressing noise-induced hearing loss among workers in the construction industry, current practices to reduce this loss, and additional approaches and protections that could be used to prevent such loss in the future (67 FR 50610). The Agency has reviewed the forty-seven comment received in response to the ANPR and other available information. The stakeholder meetings announced here are a continuation of the information gathering process.

### Stakeholder Meetings

OSHA requests the public to address the following issues.

- *Exposure Monitoring:* OSHA seeks further information from stakeholders' experiences on the most effective approach to evaluating noise exposures in construction;
- *Audiometric Testing:* OSHA seeks practical approaches to providing audiometric testing in construction, where a significant portion of the workforce is transient; and
- *Portability of Records:* OSHA seeks ideas and approaches on how to create long-term audiometric records for short-term employees, and solicits ideas on how to decrease the difficulty of

maintaining historic records, transferring audiometric test results between employers, and ensuring privacy.

The stakeholder meetings will be an opportunity for informal discussion and will allow for the exchange of ideas and points of view; participants are not expected to prepare and present formal testimony. The Agency is interested in hearing first hand from employers and employees in the construction industry their ideas of what can be done to reduce the noise exposures and hearing loss of workers within this industry.

**Authority:** This notice was prepared under the direction of John L. Henshaw, Assistant Secretary for Occupational Safety and Health. It is issued under sections 4 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657).

Issued at Washington, DC, this 18th day of February, 2004.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 04–3857 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–26–M**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 260 and 261

**[RCRA–2003–0004; FRL–7626–4]**

**RIN–2050–AE51**

### Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Conditional Exclusions From Hazardous Waste and Solid Waste for Solvent-Contaminated Industrial Wipes; Notice of Public Hearing and Extension of Comment Period

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

**ACTION:** Proposed rule; notice of public hearing and extension of comment period.

**SUMMARY:** EPA is announcing a public hearing to be held March 9, 2004 on the proposed rule entitled ''Proposed Conditional Exclusions from Hazardous and Solid Waste for Solvent-Contaminated Industrial Wipes,'' which appeared in the **Federal Register** on November 20, 2003 (68 FR 65586). EPA is also extending the comment period through April 9, 2004, to accommodate those who wish to respond to testimony given at the hearing in their comments. In this proposed rulemaking, EPA proposed a conditional exclusion from the definition of solid waste for industrial wipes that are contaminated with solvent and that are sent to laundries or dry cleaners for cleaning and reuse. We also proposed a conditional exclusion from the definition of hazardous waste for industrial wipes that are contaminated with solvent and are sent for disposal. The public hearing is being held as a result of a request from the Sierra Club and UNITE, the Union of Needletrades, Industrial, and Textile Employees. The letter requesting this hearing can be found in the docket for this rulemaking available through EDOCKET (*http://www.epa.gov/edocket*), or in person at the OSWER Docket, EPA West Building, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The docket number for this rulemaking is RCRA–2003–0004.

**DATES:** A public hearing on the proposal will be held on March 9, 2004 in Washington, DC. In addition, the comment period for this proposal has been extended and now ends April 9, 2004.

**ADDRESSES:** The public hearing will be held in Room 1153 of the EPA East Building on the corner of 12th Street and Constitution Avenue, NW., in Washington, DC. For security reasons, photo identification will be required to get into the building.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning the public hearing or this proposed rulemaking should be directed to Kathy Blanton at (703) 605–0761 or by e-mail at *blanton.katherine@epa.gov*.

**SUPPLEMENTARY INFORMATION:** The public hearing on the proposed rule, entitled ''Proposed Conditional Exclusions from Hazardous and Solid Waste for Solvent Contaminated Industrial Wipes,'' will be on March 9, 2004. Doors will open at 9 a.m. and the hearing will run beginning from 9:30 a.m. to 12:30 p.m. The public hearing may be adjourned early if there is not significant attendance or participation and, if necessary, will continue beyond 12:30 p.m. to ensure that all those who register by 9:30 a.m. on the day of the hearing have the opportunity to speak. Please leave extra time to get to the hearing in order to check in with security. Visitors will be asked to show photo identification, will be screened through security equipment, and will be escorted to the hearing room from the security check-in.

The public hearing will be held in Room 1153 of the EPA East Building at 1201 Constitution Avenue, NW., Washington, DC. The metro stop is Federal Triangle, on both the Orange and the Blue lines.

We invite the public and representatives of interested organizations and agencies to attend and provide comments on the proposed regulation. Any person who wishes may appear and speak at the public hearing; however, we encourage those planning to give oral testimony to pre-register with EPA. Those planning to speak at the hearings should notify Kathy Blanton, Office of Solid Waste, Hazardous Waste Identification Division, by telephone at (202) 605–0761, or by e-mail at *blanton.katherine@epa.gov*. Pre-registration will end March 5, 2004. If you cannot pre-register, sign-ups will be taken at the door until 9:30 a.m. on the day of the hearing.

Oral testimony will be limited to 7 minutes each. Any member of the public may file a written statement in addition to presenting orally. A verbatim transcript of the hearing and written statements will be made available at the OSWER Docket, at the above address.

If you plan to attend the public hearing and need special assistance, such as sign language interpretation or other reasonable accommodations, contact Kathy Blanton, at the above e-mail address or phone number.

Dated: February 13, 2004.

**Matt Hale,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 04–3934 Filed 2–23–04; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

**[FRL–7625–8]**

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Combe Fill North Landfill Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA), Region 2, is issuing a Notice of Intent to Delete the Combe Fill North Landfill Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The Combe Fill North Landfill Site is located in Mount Olive Township, Morris County, New Jersey. The NPL is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to Section 105 of the Comprehensive

Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey, through the Department of Environmental Protection (NJDEP), have determined that all appropriate remedial actions have been completed and no further fund-financed remedial actions are required. In addition, EPA and NJDEP have determined that the Site is protective of public health and the environment.

**DATES:** Comments concerning the deletion of this site from the NPL must be received March 25, 2004.

**ADDRESSES:** Comments should be submitted to: Ms. Pamela J. Baxter, Remedial Project Manager, New Jersey Remediation Branch, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 19th Floor, New York, New York 10007–1866.

Comprehensive information on the Site is available for viewing, by appointment only, at: U.S. EPA Records Center, 290 Broadway—18th Floor, New York, New York 10007–1866, hours: 9 a.m. to 5 p.m.—Monday through Friday. Contact the Records Center at (212) 637–4308.

Information on the Site is also available for viewing at the Information Repository located at: Mount Olive Public Library, Wolfe Road, Budd Lake, New Jersey 07828, (973) 681–8686.

**FOR FURTHER INFORMATION CONTACT:** Ms. Baxter, at the address provided above, or by telephone at (212) 637–4416; fax: (212) 637–4393 or via e-mail at *baxter.pam@epa.gov*

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

## I. Introduction

EPA Region 2 announces its intent to delete the Combe Fill North Landfill Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action. EPA maintains the NPL as the list of sites that present a significant risk to public health or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund).

EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II below explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses how this site meets NPL deletion criteria.

## II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA, in consultation with the State, will consider whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

## III. Deletion Procedures

The following procedures apply to the deletion of this Site: (1) EPA issued a Record of Decision (ROD) on September 29, 1986, which selected a long-term remedy to address landfill containment. (2) All appropriate responses under CERCLA have been implemented as described in a Final Close-Out Report dated April 27, 1993. (3) The NJDEP concurs with the proposed deletion. (4) A Five-Year Review was conducted in September 1999, and determined that the remedy continues to be protective of public health and the environment. (5) A notice has been published in the local newspaper and has been distributed to appropriate federal, state and local officials and other interested parties announcing a 30-day public comment period on EPA's Notice of Intent to Delete. (6) All relevant documents have been made available for public review at the local Site information repository and at EPA Region 2.

EPA's Regional Office will evaluate public comments before making a final decision on deletion. If necessary, EPA will prepare a Responsiveness Summary to address significant public comments received during the public comment period. If after consideration of the comments received, EPA decides to proceed with the deletion, EPA will place a final Notice of Deletion in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the notice.

## IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for the proposal to delete this Site from the NPL.

*Background*

The Combe Fill North Landfill Site comprises 65 acres and was operated as a sanitary municipal landfill from 1966 to 1978 by Morris County Landfill Incorporated. The Landfill accepted municipal, vegetated, and industrial (non-chemical) wastes, along with minimal amounts of dry sewage sludge.

In September 1978, ownership was transferred to the Combe Fill Corporation which operated the landfill until January 1981 when the New Jersey Department of Environmental Protection (NJDEP) denied an expansion request and operations ceased. Proper closure procedures were not implemented because Combe Fill Corporation filed for bankruptcy in September 1981. The Site was added to the NPL in December 1982.

On November 21, 1983, NJDEP signed a Cooperative Agreement with EPA for an RI/FS at the Site. Low concentrations of hazardous substances were found at the Site during RI activities. A public meeting to present and discuss the results of the RI/FS and the recommended alternative was held on July 16, 1986. A ROD was signed by EPA on September 29, 1986 which selected the long-term solution for the Combe Fill North Landfill. The main components of the remedy consisted of grading and compacting the 65-acre waste disposal area; covering with one foot of common borrow material; capping with one foot of clay; covering with sufficient common borrow material to ensure the clay cap is below the average frost penetration depth; covering with 6 inches of topsoil; planting vegetated cover (grass seeding); installing a drainage system; installing a methane venting system; constructing a security fence surrounding the site and implementing a quarterly ground water and surface water monitoring program.

*Response Actions*

The design of the remedy was completed by April 25, 1989 and the remedy was constructed by June 1991. Construction activities were performed in accordance with the approved design and consisted of the work described in the ROD. The work for the Site is described in an April 27, 1993 Remediation Close Out Report.

*Operation and Maintenance*

NJDEP is responsible for conducting operation and maintenance activities. Activities include mowing the grass on

the landfill, visually inspecting the cap and runoff drainage channels, clearing vegetation from the drainage channels, and performing sampling and analysis for the long-term monitoring program.

The monitoring plan requires the monitoring of groundwater and air. Groundwater samples are collected quarterly from 13 monitoring wells (2 upgradient and 11 downgradient) and sampled for Target Compound List of analytes. Air monitoring is conducted quarterly on the gas vents.

*Five-Year Review*

EPA conducted a Five-Year Review in September 1999. EPA's review determined that the remedy was implemented in accordance with the remedy selected in the ROD and the remedy in the ROD is protective of human health and the environment. However, hazardous substances, pollutants, or contaminants are remaining at the Site. Consequently, a five-year review will be conducted at this site no less often than every five years. The next five-year review will be conducted before the end of September 2004.

*Applicable Deletion Criteria/Statue Concurrence*

All the completion requirements for this Site have been met as described in the Remediation Close Out Report dated April 27, 1993. EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available in the site files. The State of New Jersey, in its letter of July 3, 2003, concurred on the proposed deletion of this Site from the NPL.

Public participation activities for the Combe Fill North Site have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and section 117, 42 U.S.C. 9617. The RI/FS and the ROD were subject to a public review process. All other documents and information which EPA relied on or considered in recommending that the Site be deleted from the NPL are available for the public to review at the information repositories.

The NCP specifies that EPA may delete a site from the NPL if ''all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate.'' 40 CFR 300.425(e)(1)(ii). EPA, with the concurrence of the State of New Jersey, through the Department of Environmental Protection, believes that this criterion for deletion has been met. Consequently, EPA is proposing deletion of this Site from the NPL.

Dated: February 9, 2004.

**Jane M. Kenny,**

*Regional Administrator, Region 2.*

[FR Doc. 04–3824 Filed 2–23–04; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–286; MM Docket No. 01–157, RM–10178]**

### Radio Broadcasting Services; Woodson, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; dismissal.

**SUMMARY:** In response to a *Notice of Proposed Rule Making,* 66 FR 39128 (July 27, 2001), this *Report and Order* dismisses the Petition for Rule Making in MM Docket No. 01–157, proposing to allot Channel 298A at Woodson, Texas. The petitioner had requested this dismissal.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01–157, adopted February 4, 2004 and released February 9, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3975 Filed 2–23–04; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–283; MB Docket No. 04–24; RM–10846]**

### Radio Broadcasting Services; Lincoln and Yuba City, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Harlan Communications, Inc., licensee of Station KXCL(FM), Channel 280B1, Yuba City, California. The petition proposes to downgrade Channel 280B1 to Channel 280A and to reallot Station KXCL(FM) from Yuba City to Lincoln, California, and to provide Lincoln with its first local aural transmission service. The coordinates for requested Channel 280A at Lincoln, California, are 38–54–45 NL and 121–23–20 WL, with a site restriction of 8.7 kilometers (5.4 miles) west of Lincoln.

Petitioner's reallotment proposal complies with the provisions of Section 1.420(i) of the Commission's Rules, and therefore, the Commission will not accept competing expressions of interest in the use of Channel 280A at Lincoln, California, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before April 1, 2004, and reply comments on or before April 16, 2004.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Lee J. Peltzman, Esq., Shainis & Peltzman, Chartered; 1850 M Street, NW., Suite 240; Washington, DC 20036 and Mark N. Lipp, Esq., Vinson & Elkins, LLP; The Willard Office Building, 1455 Pennsylvania Avenue, NW.; Washington, DC 20004–1008.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–24, adopted February 4, 2004, and released February 9, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., CY–A257,

Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202-863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *See* 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Lincoln, Channel 280A and by removing Yuba City, Channel 280B1.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3963 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–284; MB Docket No. 03–155, RM–10735]**

### Radio Broadcasting Services; Montauk, NY

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; dismissal.

**SUMMARY:** The document denies a Petition for Rule Making filed by Dana J. Puopolo, which requested the allotment of Channel 261A to Montauk, New York, as that community's third local aural transmission service. *See* 68 FR 42663, July 18, 2003.

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

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MB Docket No. 03–155, adopted February 4, 2004, and released February 9, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW, Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3960 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–288; MB Docket No. 04–25; RM–10849]**

### Radio Broadcasting Services; Laughlin, Nevada and Meadview, AZ

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Desert Sky Media, LLC, licensee of Station KVGS(FM), Laughlin, Nevada. The petition proposes the reallotment of Channel 300C from Laughlin to Meadview, Arizona, as the community's first local transmission service, and the modification of the license for Station KVGS(FM) to reflect the changes. The coordinates for Channel 300C at Meadview are 35–50–11 NL and 114–19–088 WL with a site restriction of 20.3 kilometers (12.6 miles) west of the community.

**DATES:** Comments must be filed on or before April 1, 2004, and reply comments on or before April 16, 2004.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Lee J. Peltzman, Esq., Shainis & Peltzman, Chartered, 1850 M Street, NW., Suite 240, Washington, DC 20036; Mark N. Lipp, Esq., J. Thomas Nolan, Esq., Vinson & Elkins, LLP, 1455 Pennsylvania Avenue, NW., Suite 600, Washington, DC 20004–1008.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–25, adopted February 4, 2004, and released February 9, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.* Channel 300C1 was allotted to Laughlin, Nevada in 1987. *See* 52 FR 38766, published October 19, 1987. The channel is not currently listed in the FM Table of Allotments, Section 73.202(b) under Nevada for the community of Laughlin. Station KVGS(FM) obtained a license for this channel on May 13, 1992. *See* BLH–19910903KD. Station KVGS(FM) currently operates on Channel 300C at Laughlin, Nevada because the station was granted a license to specify operation on Channel 300C in lieu of Channel 300C1 at Laughlin, Nevada on June 20, 2001. *See* BLH–20010327ABN.

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *See* 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Meadview, Channel 300C.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3966 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[DA 04–230; MB Docket No. 04–19; RM–10845]**

### Radio Broadcasting Services; Munford and Talladega, AL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Jacobs Broadcast Group, Inc., licensee of Station WTDR–FM, Channel 224A, Talladega, Alabama. The petition proposes to reallot WTDR–FM from Talladega to Munford, Alabama, and to provide Munford with its first local aural transmission service. The coordinates for requested Channel 224A at Munford, Alabama, are 33–29–12 NL and 85–59–15 WL, with a site restriction of 5.9 kilometers (3.6 miles) southwest of Munford.

Petitioner's reallotment proposal complies with the provisions of Section 1.420(i) of the Commission's Rules, and therefore, the Commission will not accept competing expressions of interest in the use of Channel 224A at Munford, Alabama, or require the petitioner to demonstrate the availability of an additional equivalent class channel.

**DATES:** Comments must be filed on or before March 29, 2004, and reply comments on or before April 13, 2004.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Gary S. Tepper, Esq, Booth, Freret, Imlay & Tepper, P.C.; 7900 Wisconsin Ave., Suite 304; Bethesda, Maryland 20814–3628.

**FOR FURTHER INFORMATION CONTACT:** R. Barthen Gorman, Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04–19, adopted February 4, 2004, and released February 6, 2004. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC's Reference Information Center at Portals II, 445 12th Street, SW., CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *See* 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by adding Munford, Channel 224A and by removing Talladega, Channel 224A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 04–3969 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

### 49 CFR Part 1546

**[Docket No. TSA–2004–17131]**

**RIN 1652–AA38**

### Aircraft Repair Station Security

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** Notice of public meeting and request for comments.

**SUMMARY:** TSA prescribes and enforces transportation security regulations, including rules relating to domestic and certain foreign aviation operations. Recent legislation directs TSA to issue a new regulation concerning security at foreign and domestic aircraft repair stations. In order to develop an effective and comprehensive regulation, TSA believes it is important to hear from the stakeholders and other interested parties early in the rulemaking process to determine what the current conditions are and how security issues can be addressed quickly. Therefore, TSA is scheduling a public meeting to discuss the new requirement with air carriers, airports, repair facility operators and other stakeholders, and invites comments from the participants. The public meeting will be held on February 27, 2004, at 1 p.m.

**DATES:** The public meeting will be on February 27, 2004, in Arlington, VA. The meeting will begin at 1 p.m. Persons not able to attend a meeting are invited to provide written comments, which must be received by March 29, 2004.

**ADDRESSES:** The public meeting will be held at the Drug Enforcement Agency, 700 Army Navy Drive, 1st Floor Auditorium, Arlington, Virginia 22202.

Persons unable to attend the meeting may submit comments, identified by the TSA docket number to this rulemaking, using any one of the following methods:

*Comments Filed Electronically:* You may submit comments through the

docket Web site at *http://dms.dot.gov.* Please be aware that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the applicable Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477), or you may visit *http://dms.dot.gov.*

You also may submit comments through the Federal eRulemaking portal at *http://www.regulations.gov.*

*Comments Submitted by Mail, Fax, or In Person:* Address or deliver your written, signed comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001; fax: 202–493–2251.

*Reviewing Comments in the Docket:* You may review the public docket containing comments in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office is located on the plaza level of the NASSIF Building at the Department of Transportation address above. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

*See* **SUPPLEMENTARY INFORMATION** for format and other information about comment submissions.

**FOR FURTHER INFORMATION CONTACT:** Roger Shoemaker, Office of Transportation Security Policy, Transportation Security Administration Headquarters, East Building, Floor 7, TSA–9, 601 South 12th Street, Arlington, VA 22202; telephone: (571) 227–3662; fax: (571) 227–2594; e-mail: *Roger.Shoemaker@dhs.gov.*

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

TSA invites interested persons to participate in the public meeting or by submitting written comments, data, or views. We invite comments relating to any aspect of aircraft repair station security and operation. The areas in which TSA seeks information and comment from the industry at the public meeting are listed below in the ''Specific Issues for Discussion'' section. *See* **ADDRESSES** above for information on where to submit comments.

With each comment, please include your name and address, identify the docket number at the beginning of your comments, and give the reason for each comment. The most helpful comments reference a specific topic, explain the reason for any recommendation, and include supporting data. You may submit comments and material electronically, in person, by mail, or fax as provided under **ADDRESSES**, but please submit your comments and material by only one means. If you submit comments by mail or delivery, submit them in two copies, in an unbound format, no larger than 8.5 by 11 inches, suitable for copying and electronic filing.

If you want the TSA to acknowledge receipt of your comments, include with your comments a self-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

Except for comments containing confidential information and SSI, we will file in the public docket all comments we receive, as well as a report summarizing each substantive public contact with TSA personnel concerning this rulemaking. The docket is available for public inspection before and after the comment closing date.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late to the extent practicable.

## Availability of Rulemaking Document

You can get an electronic copy using the Internet by—

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page *(http://dms.dot.gov/search)*;

(2) Accessing the Government Printing Office's Web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html;* or

(3) Visiting the TSA's Law and Policy Web page at *http://www.tsa.dot.gov/public/index.jsp.*

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

## Background

The terrorist attacks of September 11, 2001, resulted in catastrophic human casualties and property damage. In response to those attacks, Congress passed the Aviation and Transportation Security Act (ATSA), which established the Transportation Security Administration (TSA).[1] TSA was created as an agency within the Department of Transportation (DOT), operating under the direction of the Under Secretary of Transportation for Security. As of March 1, 2003, TSA became an agency of the Department of Homeland Security (DHS), and the Under Secretary is now the Administrator

As part of its aviation security mission, TSA prescribes and enforces aviation security regulations for domestic aircraft operators (49 CFR part 1544), domestic airport operators (49 CFR part 1542), foreign air carriers that operate to, from, within, and overfly the United States (49 CFR part 1546), indirect air carriers (49 CFR part 1548), and general operating and flight rules (49 CFR part 1550).

On December 12, 2003, the President signed into law the Vision 100—Century of Aviation Reauthorization Act.[2] Section 611 of the Act requires TSA to ''issue final regulations to ensure the security of foreign and domestic aircraft repair stations'' within 240 days, that is by August 8, 2004. There are approximately 650 foreign repair stations that are certified by the Federal Aviation Administration (FAA) to repair aircraft that enter U.S. airspace, and approximately 4500 domestic repair facilities. These repair stations vary greatly in size, type of repair completed, workforce, and location (such as proximity to an airport). There are small shops in industrial parks that may repair aircraft radios, and there are large stations that complete major aircraft overhauls. Because the station characteristics vary so greatly, TSA believes the corresponding security threat and existing security measures also vary widely.

TSA will prepare a notice of proposed rulemaking after the public meeting, provide an opportunity for public comment, and then issue a final rule. The information presented at the public meeting should greatly assist TSA in developing proposed standards for securtiy systems at foreign and domestic repair stations. Therefore, TSA looks forward to meeting with the key stakeholders on this topic and exchanging information.

## Specific Issues for Discussion

There are several areas in which TSA seeks information and comment from the industry at the public meeting, which are listed below. These key issues are intended to help focus public comments on subjects that TSA must explore in order to complete its review of the security of aircraft repair stations. The comments at the meeting need not be limited to these issues, and TSA invites comments on any other aspect of aircraft repair station security and operation.

[1] 1 Pub. L. 107–71, November 19, 2001, 115 Stat. 597.

[2] 2 Pub. L. 108–176, December 12, 2003, 117 Stat. 2490.

(1) What security measures are currently in place at foreign and domestic aircraft repair stations? Do you use access control, perimeter security, or identification media? What kind of employee background checks, if any, are conducted on employees prior to hiring, or periodically?

(2) What security vulnerabilities do you believe currently exist at foreign and domestic repair stations?

(3) What minimum standards should be in place to prevent unauthorized access, tampering, and other security breeches at foreign and domestic aircraft repair stations?

(4) What does your current security system cost?

(5) Should TSA regulations be tailored to the type of rating the repair station holds, number of employees, proximity to an airport, number of repairs completed, or other characteristics? If so, please explain how that could be accomplished.

(6) Should aircraft operators play a role in ensuring that repair facilities maintain a secure workplace? If so, what should aircraft operators do to enhance repair station security?

(7) Have you experienced security breeches at your facility? If so, what measures were instituted to prevent recurrence?

**Participation at the Meeting**

Anyone wishing to present an oral statement at the meeting should provide a written request to TSA no later than February 20, 2004. Such requests should be submitted to Roger Shoemaker, as listed previously in the **FOR FURTHER INFORMATION CONTACT** section. In addition, anyone who wishes to present a statement at the public meeting should submit a written version of the oral remarks and supporting documentation for any of the conclusions reached. Speakers should plan to talk for no more than 10 minutes. TSA will prepare an agenda of speakers that will be available at the meeting. The names of those individuals whose requests to present oral statements are received after the date specified above may not appear on the written agenda. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested.

**Public Meeting Procedures**

TSA will use the following procedures to facilitate the meeting:

(1) There will be no admission fee or other charge to attend or to participate in the meeting. The meeting will be open to all persons who are scheduled to present statements or who register between 12:30 and 1 on the day of the meeting. TSA will make every effort to accommodate all persons who wish to participate, but admission will be subject to availability of space in the meeting room. The meeting may adjourn early if scheduled speakers complete their statements in less time than is scheduled for the meeting.

(2) An individual, whether speaking in a personal or a representative capacity on behalf of an organization, may be limited to a 10-minute statement. If possible, we will notify the speaker if additional time is available.

(3) TSA will try to accommodate all speakers. If the available time does not permit this, speakers generally will be scheduled on a first-come, first-served basis. However, TSA reserves the right to exclude some speakers if necessary to present a balance of viewpoints and issues.

(4) Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

(5) Representatives of TSA will preside over the meeting. A panel of TSA personnel involved in this issue will be present.

(6) The meeting will be recorded by a court reporter. A transcript of the meeting and any material accepted by TSA during the meeting will be included in the public docket. Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly.

(7) TSA will review and consider all material presented by participants at the meeting. Position papers or material presenting views or arguments related to the security of foreign and domestic aircraft repair stations may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. TSA asks that persons participating in the meeting provide six copies of all materials to be presented for distribution to the TSA representatives; other copies may be provided to the audience at the discretion of the participant.

(8) Statements made by TSA representatives are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by a TSA representative is not intended to be, and should not be construed as, a position of TSA.

(9) The meeting is designed to solicit public views and gather additional information on the security of aircraft repair stations. Therefore, the meeting will be conducted in an informal, non-adversarial manner. No individual will be subject to cross-examination by any other participant; however, TSA representatives may ask questions to clarify a statement and to ensure a complete and accurate record.

Issued in Arlington, Virginia, on February 18, 2004.

**Thomas R. Blank,**

*Assistant Administrator for Transportation Security Policy.*

[FR Doc. 04–4051 Filed 2–20–04; 10:52 am]

**BILLING CODE 4910–62–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

**RIN 1018–AJ26**

## Endangered and Threatened Wildlife and Plants; Extension of Amended Special Regulations for the Preble's Meadow Jumping Mouse

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** On May 22, 2001, the Fish and Wildlife Service (Service) adopted special regulations governing take of the threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*). The special regulations provide exemption from take provisions under section 9 of the Endangered Species Act for certain activities related to rodent control, ongoing agricultural activities, landscape maintenance, and existing uses of water. On October 1, 2002, the Service amended those regulations to provide exemptions for certain activities related to noxious weed control and ongoing ditch maintenance activities. This action proposes to extend the special regulations permanently.

**DATES:** Comments must be received on or before March 25, 2004, to receive consideration. Public hearing requests must be received by March 10, 2004.

**ADDRESSES:** The complete file for this rule is available for public inspection, by appointment, during normal business hours at the Fish and Wildlife Service's Colorado Field Office, Ecological Services, Suite 361, Lakewood, CO 80215. Comments and public hearing requests should be submitted to the same address.

**FOR FURTHER INFORMATION CONTACT:** In Colorado, contact Susan Linner, Field Supervisor, at the above address, or telephone (303) 275–2370. In Wyoming, contact Brian Kelly, Field Supervisor, Cheyenne, WY, at telephone (307) 772–2374.

**SUPPLEMENTARY INFORMATION:**

**Background**

The final rule listing the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's) as a threatened species under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), was published in the **Federal Register** on May 13, 1998 (63 FR 26517). Section 9 of the Act prohibits take of endangered wildlife. The Act defines take to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct. However, the Act also provides for the authorization of take and exceptions to the take prohibitions. Take of listed species by non-Federal property owners can be permitted through the process set forth in section 10 of the Act. For federally funded or permitted activities, take of listed species may be allowed through the consultation process of section 7 of the Act. While section 9 of the Act establishes prohibitions applicable to endangered species, the Service has issued regulations (50 CFR 17.31) applying those same prohibitions to threatened wildlife. These regulations may be tailored for a particular threatened species through promulgation of a special rule under section 4(d) of the Act. When a special rule has been established for a threatened species, the general regulations for some section 9 prohibitions do not apply to that species, and the special rule contains the prohibitions, and exemptions, necessary and advisable to conserve that species.

On May 22, 2001 (66 FR 28125), we adopted a final section 4(d) special rule that provided exemptions from section 9 take prohibitions for certain rodent control activities, ongoing agricultural activities, maintenance and replacement of existing landscaping, and existing uses of water. On October 1, 2002 (67 FR 61531), we amended this rule to provide exemptions for certain noxious weed control and ongoing ditch maintenance activities. The final special rule, as amended, is effective until May 22, 2004. We are now proposing to extend the amended special rule permanently.

We believe that the special rule, as amended, is necessary and advisable to provide for the conservation of the Preble's. The special rule has been shown to provide for the conservation of the Preble's mouse by allowing activities that help to maintain the habitat characteristics needed by the species. Although such activities, including ditch maintenance and noxious weed control, may result in negligible levels of take, they support the continued presence of occupied habitat that might otherwise be lost to succession or invasive species. Also, by offering flexibility to private landowners for ongoing activities that will not impede the conservation of the species, the special rule also provides an incentive for landowners to pursue voluntary conservation efforts and advance our understanding of the species. The rule has garnered support of State and local governments, private landowners, and other interested parties, and we believe that the proposed permanent extension of the special rule it will contribute to a lasting, cooperative approach for the recovery of the species.

The special rule is best understood in the context of other regulations and actions, already in place or in development, to provide for conservation of the Preble's. First, section 10(a)(1)(B) of the Act allows the public to obtain from us, in appropriate circumstances, permits allowing take of Preble's, providing that the take is incidental to, and not the purpose of, each action or project. One of the purposes of the special rule is to make, in advance, general decisions that certain types of activities are consistent with the conservation of the Preble's without requiring people to seek additional section 10 permits authorizing those activities. This purpose will be continued by the proposed permanent extension. Additional activities that result in take of Preble's that are not exempted by the special rule may still be permitted by the Service under section 10 of the Act.

Currently, the State of Colorado, the Service, and various local governments in Colorado and Wyoming are working together to develop plans to conserve the Preble's and its habitat. This collaborative approach is expected to result in the development of Habitat Conservation Plans (HCPs) and applications to the Service for incidental take permits under section 10 of the Act. These HCPs will provide an important component of a lasting, effective, and efficient recovery program for the Preble's.

Second, section 7 of the Act requires Federal agencies, in consultation with and with the assistance of the Service, to use their authorities to conserve listed species and ensure that actions authorized, funded, or carried out by the agency are not likely to jeopardize the Preble's. On private land, Federal actions in Preble's habitat that may require consultation include the issuance of section 404 permits by the Army Corps of Engineers for dredge and fill activities regulated under the Clean Water Act. A section 7 consultation was conducted on the current special rule, and the ensuing biological opinion addressed a wide array of potential take from private actions, some of which have unknown timeframes, some of which occur sporadically, and some of which occur on a regular schedule. The biological opinion for the special rule found that the level of take anticipated to occur from a 36-month period was not considered to be biologically significant to the recovery of the Preble's. Because the consultation applied to take that could occur at any time and making the special rule permanent does not affect the Preble's or its critical habitat not previously considered, we have determined that it is not necessary to re-initiate consultation on the proposed permanent extension of the special rule.

Third, a variety of Federal, State, and local programs are available to help preserve the Preble's through the acquisition, preservation, and management of its habitat. These include the Service's Partners for Fish and Wildlife Program, the Natural Resource Conservation Service's wetland/riparian habitat protection programs, grant programs administered by Great Outdoors Colorado, city and county open space programs, and activities of local land trusts. In particular, our Partners for Fish and Wildlife Program has proven to be an especially effective approach for wildlife conservation on agricultural lands by providing funding for restoration of wetlands and riparian habitats.

Fourth, we are committed to development of a recovery program for the Preble's that achieves recovery of the species and provides solutions to conflicts between the species' recovery and economic activities, including agriculture. We believe that a recovery program that integrates both biological and social factors will have the highest chance of success. The Service has established a Recovery Team for the Preble's, and a draft recovery plan will be available for public review in the near future.

The May 22, 2001, special rule and the October 1, 2002, amendment recognized that the take exemptions provided by the rule would support the development of meaningful conservation efforts for the Preble's by State and local governments, agricultural interests, and the general public. The rule and the amendments identified the following conservation benefits to the Preble's: (1) Exemptions

regarding rodent control and landscaping would elicit support from landowners for Preble's conservation and recovery; (2) exemptions for ongoing agricultural practices and the exercise of existing water rights would provide a positive incentive for agricultural interests to participate in voluntary conservation activities and advance our understanding of species biology and ecology; (3) exemptions for noxious weed control would facilitate maintaining desirable natural vegetation on which the Preble's depends for survival; and (4) exemptions for ditch maintenance would help assure that currently existing Preble's habitat along ditches remains functionally viable.

**Provisions of the Rule**

The special rule for the Preble's meadow jumping mouse found at 50 CFR 17.40(l) will expire on May 22, 2004. We wish to extend the amended rule permanently to continue the benefits it provides. We recognize that additional information on the Preble's will become available in forthcoming years. We will evaluate this information regarding possible impacts from exempted activities to determine whether any changes, up to and including discontinuance, should be made to the special rule.

Additionally, we are making a correction to the entry for the Preble's meadow jumping mouse on the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h). When the special rule for the Preble's was added to 50 CFR 17.40(l) on May 22, 2001 (66 FR 28125), we failed to amend the table in 50 CFR 17.11(h) to reflect the existence of the new special rule. We are, therefore, making the correction to the table in 50 CFR 17.11(h) in this rulemaking action.

**Public Comments Solicited**

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. In some circumstances, we will withhold a respondent's identity from the rulemaking record, as allowable by law. If you wish for us to withhold your name or address, you must state this request prominently at the beginning of your comment. We will not consider anonymous comments. We will make all submissions from organizations or businesses available for public inspection in their entirety (*see* **ADDRESSES** section).

In promulgating a final regulation on this species, we will take into consideration the comments and additional information we receive. Such communications may lead to a final regulation that differs from this proposal.

**Public Hearing**

The Act provides for a public hearing on this proposal, if requested. Requests must be filed by the date specified in the **DATES** section above. Such requests must be made in writing and addressed to the Field Supervisor (see **ADDRESSES** section).

**Required Determinations**

We prepared a Record of Compliance for the May 22, 2001, final rule that exempted the four activities of rodent control, ongoing agricultural activities, landscaping, and ongoing use of existing water rights from the take prohibitions listed in section 9 of the Act. A Record of Compliance certifies that a rulemaking action complies with the various statutory, Executive Order, and Department Manual requirements applicable to rulemaking. Amendment of the May 22, 2001, rule to include the two additional exemptions (noxious weed control and ditch maintenance activities) did not add any significant elements to this Record of Compliance. Permanent extension of the amended special rule also does not add any significant elements to this Record of Compliance.

Without this extension, activities included in the special rule, as amended, would no longer be exempted from the take prohibitions. This proposed rule would continue the exemptions and allow landowners to engage in certain activities, as identified in the rule, that may result in take of Preble's. Without this extension, anyone engaging in those activities would need to seek an authorization from us through an incidental take permit under section 10(a)(1)(b) or an incidental take statement under section 7(a)(2) of the Act. This process takes time and can involve an economic cost. This rule allows these landowners to avoid the costs associated with abstaining from conducting any such activities that may result in take, modifying these activities to prevent take from occurring, or seeking an incidental take permit from us.

**Regulatory Planning and Review**

In accordance with the criteria in Executive Order 12866, the Office of Management and Budget (OMB) has determined that this rule is a significant regulatory action. This rule will not have an annual economic impact of more than $100 million, or significantly affect any economic sector, productivity, jobs, the environment, or other units of government. This rule reduces the regulatory burden of the listing of the Preble's meadow jumping mouse under the Act as a threatened species by continuing certain exemptions to the section 9 take prohibitions that would otherwise apply throughout the Preble's range. However, OMA has determined that this proposed rule raises novel legal or policy issues.

Preble's habitat, which overlaps farming and ranching businesses, primarily affects four southeast Wyoming counties: (1) Converse; (2) Laramie; (3) Platte; and (4) Albany. This four-county area contains 1,739 farms and ranches covering 8.9 million acres. The average size of an agricultural operation is about 5,100 acres, although individual operations vary greatly in size. The total marketing value of livestock and crops, measured as cash receipts, is about $182.5 million.

As previously discussed, the Service has adopted special regulations pursuant to section 4(d) of the Act for Preble's, and these regulations are currently set to expire on May 22, 2004. Specifically, these regulations provide exemption from take provisions under section 9 for certain activities related to rodent control, ongoing agricultural activities, landscape maintenance, perfected water rights, certain noxious weed control, and ditch maintenance activities. Should this regulation expire, such activities could result in the incidental take of Preble's, which is prohibited under section 9 of the Act. However, section 10 of the Act does allow landowners to obtain a permit to conduct otherwise lawful activities that may result in incidental take of a listed species. The incidental take permit requires the applicant to prepare, and the Service approve, a habitat conservation plan (HCP). The HCP may include certain restrictions to agricultural activities to minimize incidental take of Preble's.

The types of restrictions the Service might impose on agricultural activities to minimize take are expected to vary significantly from one application to another, depending on the specific situation. However, Service guidelines call for mitigating the take of Preble's to the maximum extent practicable. Examples of mitigation conditions include fencing, planting willows, or other measures intended to create a buffer zone along waterways in riparian

areas. The Service may also impose restrictions on the methods or timing of activities associated with irrigation ditch maintenance.

The primary economic impacts to landowners associated with enforcement of the Act, should this 4(d) rule expire, are the costs of preparing HCPs for the Preble's and the costs associated with any activity restrictions imposed by the Service to minimize take of the Preble's. These impacts would potentially affect agricultural operations in southeast Wyoming. The primary land use activities likely to be impacted by sections 9 and 10 of the Act are haying and grazing, and irrigation ditch maintenance. A short discussion follows of the impacts farmers and ranchers could incur should this regulation lapse.

**Irrigation Canal and Ditch Maintenance Activities**

The three commonly used methods of ditch maintenance are burning, flushing (flowing water through a ditch to clear blockages), and dipping (mechanically clearing blockages). Of these three options, the most cost effective is burning, which may also be the most likely to result in incidental take of Preble's. Because of this, some landowners are concerned that the burning will be prohibited, or severely restricted, after the expiration of the special rule. This would have significant impacts on their irrigation activities.

Although irrigation ditch maintenance is not a major cost item for most individual agriculture producers under current conditions, restrictions on the burning of ditches could force some producers to acquire new mechanical cleaning equipment or hire the use of such equipment on a custom basis. Both of these options would increase a producer's costs.

An example of the potential impacts to irrigation canal and ditch maintenance is illustrated using estimates developed by the Wheatland Irrigation District (WID). WID estimates that its annual irrigation ditch maintenance costs would increase by approximately 250 percent if burning is reduced by 50 percent. If all burning were prohibited, irrigation ditch maintenance costs could increase by approximately 400 percent annually.

**Haying and Grazing Activities**

Haying and grazing activities would also be subject to sections 9 and 10 of the Act to minimize take of the Preble's. To avoid violating this provision, landowners would have to either cease activities that might result in incidental take, or submit to the Service an application for an incidental take permit, including an HCP. As with irrigation canal and ditch maintenance activities, landowners could expect some restrictions or conditions on haying and grazing activities as mitigation for the incidental take of Preble's.

The types of restrictions or conditions would vary depending upon the situation. In situations where riparian areas have been degraded by intensive grazing activity, mitigation measures for an incidental take permit may include restrictions on the number of animal unit months or AUM's (an AUM is the amount of forage needed to sustain one cow and her calf, one horse, or five sheep or goats for a month) within riparian areas, the construction of fencing with water gaps to keep herds out of riparian areas, and planting willows along stream banks. In situations where riparian areas are not degraded, mitigation measures may be minimal. The economic impacts of sections 9 and 10 of the Act on haying and grazing activities should this regulation expire can thus be expected to vary widely from landowner to landowner.

By permanently extending this 4(d) rule, farm and ranch operators will avoid future costs associated with ensuring that their otherwise legal activities avoid incidentally taking Preble's. Consequently, the economic effect of the rule benefits landowners and the economy. This effect does not rise to the level of ''significant'' under Executive Order 12866.

This rule should not create inconsistencies with other Federal agencies' actions. Other Federal agencies are mostly unaffected by this proposed rule.

This rule should not materially affect entitlements, grants, user fees, loan programs, or the rights and obligations of their recipients. Because this proposed rule would allow landowners to continue otherwise prohibited activities without first obtaining individual authorization, the proposed rule's impacts on affected landowners is positive.

We have previously promulgated section 4(d) special rules for this and other species, including the amended special rule for the Preble's pertaining to rodent control, ongoing agricultural activities, landscaping, existing uses of water, noxious weed control, and ongoing ditch maintenance activities. This rule simply proposes to permanently extend the effective period of the amended special rule for the Preble's. However, OMB has determined that this proposed rule raises novel legal or policy issues. Therefore, in accordance with E.O. 12866, OMB has reviewed this proposed rule.

**Regulatory Flexibility Act**

We have determined that this proposed rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). An initial regulatory flexibility analysis is not required, and a Small Entity Compliance Guide is not required. This rule reduces the regulatory burden of the listing of the Preble's as a threatened species. Without an extension of the amended special rule, all of the take prohibitions listed in section 9 of the Act would apply throughout the range of the Preble's. This rule allows certain affected landowners to continue to engage in certain activities that may result in take of Preble's, and to avoid the costs associated with abstaining from conducting these activities to avoid take of Preble's or seeking incidental take permits from us.

As previously discussed, this rulemaking will primarily affect farm and ranch operations within four counties in southeastern Wyoming. Although the precise numbers of affected operations are not known, the total number of farms and ranches in the area is estimated to be 1,739. The 2002 total cash receipts for these operations were approximately $182.5 million, which represents about 25 percent of the State total. Based on the State ratio of net farm income to animal and crop cash receipts (12 percent), the estimated average net farm income in this area would be $21,900.

The Office of Advocacy for the Small Business Administration defines small entities in the farm and ranch sector as those each having less than $750,000 in annual receipts. This qualifies most of the farms and ranches in the area as small businesses, according to data published in 1998 by the U.S. Department of Agriculture.

The permanent extension of the 4(d) rule will allow these small entities to avoid incurring costs associated with the development of an HCP and the administrative costs that would reflect the effort to obtain an incidental take permit. Administrative costs alone could cost between $3,000 and $4,000, according to a recent economic analysis conducted by the Service as part of the critical habitat designation for the Preble's. Depending on how such costs are expensed, the cost to obtain a permit could be relatively significant.

This rulemaking avoids such impacts by providing an exemption from the take provisions under section 9 for certain activities related to rodent control, ongoing agricultural activities, landscape maintenance, perfected water rights, certain noxious weed control, and ditch maintenance activities. Consequently, we are certifying that this rulemaking will not have a significant economic effect on a substantial number of small entities.

**Small Business Regulatory Enforcement Fairness Act**

This proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. As described above, this proposed rule would continue to reduce regulatory burdens on affected entities, who are mostly agricultural producers.

**Unfunded Mandates Reform Act**

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), this rule will not impose an unfunded mandate on State, local, or tribal governments, or the private sector, of more than $100 million per year. This rule will not have a significant or unique effect on State, local, or tribal governments, or the private sector. A Small Government Agency Plan is not required.

**Takings**

In accordance with Executive Order 12630, this rule does not have significant takings implications. By continuing reductions in the regulatory burden placed on affected landowners resulting from the listing of the Preble's as a threatened species, this rule reduces the likelihood of potential takings. Affected landowners will continue to have more freedom to pursue certain activities that may result in take of Preble's without first obtaining individual authorization.

**Federalism**

In accordance with Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment. Currently, the State of Colorado, the Service, and various local governmental entities in Colorado and Wyoming are working together to develop plans to conserve the Preble's and its habitat. This collaborative approach is expected to result in the development of HCPs that should support a lasting, effective, and efficient conservation program for the Preble's. To support such efforts, we wish to permanently extend the special rule. The current amended special rule would otherwise expire on May 22, 2004.

**Civil Justice Reform**

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

**Paperwork Reduction Act**

We have examined this rule under the Paperwork Reduction Act of 1995 and found it to contain no requests for information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

**National Environmental Policy Act**

The National Environmental Policy Act analysis has been conducted. An Environmental Assessment was prepared for the May 22, 2001, final special rule, and for the additional exemptions covered in the amended rule. The extension of the October 1, 2002, amended special rule does not alter the analyses made in the Environmental Assessment. The Environmental Assessment discussed impacts to the mouse that are not specific to any time period, that is, they apply equally to both the short term and the long term. This is due to the fact that any possible take from year to year is not cumulative, because the species has a short life span, and the types of activities allowed under the special rule are not related to any particular timeframe. Therefore, no modification of the Environmental Assessment is needed.

**Government-to-Government Relationship With Tribes**

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations With Native American Tribal Governments'' (59 FR 22951) and Executive Order 13175, we have evaluated possible effects on federally recognized Indian Tribes. We have determined that, because no Indian trust resources occur within the range of the Preble's, this rule has no effects on federally recognized Indian Tribes.

**Executive Order 13211**

We have evaluated this rule in accordance with Executive Order 13211 and have determined that this rule has no effects on energy supply, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

**Regulation Promulgation**

Accordingly, the Service proposes to amend 50 CFR part 17, as set forth below:

## PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.11(h) is amended by revising the entry for Preble's meadow jumping mouse, under ''Mammals,'' on the List of Endangered and Threatened Wildlife to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

* * * * *

(h) * * *

| Species | | Historic range | Vertebrate population where endangered or threatened | Status | When listed | Critical habitat | Special rules |
|---|---|---|---|---|---|---|---|
| Common name | Scientific name | | | | | | |
| MAMMALS | | | | | | | |
| * | * | * | * | * | | * * | |
| Mouse, Preble's meadow jumping. | *Zapus hudsonius preblei.* | U.S.A. (CO, WY) .... | .....do ..... | T | 636 | 17.95(a) | 17.40(l) |
| * | * | * | * | * | | * * | |

**§ 17.40 [Amended]**

3. Amend paragraph (l) of § 17.40 by removing paragraph (l)(4) and redesignating paragraph (l)(5) as paragraph (l)(4).

Dated: January 21, 2004.

**Julie MacDonald,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 04–4025 Filed 2–19–04; 4:21 pm]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 648

**[Docket No.; I.D. 020604B]**

**RIN 0648–AR89**

## Fisheries of the Northeastern United States; Monkfish Fishery

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

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

**SUMMARY:** NMFS proposes to establish target total allowable catch (TAC) levels for the monkfish fishery for the 2004 fishing year (FY), and adjust trip limits and days-at-sea (DAS) for limited access monkfish vessels fishing in the Southern Fishery Management Area (SFMA) based upon the target TAC setting, and trip limit and DAS adjustment methods established in Framework Adjustment 2 (Framework 2) to the Monkfish Fishery Management Plan (FMP). The target TACs for FY 2004, based upon the target TAC setting method, would be 16,968 mt for the Northern Fishery Management Area (NFMA), and 6,772 mt for the SFMA. In accordance with the trip limit and DAS adjustment methods established in Framework 2, this action would adjust the trip limits for vessels fishing in the SFMA to be 550 lb (250 kg) tail weight per DAS for limited access Category A and C vessels, and 450 lb (204 kg) tail weight per DAS for limited access Category B and D vessels, and would also restrict the FY 2004 DAS available for monkfish limited access vessels fishing in the SFMA to 28 DAS.

**DATES:** Comments must be received on or before March 10, 2004.

**ADDRESSES:** Comments on the proposed rule should be sent to Patricia A. Kurkul, Regional Administrator (RA), Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298. Mark the outside of the envelope ''Comments on 2004 Monkfish TACs.'' Comments may also be submitted via facsimile (fax) to 978–281–9135. Comments may also be submitted via e-mail to the following address: *monkfish89@noaa.gov*.

Copies of the Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA) prepared for this action are available upon request from the RA at the above address. Copies of the Environmental Assessment (EA) prepared for Framework Adjustment 2 to the FMP are available upon request from Paul Howard, Executive Director, New England Fishery Management Council (NEFMC), 50 Water Street, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Allison Ferreira, Fishery Policy Analyst, (978) 281–9103, fax (978) 281–9135, e-mail *Allison.Ferreira@noaa.gov*.

**SUPPLEMENTARY INFORMATION:**

### Background

The monkfish fishery is jointly managed by the NEFMC and the Mid-Atlantic Fishery Management Council (MAFMC), with the NEFMC having the administrative lead. Framework Adjustment 2, which became effective on May 1, 2003 (68 FR 22325; April 28, 2003), implemented a target TAC setting method that is based upon the relationship between the 3–year running average of the NMFS fall trawl survey biomass index (3–year average biomass index) and established annual biomass index targets (annual index target). The annual index targets are based on 10 equal increments between the 1999 biomass index (the start of the rebuilding program) and the biomass target ($B_{target}$), which is to be achieved by 2009 according to the rebuilding plan established in the FMP. According to this target TAC setting method, annual target TACs are set based on the ratio of the observed biomass index to the annual index target applied to the monkfish landings for the previous fishing year.

In accordance with the annual target TAC setting procedures established in Framework 2, and implemented in the regulations at 50 CFR 648.96(b)(1), the Monkfish Monitoring Committee (MFMC) reviewed the NMFS fall trawl survey biomass indices and monkfish landings for FY 2002, and calculated the target TACs for FY 2004. Based on this information, the 2004 target TACs would be set at 16,698 mt for the NFMA, and 6,772 mt for the SFMA. For the NFMA, the 3–year average biomass index of 2.03 kg/tow is 36 percent above the annual index target of 1.49 kg/tow for 2003. The target TAC setting procedures established in Framework 2 state that, if the 3–year average biomass index is above the index target, the target TAC shall be set equivalent to the previous year's landings plus one-half the percentage difference between the 3–year average biomass index and the annual index target, but no more than 20 percent above the previous year's landings, if fishing mortality cannot be determined. Consequently, the target TAC of 16,968 mt that is being recommended for the NFMA is 18 percent above the monkfish landings for FY 2002, which is one-half of the 36–percent difference between the 3–year biomass index and the annual index target for 2003. This target TAC represents a 4–percent decrease from the target TAC for FY 2003. Although the proposed 2004 target TAC for the NFMA is a decrease from the target TAC for FY 2003, it is a substantial increase from the target TAC for FY 2002, which was 11,674 mt. Furthermore, regulations currently in place for the Northeast (NE)

multispecies fishery have reduced NE multispecies DAS allocations, which directly impacts the ability of limited access monkfish vessels to fish in the NFMA. In fact, monkfish landings for May through August 2003 were 21 percent of the target 2003 TAC for the NFMA. Additional reductions in NE multispecies DAS allocations are expected beginning May 1, 2004, under Amendment 13 to the NE Multispecies FMP. Under existing management measures (40 DAS and no trip limit), it is unlikely that vessels in the NFMA would exceed the proposed 2004 target TAC for this area. Therefore, this action does not propose any adjustments in DAS or implementation of a trip limit for the NFMA since such changes are unnecessary in order to achieve the proposed target TAC for FY 2004.

For the SFMA, the 3–year average biomass index of 0.93 kg/tow is 8.9 percent below the annual index target of 1.02 kg/tow. The regulations at § 648(b)(1)(i)(A) require that, in this circumstance, the 2004 TAC for the SFMA be set proportionally below the previous year's (FY 2002) landings. This results in a target TAC of 6,772 mt for the SFMA. Unlike the NFMA, the proposed decrease in target TAC for the SFMA would require both a reduction in the trip limits and a reduction in the monkfish DAS available for limited access vessels fishing in the SFMA. Framework 2 included a provision that states, if the target TAC for the SFMA is below a target TAC that would result in trip limits below 550 lb (250 kg) tail weight per DAS for Category A and C vessels, and 450 lb (204 kg) tail weight per DAS for Category B and D vessels (approximately 8,000 mt), then the trip limits would be fixed at those levels and the DAS available for vessels fishing in the SFMA would be reduced based upon an established method, defined in the regulations at § 648.96(b)(2)(iii). This provision was included to address the concern that, if the target TAC dropped below the 8,000–mt level, which is approximately the same target TAC established for FY 2002, the resulting trip limits would be comparable to the incidental catch limits on some vessels, essentially eliminating the directed monkfish fishery. Thus, an annual target TAC of less than 8,000 mt would result in trip limits that are not economically feasible for vessels participating in the directed monkfish fishery.

A DAS analysis conducted in accordance with the monkfish regulations at§ 648.96(b)(2)(iii) concluded that, under a target TAC of 6,772 mt for the SFMA, limited access Category A and C vessels should be authorized to fish a maximum of 27 DAS in the SFMA, and limited access Category B and D vessels should be authorized to fish a maximum of 29 DAS in the SFMA. Because the calculated maximum DAS are similar for each limited access category group, NMFS is recommending that all limited access vessels fishing in the SFMA be authorized to fish a maximum of 28 DAS for the 2004 fishing year, the average maximum DAS for the two limited access groups. Thus, under this proposed rule, all limited access vessels would have a total allocation of 40 monkfish DAS, of which only 28 DAS could be fished in the SFMA.

NMFS intends to monitor DAS usage by management area based on whether a vessel holds a valid Letter of Authorization (LOA) to fish for monkfish exclusively in the NFMA. Under the monkfish regulations at § 648.93(f), vessels fishing on a monkfish, NE multispecies, or scallop DAS under the less restrictive measures of the NFMA, must declare into the NFMA by obtaining a LOA from the Regional Administrator. A vessel that does not possess this LOA is presumed to have fished in the SFMA.

The EA for Framework 2 contained a complete analysis of the target TAC setting method being utilized in this action to established target TACs, trip limits and DAS for FY 2004. In addition, the EA contained an analysis of the impacts of a range of potential target TACs for FY 2004. This action updates the previous Finding of No Significant Impact (FONSI) statement contained in the EA for Framework 2, and signed on April 21, 2003, with a new FONSI that references updated information on the monkfish fishery, including the target TACs, trip limits and DAS being proposed for FY 2004. The updated FONSI states that this action does not change the circumstances under which the previous EA was prepared, and that all of the information and analysis contained in the EA for Framework 2 are applicable to this action. Furthermore, the updated FONSI states that this action does not change the determinations made in the EA for Framework 2.

**Classification**

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

NMFS has prepared an IRFA that describes the economic impact this proposed rule, if adopted, would have on small entities. The IRFA prepared for this action follows NMFS's ''Guidelines for Economic Analysis of Fishery Management Actions'' (NMFS's guidelines). A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the SUMMARY. A summary of the analysis follows:

The annual target TAC setting method established in Framework 2 is based on a formula that integrates an annual biomass index target with the 3–year running average of the NOAA Fisheries fall trawl survey and the monkfish landings for the previous fishing year. Therefore, the target TACs resulting from the application of this method are non-negotiable. As a result, there are no alternatives to the proposed action to establish target TACs of 16,968 mt for the NFMA and 6,772 for the SFMA. Furthermore, Framework 2 also established an formulaic method for adjusting trip limits and DAS for the SFMA that is based on the distribution of monkfish landings and DAS used by limited access vessels. Thus, there are no alternatives to the proposed trip limits of 550 lb per DAS for limited access Category A and C vessels, and 450 lb per DAS for limited access Category B and D vessels, and the calculated DAS limitation of 28 DAS available to limited access vessels for fishing the SFMA.

The only other option for establishing 2004 target TACs would be to forgo using the target TAC setting method established in Framework 2, and establish target TACs based on current fishing mortality (F) in relation to the fishing mortality threshold (Fthreshold). This option is not reasonable since current estimates of F are too imprecise to set target TACs and make a status determination regarding overfishing. For these reasons, this option (the status quo alternative) was rejected by the Councils in the development of Framework 2.

The combined TAC for both monkfish management areas would be reduced by approximately 15 percent compared to fishing year 2003. However, the TAC for the SFMA would be reduced by nearly 34 percent. Monkfish trip limits in the SFMA would also be reduced by more than half, and allowable DAS that may be fished in the SFMA would be reduced by 28 percent. Thus, the proposed action would affect only limited access monkfish vessels that fish in the SMFA. There are approximately 740 limited access monkfish permit holders, including vessels in a confirmation of permit history. Based on activity reports for the FY 2002 (the most recent fishing year for which information is available), there were a total of 532 limited access permit holders that participated in the monkfish fishery. Of these, 148 vessels

fished for monkfish exclusively in the SFMA, and 242 vessels fished for monkfish in both management areas. Therefore, the proposed measures could effect at least 390 limited access monkfish vessels, but would likely have the greatest affect on the 148 vessels that fished for monkfish exclusively in the SFMA.

In Framework 2, the potential economic impacts of a range of potential FY2004 trip limits were evaluated, where all potential impacts were evaluated relative to a FY2002 baseline. Relative to this baseline, the FY2004 TAC for the SFMA would represent a 22–percent reduction in median vessel gross revenues when, in fact, the SFMA TAC would decline by 34 percent. However, the Framework 2 analysis did not include the potential additional impacts of a DAS reduction at TAC levels below 8,000 mt. As a result, further analysis was conducted to evaluate the short-term impacts of the TAC reduction from FY2003 to FY2004, while incorporating the proposed trip limits and DAS limits in the SFMA.

The analysis indicates that, based on a trip limit model, the per trip average return on monkfish trips would be reduced by 25 percent. This means that, on average, a monkfish trip taken in the SFMA would produce 25 percent less income toward fixed costs, debt, and owner profit under the proposed FY2004 trip limits. Similarly, net pay per crew member would be reduced by an average of 22 percent. In terms of impacts by state, vessels from Delaware and New Hampshire would be most impacted, experiencing reductions in average vessel returns of 33 percent and 29 percent, respectively. Vessels from Massachusetts and Rhode Island would experience similar reductions in average vessel returns, approximately 28 percent. New York vessels would be least impacted, experiencing losses in average vessel returns of approximately 13 percent.

Since no changes to either trip limits or DAS would be implemented for the NFMA, vessels that fished exclusively in the NFMA would not be affected by the proposed measures. Vessels that fished in both management areas were assumed to be affected by the SFMA trip limits while they fished in the SFMA, but would not lose any opportunities to fish monkfish, since they would be likely to switch to the NFMA once the limit on DAS in the SFMA was reached. However, while vessels that fished exclusively in the SFMA would still be able to switch to the NFMA, by virtue of a strong fidelity to the SFMA, it was assumed that they would not be likely to do so. This assumption means that vessels with a strong fidelity to the SFMA would be affected by both the trip limit change and could be constrained by the DAS.

To account for the reduction of DAS that may be used in the SFMA the average reduction in DAS used by vessels that fished exclusively in the SFMA was estimated. Based on call-in records, approximately 60 percent of vessels that landed monkfish exclusively from the SFMA took no monkfish-only trips. Of the remaining 40 percent of vessels that did take at least one monkfish-only trip the average difference between the observed call-in DAS and the proposed allowable DAS in the SFMA was 5.5 DAS. This means that the average vessel fishing for monkfish in the SFMA would lose 5.5 days of fishing over and above the losses associated with the reduced trip limits. To account for these DAS losses, the average return on monkfish DAS was multiplied by 5.5 and deducted from the total net return for the year. That is, total net return to each vessel, as well as net crew payments, were summed for all trips (adjusted for trip limits). For vessels fishing for monkfish exclusively in the SFMA, total net return was further reduced by the lost value associated with the reduced DAS allowance.

The average impact on vessels that fish in both areas was estimated to be less than a 1–percent reduction in net pay to crew or net return to the vessel. This low level of impact suggests that vessels that can fish in both management areas predominantly fished in the NFMA, at least during FY 2002. The average impact on vessels that fish exclusively in the SFMA was about an 18–percent reduction in returns to the vessel owner, and a 22–percent reduction in net pay to crew. Average impacts by state exhibit substantial variability from no impact on vessels from North Carolina, to a reduction in average vessel net return of 27 percent for vessels in Massachusetts and New Jersey.

This proposed rule does not duplicate, overlap or conflict with other Federal rules, and does not contain new reporting or recordkeeping requirements.

A copy of this analysis is available from NMFS (see **ADDRESSES**).

**List of Subjects in 50 CFR Part 648**

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 17, 2004.

**Rebecca Lent,**

*Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

## PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

2. In § 648.92, paragraph (b)(1) is revised to read as follows:

### § 648.92 Effort-control program for monkfish limited access vessels.

* * * * *

(b) * * *

(1) *Limited access monkfish permit holders.*—(i) *General provisions.* All limited access monkfish permit holders shall be allocated 40 monkfish DAS each fishing year to be used in accordance with the restrictions of this paragraph (b), unless modified by paragraph (b)(1)(ii) of this section according to the provisions specified at § 648.96(b)(3). Limited access multispecies and limited access scallop permit holders who also possess a valid limited access monkfish permit must use a multispecies or scallop DAS concurrently with their monkfish DAS, except as provided in paragraph (b)(2) of this section.

(ii) *FY 2004 DAS restrictions for vessels fishing in the SFMA.* For the 2004 fishing year, limited access monkfish vessels may fish only 28 of their 40 monkfish DAS allocation in the SFMA. If a vessel does not possess a valid letter of authorization from the Regional Administrator to fish in the NFMA as described in § 648.94(f), NMFS will presume that any monkfish DAS used was fished in the SFMA.

* * * * *

3. In § 648.94, paragraph (b)(2) (i) and (ii) are revised to read as follows:

### § 648.94 Monkfish possession and landing restrictions.

* * * * *

(b) * * *

(2) * * *

(i) *Category A and C vessels.* Category A and C vessels fishing under the monkfish DAS program in the SFMA may land up to 550 lb (250 kg) tail-weight or 1,826 lb (828 kg) whole weight of monkfish per monkfish DAS (or any prorated combination of tail-weight and whole weight based on the conversion factor for tail-weight to whole weight of 3.32), unless modified pursuant to § 648.96(b)(2)(ii).

(ii) *Category B and D vessels.* Category B and D vessels fishing under the monkfish DAS program in the SFMA may land up to 450 lb (204 kg) tail-weight or 1,494 lb (678 kg) whole weight of monkfish per monkfish DAS (or any prorated combination of tail-weight and whole weight based on the conversion factor for tail-weight to whole weight of 3.32), unless modified pursuant to § 648.96(b)(2)(ii).

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[FR Doc. 04–3852 Filed 2–23–04; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 648

**[I.D. 021104B]**

### Fisheries of the Northeastern United States; Essential Fish Habitat (EFH) Components of Fishery Management Plans (FMPs) for Northeast Multispecies, Atlantic Sea Scallop, Monkfish, Herring, Skates, Atlantic Salmon and Red Crab Fisheries 5–year Review; Scoping Process

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

**ACTION:** Notice of intent to prepare a programmatic Environmental Impact Statement (EIS); notice of initiation of scoping process; request for comments.

**SUMMARY:** The New England Fishery Management Council (Council) in cooperation with NMFS announces its intent to prepare a programmatic EIS and Omnibus Amendments to the FMPs for Northeast Multispecies, Atlantic Sea Scallop, Monkfish, Herring, Skates, Atlantic Salmon and Red Crab. The Amendments (Omnibus) will review the EFH components of all the Council's FMPs, identify and consider new Habitat Areas of Particular Concern (HAPCs), consider Dedicated Habitat Research Areas (DHRA), integrate alternatives to minimize any adverse effects of fishing on EFH for all species managed by the Council, and analyze the impacts of any proposed management measures. The Council is also formally initiating a public process to determine the scope of alternatives to be addressed in the Omnibus and EIS. The purpose of this notification is to alert the interested public of the commencement of the scoping process and to provide for public participation in compliance with environmental documentation requirements.

**DATES:** The Council will discuss and take scoping comments at public meetings in March 2004. For specific dates and times of the scoping meetings, see **SUPPLEMENTARY INFORMATION**. E-mail and written scoping comments must be received on or before 5 pm EST, April 30, 2004.

**ADDRESSES:** The Council will take scoping comments at public meetings in Maine, Massachusetts, Connecticut and North Carolina. For specific locations, see **SUPPLEMENTARY INFORMATION**. The mailing address for submitting paper, disk, or CD-ROM comments and for requests for copies of the scoping document and other information is: Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465–0492. Written comments should be marked ''Comments on Omnibus EFH Amendment''. Comments may also be sent via facsimile (fax) to (978) 465–3116. Comments on this notice of intent may be submitted by e-mail. The mailbox address for providing e-mail comments is *comments@nefmc.org*. For e-mail comments ''Comments on Omnibus EFH Amendment'' should be used in the subject line. The scoping document is accessible electronically via the Internet at *http://www.nefmc.org*.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465–0492.

**SUPPLEMENTARY INFORMATION:**

#### Background

The Fishery Conservation and Management Act of 1976, since renamed the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), established eight Regional Fishery Management Councils (Councils) that manage the living marine resources within the U.S. Exclusive Economic Zone (between 3 and 200 nautical miles offshore) . The 18–member New England Fishery Management Council's authority extends from Maine to Connecticut and, in some cases, to the Mid-Atlantic because of the range of the managed species. The 1996 amendments to the Magnuson-Stevens Act, known as the Sustainable Fisheries Act (SFA), changed the focus of the Magnuson-Stevens Act by emphasizing the importance of habitat protection to healthy fisheries and by strengthening the ability of NMFS and the Councils to better protect, conserve, and enhance the habitat for all species managed by the Council. This habitat is termed EFH, and is broadly defined to include ''those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.''

The Council's Omnibus EFH Amendment of 1998 recognized that all species are dependent on the quantity and quality of their habitat and, accordingly, the Council approved a policy to promote and encourage the conservation, restoration, and enhancement of the habitat upon which living marine resources depend. This policy is supported by four policy objectives, which are to:

1. Maintain and enhance the current quantity and quality of habitats supporting harvested species, including their prey base;
2. Restore and rehabilitate fish habitats that have already been degraded;
3. Create and develop fish habitats where increased availability of fishery resources will benefit society; and
4. Modify fishing methods and create incentives to reduce the impacts on habitat associated with fishing.

These objectives are based on ensuring the sustainability of harvested species and optimizing the societal benefits of our marine resources. The Council assumed an active role in the protection and enhancement of habitats important to marine and anadromous fish. In support of the Council's habitat policy, the management objectives of the Omnibus EFH Amendment of 1998 were:

1. To the maximum extent possible, to identify and describe all EFH for those species of finfish and mollusks managed by the Council;
2. To identify all major threats (fishing and non-fishing related) to the EFH of those species managed by the Council; and
3. To identify existing and potential mechanisms to protect, conserve and enhance the EFH of those species managed by the Council, to the extent practicable.

The purpose of the Omnibus EFH Amendment of 1998 was to identify and describe the EFH for all species managed by the Council to better protect, conserve, and enhance this habitat. This was done through the following FMP amendments: Northeast Multispecies (Amendment 11), Atlantic Sea Scallops (Amendment 9), Atlantic Salmon (Amendment 1), and Atlantic Herring (added to FMP later). The 1998 Omnibus EFH Amendment also identified the major threats to EFH from both fishing and non-fishing related activities, as well as conservation and

enhancement measures. The Council began implementation of the SFA's EFH requirements based on guidance provided by NMFS on interpreting the mandate and timelines. Amendments to the FMPs managed by the Council were initiated in 1998 and combined in one management action that was termed the ''Habitat Omnibus Amendment of 1998.'' A Notice of Intent to prepare an EIS to implement the EFH requirements of the SFA and request for scoping was issued February 25, 1998 (63 FR 9500), with comments due no later than March 23, 1998. A public hearing document was reviewed at hearings held in July 1998, and public comments were accepted until July 31, 1998. As a result of the environmental review process, the Council concluded that this action would not have a significant effect on the human environment and, therefore, an Environmental Assessment was prepared rather than an Environmental Impact Statement. The Council approved the final EFH FMP amendments in September 1998 and the Omnibus Amendment and analytical documents were submitted to NMFS on October 7, 1998. The Environmental Assessment prepared for the Omnibus Amendment described the background, purpose, and need for the action, the management action alternatives, and the environmental, social, and economic impacts of the alternatives. This environmental review process led NMFS to conclude that a ''Finding of No Significant Impact'' for the Omnibus Amendment was appropriate. The Amendments to the FMPs were approved by the Acting Assistant Administrator for Fisheries, acting on behalf of the Secretary of Commerce, on March 3, 1999, and announced in the **Federal Register** on April 21, 1999 (64 FR 19503).

**Purpose (Goals and Objectives)**

The primary goals of this action are:

1. To meet the requirements of NMFS' guidelines for implementation of the Magnuson-Stevens Act's EFH. As stated in 67 FR 2343 (01/17/02) and pertaining to § 600.815(a)(10): ''Councils and NMFS should periodically review the EFH provisions as warranted based on available information. FMPs should outline the procedures the Council will follow to review and update EFH information. The review of information should include, but not be limited to, evaluating published scientific literature and unpublished scientific reports; soliciting information from interested parties and searching for previously unavailable or inaccessible data. Councils should report on their review of EFH information as part of the annual Stock Assessment and Fishery Evaluation (SAFE) report prepared pursuant to § 600.315(e). A complete review of all EFH information should be conducted as recommended by the Secretary, but at least once every 5 years.≥

2. To develop a comprehensive EFH Management Plan that will minimize adverse effects of fishing on EFH to the extent practicable, through actions that will apply to all Council-managed FMPs.

**Issues Under Consideration**

At this time, the Council is seeking comments on a wide range of management measures related to the EFH component of its FMPs and will consider addressing a range of issues. (See § 600.815 for further details on the EFH-related mandatory contents of FMPs.) The measures under consideration include, but are not limited to, the following:

1. Review and update the description and identification of EFH;

2. Review and develop analytical tools used to analyze alternatives to minimize adverse effects of fishing on EFH to the extent practicable;

3. Review and update the non-Magnuson-Stevens Act fishing activities that may adversely affect EFH;

4. Review and update the non-fishing related activities that may adversely affect EFH;

5. Review and update the cumulative impact analysis;

6. Review and update the conservation and enhancement recommendations;

7. Review and update the prey species information;

8. Identify and consider new HAPCs;

9. Review and update research and information needs including the consideration of DHRAs;

10. Integrate alternatives to minimize any adverse effects of fishing on EFH across all FMPs principally managed by the Council by developing a comprehensive EFH Management Plan.

The Council will issue two Requests for Proposals (RFPs) soliciting applications for HAPC and DHRA candidates at the appropriate time during development of the Omnibus Amendment. These RFPs will likely be issued approximately 9–12 months after scoping is initiated so that consideration of HAPC and DHRA proposals is based on current and revised EFH designation approaches.

**Scoping Hearings**

The Council will discuss and take scoping comments at public meetings as follows:

Friday, March 5, 2004, at noon - Samoset Resort, 220 Warrenton Street, Rockport, ME 04846; telephone: (207) 549–2511; fax: (207) 594–0722;

Wednesday, March 10, 2004, at 7 p.m. - Whaling Museum, 18 Johnny Cake Hill, New Bedford, MA 02740; telephone: (508) 997–0046; fax: (508) 997–0018;

Monday, March 15, 2004, at 7 p.m. - Stonington Office of Public Safety, 173 S. Broad St. (Route 1), Stonington, CT 06378; telephone: (860) 599–7510; fax: (860) 599–7533;

Tuesday, March 16, 2004, at 6:30 p.m. - Shell Island Suites, 2700 North Lumina Avenue, Wrightsville Beach, NC 28480; telephone: (910) 256–8696; fax: (910) 256–0154;

Tuesday, March 23, 2004, at 6 p.m. - Tavern on the Harbor, 30 Western Avenue, Gloucester, MA 01930; telephone: (978) 283–4200; fax: (978) 283–0204.

**Special Accommodations**

These meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to this meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 18, 2004.

**Bruce C. Morehead,**

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

[FR Doc. 04–4018 Filed 2–23–04; 8:45 am]

BILLING CODE 3510–22–S

# Notices

Federal Register
Vol. 69, No. 36
Tuesday, February 24, 2004

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

February 19, 2004.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *Pamela_Beverly_OIRA_Submission@OMB.EOP.GOV* or fax (202) 395—5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 7208681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**Foreign Agricultural Service**

*Title:* ''Certificate for Quota Eligibility'' (CQE) to Enter Sugar into the United States.

*OMB Control Number:* 0551–0014.

*Summary of Collection:* 5(a)(i) of the Harmonized Tariff Schedule of the United States authorizes the Secretary to establish a raw-can sugar tariff-rate quota (TRQ). 5(b)(i) authorizes the U.S. Trade Representative to allocate the raw-cane sugar tariff-rate quota among supplying countries. Certificates of Quota Eligibility (CQE) are issued to the 40 countries that receive TRQ allocations to export sugar to the United States. The CQE is completed by the certifying authority in the foreign country that certifies that the sugar being exported to the United States was produced in the foreign country that has the TRQ allocation. The Foreign Agriculture (FAS) will collection information using form FSA–961.

*Need and Use of the Information:* FAS will collect the following information: (1) Country of origin or area of the eligible raw can sugar; (2) quota period; (3) quality of raw can sugar to be exported; (4) details of the shipment (shipper, vessel, port of loading); and (5) additional details if available at the time of shipment (consignee, address of consignee, expected date of departure, expected date of arrival in the U.S., expected port of arrival). The information will help determine if the quantity to be imported is eligible to be entered under the TRQ.

*Description of Respondents:* Business or other for-profit; Individuals or households.

*Number of Respondents:* 40.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 200.

**Farm Service Agency**

*Title:* Certified Mediation Program.

*OMB Control Number:* 0560–0165.

*Summary of Collection:* The Farm Service Agency (FSA) has amended its agricultural loan mediation regulations to implement the requirements of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (the 1994 Act) and the United States Grain Standards Act of 2000 (the Grain Standards Act). The regulations provide a mechanism to states to apply for and obtain matching funds grants from USDA. The grant funds help states supplement administrative operating funds needed to administer their agricultural mediation programs. FSA will collection information by mail, phone, fax, and in person.

*Need and Use of the Information:* FSA will collect information to determine whether the State meets the eligibility criteria to be recipients of grant funds, and secondly, to determine if the grant is being administered as provided by the Act.

*Description of Respondents:* State, Local or Tribal Government.

*Number of Respondents:* 29.

*Frequency of Responses:* Recordkeeping; Reporting: Annually.

*Total Burden Hours:* 928.

**Farm Service Agency**

*Title:* Facsimile Signature Authorization and Verification.

*OMB Control Number:* 0560–0203.

*Summary of Collection:* Individuals wishing to conduct business and provide certain signed documents to the U.S. Department of Agriculture (USDA) Service Center agencies via facsimile machines must complete form FSA–237, Facsimile Signature Authorization and Verification. The form serves as evidence that the individual is willing to conduct business and provide signed documents through facsimile machines. Each of the USDA service center agencies (Farm Service Agency, Natural Resources Conservation Service, and Rural Development Agencies) will share the signature on the FSA–237 forms to eliminate redundant collection of the same data.

*Need and Use of the Information:* FSA will collect the name, signature and identification number from service center customers. The information collected will be used to verify the authenticity of signatures on documents provided to USDA service centers via telefacsimile. Failure to collect and maintain the original signature will limit USDA's ability to offer the telefacsimile alternative to its service center customers.

*Description of Respondents:* Farms; Individuals or households.

*Number of Respondents:* 51,965.

*Frequency of Responses:* Reporting: Other (once).

*Total Burden Hours:* 1,039.

**Farm Service Agency**

*Title:* Rate Quotation for Transportation Services.

*OMB Control Number:* 0560–NEW.

*Summary of Collection:* The Commodity Credit Corporation (CCC) through the Kansas City Commodity Office (KCCO), solicits bids from approved Motor Carriers and Intermodal Marketing Companies for the purpose of providing transportation of agricultural commodities. 49 U.S.C. 13712 authorizes USDA to receive freight rate quotes from approved Motor Carriers and Intermodal Marketing Companies that are compliant with USDA requirements to haul agricultural products for USDA. The Farm Service Agency (FSA) will collect information using form KC–5, Rate Quotation for Transportation Services.

*Need and Use of the Information:* The information collected will be used by KCCO to: (1) Establish the lowest cost of movement via Motor Carriers or Intermodal Marketing Companies, (2) determine whether the transportation needs of USDA, FSA, and KCCO are being met, and (3) ensure that Motor Carriers and Intermodal Marketing Companies, providing transportation services have both the willingness and the capability to meet these needs.

*Description of Respondents:* Business or other-for-profit; Not-for-profit institutions; State, Local and Tribal Government; Federal Government.

*Number of Respondents:* 132.

*Frequency of Responses:* Reporting: On occasion; Other (as needed).

*Total Burden Hours:* 1,353.

**Animal and Plant Health Inspection Service**

*Title:* National Agricultural Pest Information System.

*OMB Control Number:* 0579–0010.

*Summary of Collection:* The United States Department of Agriculture is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. The Plant Quarantine Act and the Federal Plant Pest Act authorizes the Department to carry out this mission. The Animal and Plant Health Inspection Service (APHIS) has joined forces with the States to create a program called the Cooperative Agricultural Pest Survey. The program allows the States and the Plant Protection and Quarantine (PPQ) to conduct surveys to detect and measure the presence of imported plant pests and to input survey data into a national computer-based system (called the National Agricultural Plant Information System). APHIS will collect information using PPQ Form 391 and the information from the survey.

*Need and Use of the Information:* APHIS will collect information to predict potential pest situations and to promptly detect and respond to the occurrence of new pests and to record the location of those pest incursions that could directly hinder the export of U.S. farm commodities. If the information were not collected, it would seriously affect APHIS ability to timely assist farmers, State personnel, and others involved in agriculture to plan pest control measures, detect new outbreaks, and to determine the threat posed by migratory pests.

*Description of Respondents:* State, Local or Tribal Government.

*Number of Respondents:* 155.

*Frequency of Responses:* Reporting; On occasion.

*Total Burden Hours:* 3,969.

**Animal and Plant Health Inspection Service**

*Title:* Importation of Fruits and Vegetables.

*OMB Control Number:* 0579–0158.

*Summary of Collection:* Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests. Regulations contained in Title 7 of the Code of Federal Regulations, part 319 (subpart—Fruits and Vegetables), sections 319.56 through 319.56–8 implement the intent of this Act by prohibiting or restricting the importation of certain fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to or not widely distributed within the United States. Allowing these fruits and vegetables to be imported necessitates the use of certain information collection activities, including the completion of import permits, phytosanitary inspection certificates, and fruit fly monitoring records.

*Need and Use of the Information:* The Animal and Plant Health Inspection Service (APHIS) will collect the name and address of the importer, the type of fruit or vegetables being imported, from which country these products are being imported, and other information regarding the shipment that will enable APHIS to determine whether the fruit or vegetables are eligible for import and if so, what (if any) risk mitigation measures will be necessary to ensure these items pose minimal risk of introducing plant pests into the United States. Without the information, APHIS would need to inspect each and every shipment very thoroughly to ensure that no pests were accompanying the shipment. This would require considerable more inspection time, thus drastically slowing the clearance of international shipments.

*Description of Respondents:* Farm; Business or other for-profit.

*Number of Respondents:* 150.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion.

*Total Burden Hours:* 3,200.

**Animal Plant and Health Inspection Service**

*Title:* Commercial Transportation of Equines to Slaughter.

*OMB Control Number:* 0579–0160.

*Summary of Collection:* Sections 901–905 of the Federal Agriculture Improvement and Reform Act of 1996 authorize the Secretary of Agriculture to issue guidelines for regulating the commercial transportation of horses to slaughter by persons regularly engaged in that activity within the United States. To fulfill this responsibility, the Animal and Plant Health Inspection Service (APHIS) established regulations in title 9, part 98 of the Code of Federal Regulations. The minimum standards cover, among other things, the food, water, and rest provided to these horses while they are in transit; and to review other related issues that may be appropriate to ensuring that these animals are treated humanely. Implementing these regulations entails the use of two information collection activities in the form of an owner-shipper certificate, as well as the collection of employment information on any person found to be transporting horses to a slaughtering facility.

*Need and Use of the Information:* APHIS will collect the following information: (1) Shipper's name and address and the owner's name and address; (2) description of the transporting vehicle, including the license plate number; (3) a description of the horse's physical characteristics, including its sex, coloring, distinguishing marks, permanent brands, electronic means of identification, or other characteristics that can be used to accurately identify the horse; (4) the number of the USDA back tag that has been applied to the horse for identification purposes; (5) a statement of the animal's fitness to travel, which must indicate that the horse is able to bear weight on all four limbs, is able to walk unassisted, is not blind in both eyes, is older than 6

months of age, and is not likely to give birth during the trip; (6) a description of anything unusual with regard to the physical condition of the horse, such as a wound or blindness in one eye, and any special handling needs; (7) the date, time, and place the horse was loaded on the conveyance; and (8) a statement that the horse was provided access to food, water, and rest prior to transport.

*Description of Respondents:* Business or other for-profit; Individuals or households; Farms.

*Number of Respondents:* 200.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion.

*Total Burden Hours:* 4,203.

**Animal and Plant Health Inspection Service**

*Title:* District of Columbia Plant Health Certificate.

*OMB Control Number:* 0579–0166.

*Summary of Collection:* The United States Department of Agriculture is responsible for preventing plant pests and noxious weeds for entering the United States, preventing the spread of pests and weeds not widely distributed in the United States and eradicating those imported pests and weeds when eradication is feasible. The Federal Plant Protection Act (7 U.S.C. 7701–7772) authorized the Department to carry out this mission. The Plant Protection and Quarantine (PPQ) of the Animal and Plant Health Inspection Service (APHIS) provides certification services for plant material moving interstate to ensure other states that the plants and plant products they are receiving from the District of Columbia are free of prohibited or otherwise regulated plant pests. APHIS will collect information using form PPQ 571 District of Columbia Plant Health Certificate.

*Need and Use of the Information:* APHIS will collect information using forms PPQ 571, to certify that the domestic plant or other plant material described by the shipper has been inspected according to appropriate procedures and that it is considered free from certain plant diseases, insects, or other pests, and is considered to conform with the requirements of the importing State. If the information is not collected, it would likely result in the interstate spread of damaging agricultural pests. Further entities in the District of Columbia would be unable to ship their products to other States, as other States require this certification.

*Description of Respondents:* Business or other for-profit; Not-for-profit institutions.

*Number of Respondents:* 4.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 40.

**Animal Plant and Health Inspection Service**

*Title:* Veterinary Services User Fees; Fees for Permit Applications.

*OMB Control Number:* 0579–0167.

*Summary of Collection:* The Food, Agricultural, Conservation and Trade Act of 1990, as amended, authorizes the Secretary of Agriculture to prescribe and collect fees to reimburse Agencies for the cost of carrying out the provisions of the Federal Animal Quarantine Laws that relate to the importation, entry, and exportation of animals, articles, or means of conveyance. The Veterinary Services Division of USDA's Animal and Plant Health Inspection Service (APHIS) is the unit responsible for processing import permit applications and for charging a user fee to provide this service. VS 16–3, Application for Permit to Import Controlled Material; Import or Transport Organisms or Vectors will be used to collect information.

*Need and Use of the Information:* The information collected from the import permit application process enables USDA to carefully evaluate the risks associated with commodities prior to their entry into the United States and to determine the appropriate user fee to charge. Failure to collect user fees could create a significant funding shortage that might cripple APHIS ability to process import permit applications in a timely manner.

*Description of Respondents:* Federal Government; Business or other for-profit; Individuals or households.

*Number of Respondents:* 2,350.

*Frequency of Responses:* Reporting; On occasion.

*Total Burden Hours:* 47.

**Animal and Plant Health Inspection Service**

*Title:* Citrus Canker; Payment for Recovery of Lost Production Income.

*OMB Control Number:* 0579–0168.

*Summary of Collection:* Under the Plant Protection Act (7 U.S.C. 7701–7772), the Secretary of Agriculture, either independently or in cooperation with the States, is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests (such as citrus canker) new to or widely distributed throughout the United States. The Animal and Plant Health Inspection Services (APHIS), Plant Protection and Quarantine, has regulations in place to prevent the interstate spread of citrus canker. These regulations restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker. APHIS established a program under which eligible owners of commercial citrus groves in Florida could receive payments to recover production income lost as a result of the removal of their commercial citrus trees to control citrus canker. The payment of these funds is intended to reduce the economic effect of citrus canker quarantine on affected commercial citrus growers in Florida. Implementing this payment program necessitates the use of information collection activities in the form of an Application for Funds.

*Need and Use of the Information:* APHIS will collect from the application the owner's name and address, a description of the owner's property, and a certification statement that the trees removed from the owner's property were commercial citrus trees. Along with the application form, the owner must also send a copy of the public order or destruction order that describes the acreage the number and the types of trees removed. The information collected will be used to: (1) Obtain the correct address to which funds are to be sent, and (2) verify the location and acreage for which the owner is requesting recovery funds. Without the information APHIS would be unable to reimburse eligible grove owners for the loss of production income.

*Description of Respondents:* Farm; Business or other for-profit; Individuals or households.

*Number of Respondents:* 20.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 3.

**Animal and Plant Health Inspection Service**

*Title:* CSF—Importation of Pork and Pork Products and Live Swine from 4 Mexican States.

*OMB Control Number:* 0579–0230.

*Summary of Collection:* Disease prevention is the most effective method for maintaining a healthy animal population and enhancing the Animal and Plant Health Inspection Service (APHIS) ability to compete in the world market of animal and animal product trade. Veterinary Services, a division with APHIS is responsible for carrying out this disease prevention mission. The agency regulates the importation of animals and animal products into the United States to guard against the introduction of exotic animal diseases such as classical swine fever. The regulations under which APHIS conducts these disease prevention activities are contained in Title 9, Chapter 1, Subchapter D, Parts 91 through 99 of the Code of Federal

Regulations. These regulations place certain restrictions on the importation of swine, pork, and pork products in order to prevent an incursion of classical swine fever or other exotic swine diseases into the United States.

*Need and Use of the Information:* APHIS will collect information using a certificate issued by a salaried veterinary officer of the Government of Mexico. The certificate must identify both the exporting region and the region of origin as a region designated as free of classical swine fever at the time the swine, pork and pork products were in the region. If the information were not collected it would significantly cripple APHIS' ability to ensure that swine, pork, and pork products from certain States within Mexico pose a minimal risk of introducing classical swine fever and other exotic animal diseases into the United States.

*Description of Respondents:* Farms; Individuals or households.

*Number of Respondents:* 5.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 50.

**Forest Service**

*Title:* Operating Plans.

*OMB Control Number:* 0596–0086.

*Summary of Collection:* The National Forest Management Act, 16 U.S.C. 472a(14)(C) (Act) requires timber sale operating plans on timber sales that exceed 2 years in length. The regulations at 36 CFR 223.32 have a similar requirement. The operating plans are collected within 60 days of award of timber sale contracts and annually thereafter until harvest is complete. There is no prescribed format for the collection of the information. Timber sale purchasers may submit the required information in the form of a chart or letter using surface mail, electronic mail, or via facsimile. The information is based on the timber sale purchaser's business plan.

*Need and Use of the Information:* Forest Service (FS) will collect information to determine eligibility for additional contract time. In addition, the information is used to plan the agency timber sale contract administration workload and to meet other contract obligations. The information collected includes planned periods and methods of anticipated major activities, including, road construction, timber harvesting, and completion of other contract requirements.

*Description of Respondents:* Business or other for-profit; Individuals or households.

*Number of Respondents:* 2,500.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 1,875.

**Rural Utilities Service**

*Title:* RUS Form 444, ''Wholesale Power Contracts''.

*OMB Control Number:* 0572–0089.

*Summary of Collection:* The Rural Electrification Act of 1936 (RE Act) as amended (7 U.S.C. 901 *et seq.*), authorizes the Rural Utilities Service (RUS) to make and guarantee loads that will enable rural consumers to obtain electric power. Rural consumers formed non-profit electric distribution cooperatives, groups of these distribution cooperatives banded together to form Generation and Transmission cooperatives (G&T's) that generate or purchase power and transmit the power to the distribution systems. All RUS and G&T borrowers will enter into a Wholesale Power Contract with their distribution members by using RUS form 444.

*Need and Use of the Information:* To fulfill the purposes of the RE Act RUS will collect information to improve the credit quality and credit worthiness of loans and loan guarantees to G&T borrowers. RUS works closely with lending institutions that provide supplemental loan funds to borrowers.

*Description of Respondents:* Not-for profit institutions; Business or other for-profit.

*Number of Respondents:* 110.

*Frequency of Responses:* Reporting: Quarterly.

*Total Burden Hours:* 660.

**Rural Utilities Service**

*Title:* 7 CFR 1775, Technical Assistance Program.

*OMB Control Number:* 0572–0112.

*Summary of Collection:* Section 306 of the Consolidated Farm and Rural Development Act (CONACT), 7 U.S.C. 1926, authorizes Rural Utilities Service (RUS) to make loans and grants to public agencies, American Indian tribes, and nonprofit corporations. The loans and grants fund the development of drinking water, wastewater, and solid waste disposal facilities in rural areas with populations of up to 10,000 residents. Non-profit organizations receive Technical Assistance and Training (TAT) and Solid Waste Management (SWM) grants to help small rural communities or areas identify and solve problems relating to community drinking water, wastewater, or solid waste disposal systems. The technical assistance is intended to improve the management and operation of the systems and reduce or eliminate pollution of water resources. TAT and SWM are competitive grant programs administered by RUS.

*Need and Use of the Information:* Non-profit organizations applying for TAT and SWM grants must submit a pre-application, which includes an application form, narrative proposal, various other forms, certifications and supplemental information. RUS will collect information to determine applicant eligibility, project feasibility, and the applicant's ability to meet the grant and regulatory requirements. RUS will review the information, evaluate it, and, if the applicant and project are eligible for further competition, invite the applicant to submit a formal application. Failure to collect proper information could result in improper determinations of eligibility, improper use of funds, or hindrances in making grants authorized by the TAT and SWM program.

*Description of Respondents:* Not-for-profit institutions.

*Number of Respondents:* 95.

*Frequency of Responses:* Reporting: On occasion; Quarterly.

*Total Burden Hours:* 5,555.

**National Agricultural Statistics Service**

*Title:* Supplemental Qualifications Statement.

*OMB Control Number:* 0535–0209.

*Summary of Collection:* The Department of Agriculture has an Interagency Agreement with the Office of Personnel, which provides the National Agricultural Statistics Service (NASS) with the authority to examine, rate, and certify applications for agricultural statistician positions. In addition to resumes, curriculum vitae, and the standard Optional Application for Federal Employment, NASS has created a Supplemental Qualifications Statement (SQS) for agricultural statistician and mathematical statistician positions. The SQS allows applicants the opportunity to describe their achievements or accomplishments as they relate to the required knowledge, skills, and abilities.

*Need and Use of the Information:* THe SQS provides applicants with information related to how they will be measured for a position and what kinds of information will be used to evaluate those abilities. NASS personnel specialist will use the information on the SQS to evaluate and rate the applicant's accomplishments or achievements. Ultimately, the information is used by the selecting official as one of the criteria in the selection process.

*Description of Respondents:* Individuals or households.

*Number of Respondents:* 50.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 150.

**National Agriculture Statistics Service**

*Title:* Agricultural Surveys Program.

*OMB Control Number:* 0535–0213.

*Summary of Collection:* National Agriculture Statistics Service (NASS) primary functions are to prepare and issue state and national estimates of crop and livestock production and collect information on related environmental and economic factors. The Agricultural Surveys Program is a series of surveys that contains basic agricultural data from farmers and ranchers throughout the Nation the preparing agricultural estimates and forecasts. The surveys results provide the foundation for setting livestock and poultry inventory numbers. Estimates derived from the surveys supply information needed by farmers to make decisions for both short and long-term planning. The General authority for these data collection is granted under U.S. Code Title 7, Section 2206.

*Need and Use of the Information:* The surveys provide the basis for estimates of the current season's crop and livestock production and supplies of grain in storage. Crop and livestock statistics help develop a stable economic atmosphere and reduce risk for production, marketing, and distribution operations. These commodities affect the well being of the nation's farmers, commodities markets, and national and global agricultural policy.

Users of agricultural statistics are farm organizations, agribusiness, state and national farm policy makers, and foreign buyers of agricultural products but the primary user of the statistical information is the producer. Agricultural statistics are also used to plan and administer other related federal and state programs in such areas as school lunch program, conservation, foreign trade, education, and recreation. Collecting the information less frequent would eliminate needed data to keep the government and agricultural industry abreast of changes at the state and national levels.

*Description of Respondents:* Farms.

*Number of Respondents:* 578,650.

*Frequency of Responses:* Reporting: Quarterly; Semi-annually; Monthly; Annually.

*Total Burden Hours:* 134,129.

**National Agricultural Statistics Service**

*Title:* Nursery Production survey and Nursery and Floriculture Chemical Use Survey.

*OMB Control Number:* 0535–0244.

*Summary of Collection:* The National Agricultural Statistics Service (NASS) is charged with the responsibility of providing reliable, up-to-date information concerning the Nation's farms and ranches to farm groups, the public, Congress, the Executive Branch and the Secretary of Agriculture. Congress appropriated funds for the collection of pesticide use data on nursery and floriculture operations. This data will expand the existing NASS pesticide database that contains comprehensive annual pesticide use reports. The authority for these data collection activities is granted under U.S. Code Title 7, Section 2204.

*Need and Use of the Information:* NASS will collect information to assess the environmental and economic impact of various programs, policies and procedures on nursery and floriculture operators and their workers. This data will enhance the national chemical use database maintained by NASS which is an integral source of data necessary for on-going risk assessments related to dietary exposure to chemicals, worker safety, water quality and ecological resources.

*Description of Respondents:* Farms; Business or other for-profit.

*Number of Respondents:* 12,145.

*Frequency of Responses:* Reporting: Biennially.

*Total Burden Hours:* 7,052,

**Farm Service Agency**

*Title:* Request for Electronic Loan Deficiency Payment Services.

*OMB Control Number:* 0560–0220.

*Summary of Collection:* The USDA County Base Agency's (CBA) have developed a management and technical process that addresses user authentication and authorization prerequisites for providing services electronically. The process provides an electronic alternative to traditional ink signatures. The process is based on a one-time registration requirement for each CBA customer desiring access to any on-line services that require user authentication. The information collected on form AD–2016, USDA Registration Form to Request Electronic Access Code, is necessary to enable the authentication of users and grant them access to only those resources for which they are authorized.

*Need and Use of the Information:* The voluntary registration process applies to CBA customers and partners (non-CBA employees) who request Farm Service Agency, Rural Development, and Natural Resources Conservation Service provided services. Registration can be requested by the customer in person, by mail, or by fax. The information collected on form AD–2016 will be used to verify and validate the identity of registrants and to enable the electronic authentication of users. The user will then have access to these authorized resources without needing to reauthenticate within the context of a single Internet session.

*Description of Respondents:* Farms; Individuals or Households; Business or other for-profit.

*Number of Respondents:* 5,000.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 1,600.

**Rural Business-Cooperative Service**

*Title:* Research on Rural Cooperative Opportunities and Problems.

*OMB Control Number:* 0570–0028.

*Summary of Collection:* Public Law 103–350, the Department of Agriculture Reorganization Act of 1994, established The Rural Business-Cooperative Service (RBS). The mission of RBS is to improve the quality of life in rural America by financing community facilities and businesses, providing technical assistance and creating effective strategies for rural development. The primary objective of this funding is to encourage research through cooperative agreements on critical issues vital to the development and sustainability of cooperatives as a means of improving the quality of life in America's rural communities. RBS will collect information through research proposals prepared by applicants, who may be public or private colleges or universities, research foundations maintained, by a college or university, or private nonprofit organizations.

*Need and Use of the Information:* RBS will collect information from applicants to determine (1) Eligibility; (2) the specific purpose for which the funds will be utilized; (3) time frames or dates by which activities surrounding the use of funds will be accomplished; (4) feasibility of the project; (5) applicants' experience in managing similar activities; and (6) the effectiveness and innovation used to address critical issues vital to the development and sustainability of cooperatives as a means of improving the quality of life in America's rural communities. Without the collection of information, there would be no basis on which to award funds or monitor project progress.

*Description of Respondents:* Not-for-profit institutions.

*Number of Respondents:* 50.

*Frequency of Responses:* Recordkeeping; Reporting: On occasion; Quarterly.

*Total Burden Hours:* 1,339.

**Rural Business-Cooperative Service**

*Title:* National Sheep Industry Improvement Center.

*OMB Control Number:* 0570–0048.

*Summary of Collection:* The National Sheep Industry Improvement Center (NSIIC) is authorized by 7 U.S.C. 2008j to assist the U.S. sheep and goat industries by strengthening and enhancing the production and marketing of sheep, goats, and their products in the United States. The management of NSIIC is vested in a Board of Directors consisting of 7 voting members chosen from the sheep and goat industries.

*Need and Use of the Information:* The information collected is used to confirm that an applicant meet the eligibility requirements; the specific purpose for which the funds will be utilized; timeframes or dates by which activities surrounding the use of funds will be accomplished; feasibility of the project; applicants' experience in managing similar activities; and the effectiveness and innovation used to address critical issues vital to the development and sustainability of businesses, job creation, loans packaged, business information system network, and infrastructure development as a means of improving the American Sheep or Goat Industries. Without this information, there would be no basis on which to award funds.

*Description of Respondents:* Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, Local or Tribal Government.

*Number of Respondents:* 45.

*Frequency of Responses:* Reporting: On occasion; Recordkeeping.

*Total Burden Hours:* 383.

**Rural Utility Service**

*Title:* Water and Waste Disposal Programs Guaranteed Loans.

*OMB Control Number:* 0572–0122.

*Summary of Collection:* Rural Utilities Service (RUS) is authorized by the Consolidated Farm and Rural Development Act to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of water and waste disposal facilities primarily servicing rural residents. The Waste and Water Disposal Programs (WW) of RUS provide insured loan and grant funds through the WW program to finance many types of projects varying in size and complexity. The Waste and Water Disposal Guaranteed Program is codified under 7 CFR 1779. The guaranteed loan program encourages lender participation and provides specific guidance in the processing and servicing of guaranteed loans.

*Need and Use of the Information:* Rural Development's field offices will collect information from applicants/borrowers, lenders, and consultants to determine eligibility, project feasibility and to ensure borrowers operate on a sound basis and use loan funds for authorized purposes. There are agency forms required as well as other requirements that involve certifications from the borrower, lenders, and other parties. Failure to collect proper information could result in improper determinations of eligibility, use of funds and or unsound loans.

*Description of Respondents:* Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 15.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 858.

**Agricultural Marketing Service**

*Title:* Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West, M.O. 985.

*OMB Control Number:* 0581–0065.

*Summary of Collection:* The marketing order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops, in a specified production area to work together to solve marketing problems that cannot be solved individually. Far West spearmint marketing order regulates the handling of spearmint oil produced in the Washington, Idaho, Oregon, and designated parts of Nevada and Utah. The order authorizes the issuance of allotment provisions for producers and regulates the quantities of spearmint oil handled and has the authority for research and development. Under the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), industries enter into marketing order programs. Agricultural Marketing Service (AMS) may act as the Secretary's agent to oversee the order operations and issue regulations recommended by a committee of representatives from each commodity industry.

*Need and Use of the Information:* The Committee has the authorization to require producers, handlers, and processors submit certain information as provided by the Order, rules and regulations. Various forms relating to spearmint supplies, shipments, and dispositions, are used and required to effectively carry out the purpose of the Act and order. The committee periodically reviews reports and forms to ensure that they are understandable, easy to fill out, and only the minimum of information necessary is reported. The information collected is used by authorized representatives of USDA, including AMS, Fruit and Vegetable Programs' regional and headquarters staff, and employees of the Committee. Timing and frequency of the various reports has evolved to meet the needs of the industry and minimize the burden on the reporting public. Collecting data less frequently would eliminate data needed to keep the spearmint oil industry and the Secretary abreast of changes at the state and local level.

*Description of Respondents:* Business or other for-profit; Farms, Federal government, State, Local or Tribal Government.

*Number of Respondents:* 194.

*Frequency of Responses:* Recordkeeping, Reporting: On occasion, Annual, Biennially.

*Total Burden Hours:* 230.

**Agricultural Marketing Service**

*Title:* Regulation governing inspection, certification, and standards for fresh fruits, vegetables and other products—7 CFR 51.

*OMB Control Number:* 0581–0125.

*Summary of Collection:* The Agricultural Marketing Act of 1946 gives authorization to USDA to inspect, certify and identify the class, quantity, quality and condition of agricultural produces when shipped or received in interstate commerce and to enter into cooperative agreements with cooperating Federal-State inspection Agencies that provide for this inspection work. The Fresh Products Branch provides a nationwide inspection and grading service for fresh fruits, vegetables, and other products to shippers, importers, processors, sellers, buyers and other financially interested parties on a ''user-fee'' basis. The program is voluntary and services are made available only upon request or when specified by some special program or contact.

*Need and Use of the Information:* Various forms are used to collect information. Such information includes: The name and location of the person or company requesting the inspection, the type and location of the product to be inspected, the type of inspection being requested and any information that will identify the product. The information collected is needed to carry out the inspection and grading services.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 56,980.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 8,942.

**Agricultural Marketing Service**

*Title:* Seed Service Testing Program.

*OMB Control Number:* 0581–0140.

*Summary of Collection:* The Agricultural Marketing Act (AMA) of 1946, as amended by 7 U.S.C. 1621 authorizes the Secretary to inspect and certify the quality of agricultural products and collect such fees as reasonable to cover the cost of service rendered. The purpose of the voluntary program is to promote efficient, orderly marketing of seeds submitted to the Agricultural Marketing Service (AMS) are tested for factors such as purity and germination at the request of the applicant for the service. The Testing Section of the Seed Regulatory and Testing Branch of AMS, which tests the seed and issues the certificates is the only Federal seed testing facility which can issue the Federal Seed Analysis Certificate.

*Need and Use of the Information:* Applicants generally are seed firms who use the seed analysis certificates to represent the quality of seed lots to foreign customers according to the terms specified in contracts of trade. The only information collected is information needed to provide the service requested by the applicant. Applicants must provide information such as the kind and quantity of seed, tests to be performed, and seed treatment if present, along with a sample of seed in order for AMS to provide the service. Only authorized AMS employees used the information collected to track, test, and report test results to the applicant. If the information were not collected, AMS would not know which test to conduct or would not be able to relate the test results with a specific lot of seed. The information must be provided for each sample the applicant submits for test. Without the AMS program, applicants would have to obtain tests from state or commercial laboratories.

*Description of Respondents:* Business or other for-profit; Farms; State, Local or Tribal Government.

*Number of Respondents:* 82.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 499.

**Agricultural Marketing Service—Farm Service Agency**

*Title:* National Organic Program.

*OMB Control Number:* 0581–0191.

*Summary of Collection:* The Organic Foods Production Act (OFPA) of 1990, Title XXI of the Food, Agriculture, Conservation and Trade Act of 1990 (Farm bill), USC Title 7, Section 6503(a) mandates that the Secretary of Agriculture develop a national organic program. The purposes of the regulation mandated by OFPA are: (1) To establish national standards governing the marketing of certain agricultural products as organically produced products; (2) to assure consumers that organically produced products meet a consistent standard; and (3) to facilitate interstate commerce in fresh and processed food that is organically produced. The National Organic Program (NOP) regulation fulfills the requirements of the OFPA. It includes comprehensive production and handling standards, labeling provisions, requirements for the certification of producers and handlers, accreditation of certifying agents by USDA and an administrative subpart for fees, State Programs, National List, appeals, compliance and pesticide residue testing. Agricultural Marketing Service will approve programs for State governments wishing to establish State Organic Programs.

*Need and Use of the Information:* The information collected is used to evaluate compliance with OFPA and NOP for administering the program, for management decisions and planning, for establishing the cost of the program and to support administrative and regulatory actions in response to non-compliance with OFPA. Certifying agents will have to submit an application to USDA to become accredited to certify organic production and handling operations. Auditors will review the application, perform site evaluation and submit reports to USDA, who will make a decision to grant or deny accreditation. Producers, handlers and certifying agents whose operations are not approved have the right to mediation and appeal the decision. Reporting and recordkeeping are essential to the integrity of the organic certification system.

*Description of Respondents:* Farms; Individuals or households; Business or other for-profit; State, Local or Tribal Government.

*Number of Respondents:* 19,766.

*Frequency of Responses:* Reporting: Annually; Recordkeeping.

*Total Burden Hours:* 593,523.

**Farm Service Agency**

*Title:* Eminent Domain Acquisitions: Reallocating Allotments and Quotas; Requesting Disaster Credit.

*OMB Control Number:* 0560–0033.

*Summary of Collection:* A Federal, State or other government agency has the power to take a farm by eminent domain acquisition and thus displace a landowner. A farm may be taken by eminent domain through court proceedings to condemn the land or through negotiation between the taking agency and the owner of the land. When an owner is displaced from a farm by eminent domain, in order to avoid forfeiture of the tobacco allotment or quota which is assigned to the farm, she/he may contact the Farm Service Agency (FSA) County Committee at the FSA County office, where the farm is located and arrange to place the tobacco in an 'eminent domain' pool. The allotment or quota thus placed in a pool is held for the displaced owner for subsequent transfer to other farms she/he may own or may purchase. An owner must request transfer of the tobacco from the pool within 3 years from the date of displacement from the farm to which the tobacco originally belonged. Further a farmer whose tobacco crop could not be planted, or which failed, because of a natural disaster such as adverse weather conditions, disease, virus, and insects, can request disaster credit to help protect the quota/allotment from forfeiture. FSA will collect information using forms FSA–177, Record of Pooled Farm Allotment or Quota, FSA–178, Application for Transfer of Allotment or Quota From Pool, and FSA–182, Request for Tobacco Disaster Credit.

*Need and Use of the Information:* FSA will collect information from the three forms to ensure the following: (1) The displaced owner request that tobacco be placed in an 'eminent domain,' (2) the displaced owner to request transfer of the pooled tobacco to another farm that she/he owns, and (3) to request disaster credit to help protect the quota/allotment from forfeiture.

*Description of Respondents:* Individuals or households; Farms; Federal Government; State, Local or Tribal Government.

*Number of Respondents:* 312.

*Frequency of Responses:* Reporting: Other (as needed).

*Total Burden Hours:* 482.

**Animal Plant and Health Inspection Service**

*Title:* Interstate Movement of Swine Within a Production System.

*OMB Control Number:* 0579–0161.

*Summary of Collection:* Disease prevention is the most effective method for maintaining a healthy animal population, and for enhancing the Animal Plant and Health Inspection Service (APHIS) ability to compete in the world market of animal and animal product trade. The Veterinary Services Division of APHIS is responsible for carrying out this disease prevention mission. The regulations under which APHIS conducts these disease prevention activities are contained in Title 9, Subchapter C of Chapter I, which governs the interstate movement of animals to prevent the dissemination

of livestock and poultry diseases within the United States. Regulations in Part 71 contain requirements for moving swine interstate within a swine production system. (A production system consists of separate farms that each specialize in a different phase of swine production—sow herds, nursery herds, and finishing herds). Moving swine interstate within a swine production system involves the use of two information collection activities in the form of a Swine Production Health Plan and an Interstate Swine Movement Report.

*Need and Use of the Information:* The Swine Production Health Plan is a document developed by participating swine producers, stating that all farms within the given swine production system will maintain the health of their swine and remain vigilant for any signs of communicable disease. The Interstate Swine Movement Report is a document initiated by swine producers to notify their accredited veterinarians, APHIS, and State regulatory officials in the States of origin and destination that a group of animals is being moved across State lines in a swine production system. Without the information, the movement of swine interstate within a swine production system would become less efficient and more time-consuming, consequently placing more financial and logistical burden on producers who regularly engage in this activity.

*Description of Respondents;* Farms; Federal Government.

*Number of Respondents:* 1,000.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 1,000.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 04–3954 Filed 2–23–04; 8:45 am]

**BILLING CODE 3410–01–M**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[Docket No. FV04–996–1]**

### Peanut Standards Board

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice and request for nominations.

**SUMMARY:** The Farm Security and Rural Investment Act of 2002 requires the Secretary of Agriculture to establish a Peanut Standards Board (Board) for the purpose of advising the Secretary on quality and handling standards for domestically produced and imported peanuts. The initial Board was appointed by the Secretary and announced on December 5, 2002. USDA seeks nominations for individuals to be considered for selection as Board members for terms of office ending June 30, 2007. Selected nominees sought by this action would replace those six producer and industry representatives who are currently serving for the initial term of office that ends June 30, 2004. The Board consists of 18 members representing producers and industry representatives.

**DATES:** Written nominations must be received on or before April 30, 2004.

**ADDRESSES:** Nominations should be sent to Dawana J. Clark, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Suite 2A04, Unit 155, 4700 River Road, Riverdale, MD 20737: Telephone: (301) 734–5243; Fax: (301) 734–5275; E-mail: *Dawana.Clark@usda.gov.*

**SUPPLEMENTARY INFORMATION:** Section 1308 of the Farm Security and Rural Investment Act of 2002 (Farm Bill) requires the Secretary of Agriculture to establish a Peanut Standards Board (Board) for the purpose of advising the Secretary regarding the establishment of quality and handling standards for all domestic and imported peanuts marketed in the United States. The Farm Bill requires the Secretary to consult with the Board before the Secretary establishes or changes quality and handling standards for peanuts.

The Farm Bill provides that the Board consist of 18 members, with three producers and three industry representatives from the States specified in each of the following producing regions: (a) Southeast (Alabama, Georgia, and Florida); (b) Southwest (Texas, Oklahoma, and New Mexico); and (c) Virginia/Carolina (Virginia and North Carolina).

For the initial appointments, the Farm Bill required the Secretary to stagger the terms of the members so that: (a) One producer member and peanut industry member from each peanut producing region serves a one-year term; (b) one producer member and peanut industry member from each peanut producing region serves a two-year term; and (c) one producer member and peanut industry member from each peanut producing region serves a three-year term. The term ''peanut industry representatives'' includes, but is not limited to, representatives of shellers, manufacturers, buying points, marketing associations and marketing cooperatives. The Farm Bill exempted the appointment of the Board from the requirements of the Federal Advisory Committee Act. The initial Board was appointed by the Secretary and announced on December 5, 2002.

USDA invites those individuals, organizations, and groups affiliated with the categories listed above to nominate individuals for membership on the Board. Nominees sought by this action would replace one producer and one industry member from each peanut producing region who served for the initial term of office that ends June 30, 2004. New members would serve for a 3-year term of office ending June 30, 2007.

Nominees should complete a Peanut Standards Board Background Information form and submit it to Mrs. Clark. Copies of this form may be obtained at the Internet site: *http://www.ams.usda.gov/fv/peanut-farmbill.htm*, or from Mrs. Clark. USDA seeks a diverse group of members representing the peanut industry.

Equal opportunity practices will be followed in all appointments to the Board in accordance with USDA policies. To ensure that the recommendations of the Board have taken into account the needs of the diverse groups within the peanut industry, membership shall include, to the extent practicable, individuals with demonstrated abilities to represent minorities, women, persons with disabilities, and limited resource agriculture producers.

Dated: February 18, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04–3955 Filed 2–23–04; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Rural Housing Service

### Rural Business-Cooperative Service

### Rural Utilities Service

### Farm Service Agency

### Notice of Request for Extension of a Currently Approved Information Collection

**AGENCIES:** Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, Farm Service Agency, USDA.

**ACTION:** Proposed collection; comments requested.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the subject agencies'

intention to request an extension for a currently approved information collection in support of the programs for 7 CFR part 1956, subpart B, ''Debt Settlement—Farmer Loan Programs and Multi-Family Housing.''

**DATES:** Comments on this notice must be received by April 26, 2004 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Janet Stouder, Deputy Director, Multi-Family Housing Portfolio Management, USDA, RHS, 1400 Independence Ave. SW., Washington, DC 20250–0782, telephone (202) 720–9728. Electronic mail: *janet.stouder@usda.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Debt Settlement—Farm Loan Programs and Multi-Family Housing.

*OMB Number:* 0575–0118.

*Expiration Date of Approval:* July 31, 2004.

*Type of Request:* Extension of a currently approved information collection.

*Abstract:* This regulation defines items to be submitted by borrowers to request settlement of their debt. Information regarding past and present income, living expenses, debt repayment, assets and liabilities is obtained. The information is used to determine if acceptance of the settlement offer is in the best interest of the Government and document the borrower's request and offer.

*Estimate of Burden:* Public reporting for this collection of information is estimated to average 8.5 hours per response.

*Respondents:* Individuals or households, businesses or other for profit and farms.

*Estimated Number of Respondents:* 2,400.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Number of Responses:* 2,400.

*Estimated Total Annual Burden on Respondents:* 20,400.

Copies of this information collection can be obtained from Renita Bolden, Regulations and Paperwork Management Branch, Support Services Division at (202) 692–0035.

**Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the subject agencies, including whether the information will have practical utility; (b) the accuracy of the Agencies' estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Renita Bolden, Regulations and Paperwork Management Branch, Support Services Division, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 12, 2004.

**Arthur A. Garcia,**

*Administrator, Rural Housing Service.*

Dated: February 12, 2004.

**Peter J. Thomas,**

*Acting Administrator, Rural Business-Cooperative Service.*

Dated: February 11, 2004.

**James R. Little,**

*Administrator, Farm Services Agency.*

Dated: February 12, 2004.

**Curtis M. Anderson,**

*Acting Administrator, Rural Utilities Service.*

[FR Doc. 04–3877 Filed 2–23–04; 8:45 am]

BILLING CODE 3410–XV–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Payette National Forest, Idaho; Paddy Flat Vegetation Management Project

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The USDA Forest Service will prepare the Paddy Flat Vegetation Management Project EIS. The proposed action in the EIS is to harvest timber and to do timber stand improvement in stands in the Paddy Flat Subdivision. The Payette National Forest invites written comments and suggestions on the scope of the analysis and the issues to address. The agency gives notice of the full National Environmental Policy Act (NEPA) analysis and decision-making process so that interested and affected people know how they may participate and contribute to the final decision.

**DATES:** Comments need to be received by March 29, 2004.

**ADDRESSES:** Send written comments to mark J. Madrid, Forest Supervisor, Payette National Forest, P.O. Box 1026, McCall, Idaho, 83638.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action should be directed to Dan Anderson, Interdisciplinary Team Leader, at the above address, phone (208) 634–0400.

**SUPPLEMENTARY INFORMATION:** The Paddy Flat project area is located in the Kennally Creek sub-watershed on the McCall Ranger District. It is about 16 miles southeast of McCall, and approximately 6,700 acres in size. The purpose and need for this activity is to (1) move stands toward the desired condition in the Forest Plan for vegetation and (2) reduce the potential for uncharacteristic and/or undesired fire and create conditions that in the case of wildfire will tend toward a lower risk surface fire on National Forest System lands surrounding the Paddy Flat Subdivision.

The proposed action includes a variety of activities to meet the purpose and need. (1) Harvest timber on approximately 594 acres, producing approximately 6.3 million board feet (MMBF) of wood products, using tractor, jammer, and skyline logging systems. The silvicultural methods used would be shelterwood w/reserve tree, clearcut w/reserve tree, intermediate treatment, and improvement cut. (2) Excavator pile and burn approximately 488 acres, jackpot pile and burn approximately 14 acres, broadcast burn approximately 82 acres, and lop and scatter activity fuels on approximately 10 acres. (3) Regenerate by planting with seral species approximately 452 acres. (4) Reduce overall road density and reduce impacts to water quality in the project area by decommissioning approximately 18.0 miles of unneeded roads. (5) Build approximately 2.7 miles of new road to facilitate timber harvest. (6) Thin approximately 1,078 acres of plantations to reduce competition and increase growth. (7) Reduce the potential for uncharacteristic and/or undesirable fire by reducing the density in plantations and reducing the crown density of live trees and numbers of dead trees on National Forest System lands in proximity to the Paddy Flat Subdivision.

Preliminary issues for this project include effects on water quality, soil productivity, wildlife habitat, and access management.

A range of reasonable alternatives will be considered. The no-action alternative will serve as a baseline for comparison of alternatives. The proposed action will be considered along with additional

alternatives developed that meet the purpose and need and address major issues identified during scoping. Alternatives may have different amounts, locations, and types of project activities.

Comments received in response to this notice, including names and addresses of those who comment, will be part of the project record and available for public review.

The Forest Service is seeking information and comments from other Federal, State, and local agencies; Tribal governments; organizations; and individuals who may be interested in or affected by the proposed action. This input will be used in preparation of the EIS.

Comments will be appreciated throughout the analysis process. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**. It is important that those interested in the management of the Payette National Forest participate at that time.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waives or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1002 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues raised by the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

After the 45-day comment period ends on the draft EIS, the Forest Service will analyze comments received and address them in the final EIS. The final EIS is scheduled to be completed in 2004. The Responsible Official is the Payette National Forest Supervisor. The decision will be documented, including the rationale for the decision, in a Record of Decision (ROD). The decision will be subject to review under the Forest Service administrative appeal regulations at 36 CFR 215.

Dated: February 18, 2004.

**Mark M. Madrid,**

*Forest Supervisor.*

[FR Doc. 04–3907 Filed 2–23–04; 8:45 am]

**BILLING CODE 3410–11–M**

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### Meeting

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of meeting.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (Access Board) has scheduled its regular business meetings to take place in Washington, DC on Tuesday and Wednesday, March 9–10, 2004, at the times and location noted below.

**DATES:** The schedule of events is as follows:

**Tuesday, March 9, 2004**

10:30 a.m.–Noon—*Ad Hoc* Committee on Public Outreach
1:30–2:30 p.m.—Technical Programs Committee
2:30–3:30—Planning and Budget Committee
3:30–5—*Ad Hoc* Committee on Passenger Vessels (closed session)

**Wednesday, March 10, 2004**

9–11 a.m.—*Ad Hoc* Committee on Passenger Vessels (closed session)
11–Noon—*Ad Hoc* Committee on Public Rights-of-Way (closed session)
1:30–3 p.m.—Board meeting

**ADDRESSES:** The meetings will be held at the Hyatt Regency Bethesda Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the meetings, please contact Lawrence W. Roffee, Executive Director, (202) 272–0001 (voice) and (202) 272–0082 (TTY).

**SUPPLEMENTARY INFORMATION:** At the Board meeting, the Access Board will consider the following agenda items:

**Open Meeting**

- Approval of the January 14, 2004, Board meeting minutes.
- *Ad Hoc* Committee on Public Outreach report.
- Technical Programs Committee report.
- Planning and Budget Committee report.
- Election of officers.

**Closed Meeting**

- Passenger Vessels Accessibility Guidelines.
- Public Rights-of-Way Accessibility Guidelines.

All meetings are accessible to persons with disabilities. Sign language interpreters and an assistive listening system are available at all meetings. Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants.

**Lawrence W. Roffee,**

*Executive Director.*

[FR Doc. 04–3873 Filed 2–23–04; 8:45 am]

**BILLING CODE 8150–01–P**

## DEPARTMENT OF COMMERCE

**[I.D. 021804C]**

### 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:* Foreign Fishing Vessels Operating in Internal Waters.

*Form Number(s):* None.

*OMB Approval Number:* 0648–0329.

*Type of Request:* Regular submission.

*Burden Hours:* 36.

*Number of Respondents:* 6.

*Average Hours Per Response:* .5 (30 minutes).

*Needs and Uses:* Foreign fishing vessels engaged in processing and

support of U.S. fishing vessels within the internal waters of a state, in compliance with the terms and conditions set by the authorizing governor, are required to report the tonnage and location of fish received from U.S. vessels. This reporting is required by the Magnuson-Stevens Fishery Conservation and Management Act. Weekly reports are submitted to allow monitoring of the quantity of fish received by foreign vessels.

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

*Frequency:* Weekly.

*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: February 18, 2004.

**Gwellnar Banks,**

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

[FR Doc. 04–4021 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Docket 35–2003]**

### Foreign-Trade Zone 33—Pittsburgh, PA, Application for Subzone Status, Mitsubishi Electric Power Products, Inc. (Circuit Breakers), Warrendale and Freedom, PA; Amendment of Application: Additional Foreign Components

Notice is hereby given that the application of Board (the Board) by the Regional Industrial Development Corporation of Southwestern Pennsylvania, grantee of FTZ 33, requesting special-purpose subzone status for the circuit breaker manufacturing facilities of Mitsubishi Electric Power Products, Inc. (MEPPI) (a subsidiary of Mitsubishi Electric Corporation, of Japan), located in Warrendale and Freedom, Pennsylvania (68 FR 44281, 7–28–03), has been amended to revise the scope of sourcing authority to include additional foreign-origin components to be used in the manufacture of high-voltage circuit breakers under foreign-trade zone (FTZ) procedures. The additional components that would be purchased from abroad include: insulated wire, current transformers, capacitors, generators, monitors, circuit breakers, and sensors (2004 duty rate range: free—3.9%). FTZ procedures would exempt MEPPI from Customs duty payments on the foreign components noted above that are used in export production. On its domestic sales and exports to NAFTA markets, the company would be able to choose the duty rate that applies to finished circuit breakers (2.0%) for these foreign-sourced components.

Public comment on the application is invited from interested parties. The comment period is hereby reopened until March 25, 2004. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the following addresses:

*1. Submissions via Express/Package Delivery Services:* Foreign-Trade Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th Street, NW., Washington, DC 20005; or,

*2. Submissions via the U.S. Postal Service:* Foreign-Trade Zones Board, U.S. Department of Commerce, FCB–4100W, 1401 Constitution Ave., NW., Washington, DC 20230.

A copy of the application is available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address No.1 listed above and at the U.S. Department of Commerce Export Assistance Center, Suite 2002, 1000 Liberty Avenue, Pittsburgh, PA 15222.

Dated: February 13, 2004.

**Dennis Puccinelli,**

*Executive Secretary.*

[FR Doc. 04–3983 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

**ACTION:** Notice of initiation of antidumping and countervailing duty administrative reviews.

**SUMMARY:** The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

**EFFECTIVE DATE:** February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

**SUPPLEMENTARY INFORMATION:**

#### Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2002), for administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates.

#### Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than January 31, 2005.

| | Period to be reviewed |
|---|---|
| Antidumping duty proceedings: | |
| INDIA: Stainless Steel Wire Rod, A–533–808 ..... Chandan Steel, Ltd.[1] | 12/1/02–11/30/03 |
| THE PEOPLE'S REPUBLIC OF CHINA: Folding Gift Boxes,[2] A–570–866 ..... Red Point Paper Products Co., Ltd. | 1/1/03–12/31/03 |
| Countervailing Duty Proceedings | |
| None. | |
| Suspension Agreements | |
| None. | |

[1] We did not include this company in our initiation notice for December cases (69 FR 3117, January 22, 2004), because Chandan requested evaluation as a new shipper, which we denied after the publication of the referenced initiation notice. However, since Chandan also made a timely request for an administrative review, we are including Chandan in the 2002–2003 administrative review of stainless steel wire rods from India.

[2] If the above named company does not qualify for a separate rate, all other exporters of folding gift boxes from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under § 351.211 or a determination under § 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: February 19, 2004.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary, Group II for Import Administration.*

[FR Doc. 04–3984 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–122–822]**

### Certain Corrosion-Resistant Carbon Steel Flat Products From Canada: Amended Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On January 16, 2004, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on certain corrosion-resistant carbon steel flat products From Canada for the period August 1, 2001 through July 31, 2002. *See Certain Corrosion-Resistant Carbon Steel Flat Products From Canada: Final Results of Antidumping Duty Administrative Review* (69 FR 2566 (January 16, 2004) (*Final Results*). We are amending our final results to correct ministerial errors alleged by United States Steel Corporation (Petitioner) pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Act).

**EFFECTIVE DATE:** February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Elfi Blum-Page or Christian Hughes, Office of Antidumping/Countervailing Duty Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0197 or (202) 482–0190, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Scope of the Antidumping Duty Order

The product covered by this antidumping duty order is certain corrosion-resistant steel, and includes flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (HTS) under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, and 7217.90.5090. Included in this review are corrosion-resistant flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')— for example, products which have been beveled or rounded at the edges. Excluded from this review are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and chromium oxides (''tin-free steel''), whether or not painted, varnished or coated with plastics or

other nonmetallic substances in addition to the metallic coating. Also excluded from this review are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this review are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio.

**Amendment of Final Results**

On January 16, 2004, the Department published the final results for its review of the antidumping duty order on certain corrosion-resistant carbon steel flat products. *See Final Results*. In accordance with section 751(h) of the Act and 19 CFR 351.224(c)(2), on January 20, 2004, Petitioner timely filed an allegation that the Department made ministerial errors in the final results. Petitioner contends that in its *Final Results*, the Department inadvertently did not correct its programming language in the model-match and margin calculation programs to match U.S. sales first to home market sales of identical or most similar merchandise made within the 90/60 day contemporaneity window and at the same level of trade (LOT) as the U.S. sale, before matching to home market sales of identical or most similar merchandise at a different LOT within the 90/60 day contemporaneity window. In the *Issues and Decision Memorandum* accompanying the final results of review [1] the Department stated that it had made such a correction. Petitioner suggests programming language to correct this alleged ministerial error. In addition, Petitioner alleges that the Department, when calculating home market revenues, REVENUH, in its model-match program, did not convert U.S. dollar-denominated components of this calculation to Canadian dollars, thereby inadvertently adding together U.S. and Canadian dollars for home market revenues. Respondent did not file comments in response to Petitioner's ministerial error allegations.

The Act, as well as the Department's regulations, define a ministerial error as one involving ''addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication or the like, and any similar type of unintentional error which the Secretary considers ministerial.'' *See* section 751(h) of the Act and 19 CFR 351.224(f).

After reviewing Petitioner's allegations, we have determined, in accordance with section 751(h) of the Act and 19 CFR 351.224, that these two allegations constitute ministerial errors. In the *Issues and Decision Memorandum*, we stated that we were going to match HM sales of identical or most similar merchandise made within the 90/60 day contemporaneity window and at the same LOT as the U.S. sale. However, the programming language did not reflect our intent. Moreover, there were U.S. dollar-denominated components of the REVENUH calculation that we did not convert into Canadian dollars. Therefore, we are amending the final results to correct the above-mentioned ministerial errors. All changes to the programming language in the model-match and margin calculation program can be found in the analysis memorandum for the amended final results. *See Memorandum To File: Analysis of Dofasco, Inc. and Sorevco, Inc. (Dofasco) for the Amended Final Results of the Ninth Administrative Review of Corrosion-Resistant Carbon Steel Flat Products from Canada*, dated February 13, 2004.

Furthermore, we note that, in the *Summary* section of the *Final Results*, the Department inadvertently referenced an inaccurate review period. The correct period of this review is August 1, 2001 through July 31, 2002.

The revised weight-averaged dumping margin is as follows:

| Manufacturer/exporter | Time period | Margin |
|---|---|---|
| Dofasco Inc. | 08/01/01–07/31/02 | 1.87 percent. |

The revised cash deposit rate for Dofasco shown above is effective on all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and will remain in effect until publication of the final results of the next administrative review. Accordingly, the Department will determine, and U.S. Customs and Border Protection will assess, antidumping duties on all entries of subject merchandise from Dofasco during the period August 1, 2001 through July 31, 2002, in accordance with these amended final results.

Consequently, we are issuing and publishing these amended final results and notice in accordance with sections 751(a)(1), 751(h), and 777(i) of the Act, as well as 19 CFR 351.224(f).

Dated: February 18, 2004.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 04–3982 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### National Institute of Standards and Technology; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin Court Building, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 03–052. *Applicant:* National Institute of Standards and Technology, Gaithersburg, MD 20899. Instrument: Dual Beam Scanning Electron and Focused Ion Beam Microscope System, Model Nova 600 NanoLab. Manufacturer: FEI Company, The Netherlands. Intended Use: *See* notice at 68 FR 69659, December 15, 2003.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides state-of-the-art capabilities for performing nanoscale metrology including: (1) Operation at both high

[1] *See Issues and Decision Memorandum* accompanying the *Final Results* at comment 2.

and low vacuum and electron energies; (2) high accuracy laser interferometry; and (3) a specially adapted stage to accommodate large samples for integrated circuit applications. Sandia National Laboratories and a university research center advise that (1) These capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 04–3981 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### National Renewable Energy Laboratory, *et al.*; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Suite 4100W, Franklin Court Building, U.S. Department of Commerce, 1099 14th Street, NW., Washington, DC.

*Docket Number:* 03–051. *Applicant:* National Renewable Energy Laboratory, Golden, CO 80401. *Instrument:* Electron Microscope, Model Tecnai G 2 20 TWIN. *Manufacturer:* FEI Company, the Netherlands. *Intended Use: See* notice at 68 FR 69659, December 15, 2003. *Order Date:* August 27, 2003.

*Docket Number:* 03–054. *Applicant:* Frostburg State University, Frostburg, MD 21532. *Instrument:* Electron Microscope, Model JEM–1011. *Manufacturer:* JEOL Ltd., Japan. *Intended Use: See* notice at 68 FR 74217, December 23, 2003. *Order Date:* August 14, 2003.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 04–3980 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Export Trade Certificate of Review

**ACTION:** Notice of issuance of an Export Trade Certificate of Review, Application No. 03–00007.

**SUMMARY:** The Department of Commerce issued an Export Trade Certificate of Review to the Great Lakes Fruit Exporters Association, LLC (GLFEA), on December 15, 2003. This notice summarizes the conduct for which certification has been granted.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey C. Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or E-mail at *oetca@ita.doc.gov.*

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 2003). The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305 (a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

**Description of Certified Conduct**

Export Trade:

*1. Products*

Fresh apples.

*2. Services*

All export-related services, including, but not limited to, international market research, marketing, advertising, sales promotion, brokering, handling, transportation, common marking and identification, communication and processing of foreign orders to and for members, financing, export licensing and other trade documentation, warehousing, shipping, legal assistance, foreign exchange and taking title to goods.

*3. Technology Rights*

Technology rights, including, but not limited to, patents, trademarks, copyrights and trade secrets that relate to products and services.

*4. Export Trade Facilitation Services (As They Relate to the Export of Products, Services and Technology Rights)*

Export trade facilitation services, including, but not limited to, professional services and assistance relating to: Government relations; State and Federal export programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation services; and the formation of shippers' associations.

Export Markets

The export markets include all parts of the world except the United States (the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. With respect to the sale of products and services, licensing of technology rights and provisions of export trade facilitation services, GLFEA on its own or on behalf of any of its members may:

a. Establish sale prices, minimum sale prices, target sale prices and/or minimum target sale prices and other terms of sale in export markets;

b. Conduct marketing and distribution of fresh apples in export markets;

c. Conduct promotion of fresh apples;

d. Agree on quantities of fresh apples to be sold provided that each member shall be required to dedicate only that quantity or quantities as each member shall independently determine.

e. Allocate geographic areas or countries in the export markets and/or customers in export markets among members.

f. Refuse to quote prices for fresh apples, or to market or sell fresh apples, to or for any customers in the export markets, or any countries or geographic areas in the export markets.

g. Enter into exclusive and nonexclusive agreements appointing one or more export intermediaries for the sales of fresh apples with price, quantity, territorial and/or customer restrictions as provided above.

2. GLFEA and it members may exchange and discuss the following information:

a. Information about sale and marketing efforts for the export markets, activities and opportunities for sales of fresh apples in the export markets, selling strategies for the export markets, sales for the export markets, contract and spot pricing in the export markets, projected demands in the export markets for fresh apples, customary terms of sale in the export markets, prices and availability of fresh apples from competitors for sale in the export markets, and specifications for fresh apples by customers in the export markets;

b. Information about the price, quality, quantity, source, and delivery dates of fresh apples available from the members to export;

c. Information about terms and conditions of contracts for sale in the export markets to be considered and/or bid on by GLFEA and its members;

d. Information about joint bidding or selling arrangements for the export markets and allocations of sales resulting from such arrangements among the members;

e. Information about expenses specific to exporting to and within the export markets, including without limitation, transportation, trans- or intermodel shipments, insurance, inland freights to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

f. Information about U.S. and foreign legislation and regulations, including Federal marketing order programs, affecting sales for the export markets;

g. Information about GLFEA or its members' export operations, including without limitation, sales and distribution networks established by GLFEA or its members in the export markets, and prior export sales by members (including export price information); and

h. Information about export customer credit terms and credit history.

3. GLFEA and its members may meet to engage in the activities described in items 1 and 2 above.

Members (Within the Meaning of Section 325.2(l) of the Regulations)

Greg Orchards and Produce, Inc., Benton Harbor, Michigan; Riveridge Produce Marketing, Inc., Sparta, Michigan; North Bay Produce, Inc., Traverse City, Michigan; Applewood Orchards, Inc., Deerfield, Michigan; Heeren Brothers Inc., d/b/a Heeren Brothers Produce, Grand Rapids, Michigan; Greenridge Fruit, Inc., Grand Rapids, Michigan; Jack Brown Produce, Inc., Sparta, Michigan; BelleHarvest Sales, Inc., Belding, Michigan; A.J.'s Produce Inc., Casnovia, Michigan; and Appletree Marketing LLC, Ada, Michigan. Review continue to comply with the standards of section 303(a) of the Act.

Protection Provided by Certificate

This Certificate protects GLFEA and its directors, officers, and employees acting on its behalf, as well as its members, and their directors, officers, and employees acting on their behalf, from private treble damage actions and governmental criminal and civil suits under U.S. Federal and State antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions.

Definitions

1. ''Supplier'' means a person who produces, provides, or sells a product and/or service.

Dated: February 17, 2004.

**Jeffrey C. Anspacher,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 04–3871 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–DR–P**

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Visiting Committee on Advanced Technology

**AGENCY:** National Institute of Standards and Technology; Department of Commerce.

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet Tuesday, March 16, 2004, from 8:15 a.m. to 5 p.m. The Visiting Committee on Advanced Technology is composed of fifteen members appointed by the Director of NIST; who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include updates on NIST and Management Priorities, facilities, NIST Administrative Efficiency and Effectiveness, and the Manufacturing Extension Partnership Program, as well as tours of the Advanced Measurement Laboratory. Discussions scheduled to begin at 8:15 a.m. and to end at 9:25 a.m. and to begin at 2:45 p.m. to end at 5 p.m. on March 16, on the NIST budget, planning information and feedback sessions will be closed. Agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Please submit your name, time of arrival, e-mail address and phone number to Carolyn Peters no later than Thursday, March 11, 2004, and she will provide you with instructions for admittance. Mrs. Peter's e-mail address is *carolyn.peters@nist.gov* and her phone number is (301) 975–5607.

**DATES:** The meeting will convene March 16 at 8:15 a.m. and will adjourn at 5 p.m.

**ADDRESSES:** The meeting will be held in the Employees Lounge, Administration Building, at NIST, Gaithersburg, Maryland. Please note admittance instructions under **SUMMARY** paragraph.

**FOR FURTHER INFORMATION CONTACT:** Carolyn J. Peters, Visiting Committee on Advanced Technology, National Institute of Standards and Technology, Gaithersburg, Maryland 20899–1004, telephone number (301) 975–5607.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on December 24, 2004, that portions of the meeting of the Visiting Committee on Advanced Technology which deal with

discussion of sensitive budget and planning information that would cause harm to third parties if publicly shared be closed in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2.

Dated: February 19, 2004.

**Arden L. Bement, Jr.,**

*Director.*

[FR Doc. 04–4001 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 021804B]**

### Proposed Information Collection; Comment Request; Steller Sea Lion Protection Pilot Economic Survey

**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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before April 26, 2004.

**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 should be directed to Dr. Dan Lew, National Marine Fisheries Service, Alaska Fisheries Science Center, 7600 Sand Point Way NE, Seattle, WA 98115; telephone: (206) 526–4252; fax: (206) 526–6723; e-mail: *dan.lew@noaa.gov*.

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

The National Marine Fisheries Service (NMFS) plans to conduct a pilot survey with the objective of testing a survey instrument that will be used to collect data for measuring the preferences that U.S. residents have toward protecting the Steller sea lion (Eumetopias jubatus), which is a listed species under the Endangered Species Act of 1973 (16 U.S.C. 35). NMFS is charged with protecting this species and has identified numerous potential protection options, and begun implementing selected options, to this end (68 FR 204). Since different management options are available to protect Steller sea lions, it is important to understand the public's attitudes toward the variety of potential impacts on Steller sea lions, Alaskan fisheries and fishing communities, and the nation. This information is currently not available, yet is crucial to ensure the efficient management of Alaskan fisheries and protection of Steller sea lions.

The pilot survey instrument will present the latest information on Steller sea lions, current population trends, alternative management options, and likely impacts of management options. The survey is expected to ask respondents for information regarding their knowledge and opinions of Steller sea lions, other endangered species, Alaska fisheries and communities, and potential goals and impacts of management options available to protect the endangered population of Steller sea lions, in addition to standard socio-demographic information needed to classify respondents. The pilot pre-test will gather a sufficient number of responses to evaluate the information presentation, reliability, internal consistency, response variability, and other properties of a newly developed survey. Results from these activities will be used to make improvements to the survey instrument.

#### II. Method of Collection

Since the data collected in the pilot pre-test is not intended to be used to generate national estimates, non-probability sampling methods will be employed to select a sample that is sufficiently diverse for the purposes of providing a range of feedback on the survey instrument. It is anticipated that the pilot survey will be given to approximately 130 voluntary respondents recruited by telephone in 3–4 areas of the continental U.S. and Alaska. Telephone recruitment calls are expected to be brief, lasting up to about 3 minutes each. Individuals who agree to participate in the pilot pre-test will be asked to meet with survey administrators at a nearby central survey administration location where they will self-administer the survey and participate in a one-on-one follow-up debriefing. This debriefing involves a survey administrator asking a set of questions about the survey to elicit feedback about key design and conceptual components of the survey instrument. Respondents will be given an honorarium for participating in the pilot pre-test activities.

Up to 1,300 recruitment phone calls are anticipated to be made to recruit the 130 participants. At 3 minutes apiece, this amounts to 65 hours. The survey is expected to take approximately 25 minutes to complete, while the debriefing will be about 15 additional minutes, for a total of about 40 minutes or 0.67 hours for the entire process. Thus, we estimate the total respondent time burden to be 151.67 hours (rounded to 152) (130 participants multiplied by 0.67 hours plus the time for recruitment calls).

#### III. Data

*OMB Number:* None.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 1,300 in recruitment; 130 in pilot pre-test activities.

*Estimated Time Per Response:* 3 minutes per recruitment; 40 minutes for pilot pre-test activities.

*Estimated Total Annual Burden Hours:* 152.

*Estimated Total Annual Cost to Public:* $0.

#### 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: February 18, 2004.

**Gwellnar Banks,**

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

[FR Doc. 04–4022 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 021104A]**

### International Whaling Commission Nominations

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

**ACTION:** Request for nominations.

**SUMMARY:** This notice is a call for nominees for the U.S. Delegation to the July 2004 International Whaling Commission (IWC) annual meeting.

**DATES:** All nominations for the U.S. Delegation to the IWC annual meeting must be received by April 9, 2004.

**ADDRESSES:** All nominations for the U.S. Delegation to the IWC annual meeting should be addressed to Rolland Schmitten, U.S. Commissioner to the IWC, and sent via post to: Chris Yates, 13708, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. Prospective Congressional advisors to the delegation should contact the Department of State directly.

**FOR FURTHER INFORMATION CONTACT:** Chris Yates, 301-713-2322, Extension 114.

**SUPPLEMENTARY INFORMATION:** The Secretary of Commerce is charged with the responsibility of discharging the obligations of theUnited States under the International Convention for the Regulation of Whaling, 1946. The U.S. commissioner has primary responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce and assisted by the Department of State, the Department of the Interior, Marine Mammal Commission, and by other agencies. The non-federal representative(s) selected as a result of this nomination process is(are) responsible for providing input and recommendations to the U.S. IWC Commissioner representing the positions of non-governmental organizations.

The IWC is hosting its 56th annual meeting from July 19-22, 2004, in Sorrento, Italy.

Dated: February 19, 2004.

**Laurie K. Allen,**

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

[FR Doc. 04–4024 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 021704C]**

### Gulf of Mexico Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will convene public meetings.

**DATES:** The meetings will be held on March 8–12, 2004.

**ADDRESSES:** These meetings will be held at the Adam's Mark Hotel, 64 South Water Street, Mobile, AL; telephone: 251–438–4000.

*Council address*: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228–2815.

**SUPPLEMENTARY INFORMATION:** Council

*March 11, 2004*

8:30 a.m.—Convene.

8:45 a.m.–11:30 a.m.—Receive public testimony on the Draft Reef Fish Amendment 22 (Red Snapper Rebuilding Plan) and the final Environmental Impact Statement (EIS) for Essential Fish Habitat (EFH).

1 p.m.–4:30 p.m.—Receive the Reef Fish Management Committee report.

4:30 p.m.–5:30 p.m.—(Closed Session) Receive the report of the Joint Personnel/Administrative Policy Committee.

*March 12, 2004*

8:30 a.m.–9 a.m.—Receive the Habitat Protection Committee report.

9 a.m.–9:30 a.m.—Receive the Joint Reef Fish/Mackerel/Red Drum Management Committee report.

9:30 a.m.–10 a.m.—Receive the Joint Reef Fish/Mackerel Management Committee report.

10 a.m.–11 a.m.—Receive the Shrimp Management Committee report.

11 a.m.–11:15 a.m.—Receive the Budget Committee Report.

11:15 a.m.–11:30 a.m.—Receive the Joint Personnel/Administrative Committee report.

1 p.m.–1:15 p.m.—Receive the report on the Marine Recreational Fishery Statistics Survey (MRFSS) meeting.

1:15 p.m.–1:45 p.m.—Receive the report on the Southeast Data and Review (SEDAR) Steering Committee meeting.

1:45 p.m.–2 p.m.—Receive the South Atlantic Fishery Management Council (SAFMC) Liaison Report.

2 p.m.–2:15 p.m.—Receive a report on the Gulf Safety Committee.

2:15 p.m.–2:30 p.m.—Receive a report on the Joint Council meeting.

2:30 p.m.–2:45 p.m.—Receive the NMFS Billfish/Highly Migratory Species Advisory Panel (HMS AP) meeting reports.

2:45 p.m.–3 p.m.—Receive Enforcement Reports.

3 p.m.–3:15 p.m.—Receive the NMFS Regional Administrator's Report.

3:15 p.m.–3:30 p.m.—Receive Director's Reports.

3:30 p.m.–3:45 p.m.—Other Business

*March 8, 2004*

8 a.m.–9:30 a.m.—Convene the Shrimp Management Committee to review Draft Shrimp Amendment 13.

9:30 a.m.–11:30 a.m.—Convene the Budget Committee in a closed session to review bids to hire a court reporter. The Budget Committee meeting will then be open to the public to discuss the cost of new microphones and a Florida State University economic data collection proposal.

1 p.m.–5:30 p.m.—Convene the Reef Fish Management Committee to review the Public Hearing Draft of Vermilion Snapper Amendment 23 that contains alternatives for arresting overfishing of that stock by commercial and recreational fishermen. The committee will also review and take final action on the Final Reef Fish Amendment 22 (red snapper rebuilding program). An options paper for Reef Fish Amendment 18 pertaining to the grouper fishery will be discussed. The following issues will also be reviewed: The Southeast Fisheries Science Center (SEFSC) recommendations on grouping amberjacks, tilefish, and deepwater groupers; U.S. Coast Guard rules for crew size of inspected recreational for-hire vessels; the SAFMC's action on yellowtail snapper; and a status report on the red snapper IFQ referendum. The Committee will ratify and/or add to the SEDAR pool and panel membership for each of the SEDAR workshops during 2004 and 2005 for stocks of king mackerel, red snapper, vermilion snapper, and greater amberjack. The Committee will develop recommendations for consideration by full Council on Thursday afternoon.

*March 9, 2004*

8:30 a.m.–11:30 a.m.—Continue with the Reef Fish Management Committee.

1 p.m.–2:30 p.m.—Convene the Habitat Protection Committee to review the final EIS for the Generic EFH Amendment; and to discuss Council participation in the Southeast Aquatic Resources Partnership (SARP).

2:30 p.m.–5 p.m.—Convene the Joint Reef Fish/Mackerel Committees to review hearing comments on the Joint Reef Fish/Mackerel Limited Access Scoping Document. The committees will also review the Scoping Document for Extension of the Charter Vessel Permit Moratorium.

*March 10, 2004*

8:30 a.m.–12 noon—Convene the Joint Personnel/Administrative Policy Committees in a closed session to address personnel issues and review the Administrative Handbook and Statement of Organizational Practices and Procedures (SOPPs).

1:30 p.m. to 4:30 p.m.—Convene the Joint Reef Fish/Mackerel/Red Drum Committees to receive a presentation on a Cage Culture Study; review hearing comments on the Offshore Aquaculture Amendment Scoping Document; and receive a presentation on the NMFS Regional Bycatch Plan.

Although non-emergency issues not contained in the agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the MSFCMA, provided the public has been notified of the Council's intent to take final action to address the emergency. A copy of the Committee schedule and agenda can be obtained by calling (813) 228–2815.

### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by March 1, 2004.

Dated: February 18, 2004.

**Tracey Thompson,**

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

[FR Doc. E4–353 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 102203A]**

### Marine Mammals; File No. 116–1697

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Sea World Inc., 7007 Sea World Drive, Orlando, FL 32821, has been issued a permit to take one Guadalupe fur seal (*Arctocephalus townsendi*) for purposes of enhancement.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan or Jennifer Skidmore, (301)713–2289.

**SUPPLEMENTARY INFORMATION:** On April 18, 2003, notice was published in the **Federal Register** (68 FR 19193) that a request for an enhancement permit to take the species identified above had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

This permit authorizes maintenance of one non-releaseable rehabilitated juvenile male Guadalupe fur seal at Sea World of California (and other Sea World facilities if relocation is necessary) for enhancement purposes. The animal has recurring grand mal seizures and thus, release of this animal may be detrimental to the wild population due to the undetermined cause of the condition and the possibility that it may be hereditary. The animal would be provided with daily husbandry care and treatment for seizures, routine medical procedures and neutering, and would be available for opportunistic research. The applicant has been issued a five-year permit.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 18, 2004.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 04–4020 Filed 2–23–04; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 020404G]**

### Marine Mammals; File Nos. 42–1642, 482–1653, and 1026–1671

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

**ACTION:** Receipt of applications for permit amendments.

**SUMMARY:** Notice is hereby given that the following applicants have applied in due form for a permit amendment to take marine mammals for purposes of scientific research:

Mystic Aquarium, 55 Coogan Blvd., Mystic, CT 06355 (Dr. Lisa Mazarro, Principal Investigator);

James Gilbert, Ph.D., University of Maine, Department of Wildlife Ecology, 210 Nutting Hall, Orono, Maine 04469; and

Belinda L. Rubinstein, New England Aquarium, Central Wharf, Boston, MA 02110.

**DATES:** Written or telefaxed comments on the amendment requests must be received on or before March 25, 2004.

**ADDRESSES:** The applications and related documents are available for review upon written request or by appointment in the following office(s):

All documents: Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)713–0376; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA

01930–2298; phone (978)281–9200; fax (978)281–9371.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan, Ruth Johnson, or Tammy Adams, 301/713–2289.

**SUPPLEMENTARY INFORMATION:** The subject amendments are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–227).

Permit No. 42–1642–02 authorizes the permit holder (Mystic Aquarium) to study levels of vitamins A and E in captive and free-ranging Steller sea lions (*Eumetopias jubatus*) in relation to various life history stages and receive, import, or export serum, milk, and tissue samples from captive marine mammals held in facilities within the United States and abroad to study the disease hemochromatosis (accumulation of iron in tissues) as well as others associated with general marine mammal health. The permit also authorized import of one male Steller sea lion from the Vancouver Aquarium, Vancouver, Canada for breeding with female Steller sea lions currently held by Mystic Aquarium in support of their vitamin A and E research studies.

The holder requests an amendment to receive, import and export samples from certain ESA-listed species (Guadalupe fur seal (*Arctocephalus townsendi*), monk seal (*Monachus monachus*; *Monachus schauinslandi*), Steller sea lion, bowhead whale (*Balaena mysticetus*), right whale (*Eubalaena glacialis*), and grey whale (*Eschrictius robustus*) and any non ESA-listed species under NMFS jurisdiction in the U.S. and abroad (i.e. worldwide). Samples would be obtained from the following sources: (1) routine husbandry samples from captive animals; (2) stranded animals abroad; (3) legally subsistence-hunted animals in the U.S. and abroad; and (4) samples from other permitted research projects. The number of samples received per year (up to 500 per species) would not increase. The applicant would like to include receipt, import or export of all blood constituents (instead of just serum), an increased amount of blood (not to exceed 1% body weight) from 4 to 12 ml to 4 to 40 ml, and an increase in the number of samples received per animal per year from 6 to 30. The objectives of this request are (1) to expand sources of samples for currently permitted studies; (2) to include health studies of *Brucella* in a variety of marine mammal species; (3) to investigate the effects of environmental ''stressors'' on the immune system and health of marine mammals; and (4) to characterize and investigate the marine mammal nervous and immune systems. The holder also requests a – extension for the permitted and requested activities.

Permit No. 482–1653–00 authorizes the permit holder (James Gilbert) to capture, mark, sex, measure, blood sample, radio-tag, and monitor via aerial survey harbor seals (*Phoca vitulina*) in order to study seal depredations at Atlantic salmon aquaculture farms in New England.

The applicant requests an amendment to add two additional research tasks: (1) population structure and foraging ecology of harbor seals in New England; and (2) behavioral and physiological development of diving in harbor seal pups. An increase in the numbers of harbor seals to be taken is requested (up to 30 neonates, 30 lactating females, and 20 weaned pups) per year at each of three locations in New England. Incidental captures of any age/sex class of up to 3 seals per year per location and incidental disturbance during captures may occur. Capture and basic processing would include: flipper tag (with retention of tissue plug for genetics), measurements, photograph, 1 VHF tag (head), blood sample (60 ml), TDR attachment. A second capture would be done to recover the TDR. Secondary processing of above animals would include: muscle biopsy, electrode implant to monitor heart rate, blood draw over 20 minutes, and injection of 40 ml Evans Blue Dye (with sedation).

Permit No. 1026–1671–00 authorizes the permit holder (Belinda Rubinstein) to capture, tag, sample (including tooth extraction, blubber biopsy, blood and milk collection, anal swabs and fecal samples), and release solitary animals of five pinniped species, harbor seal, harp seal (*Phoca groenlandica*), gray seal (*Halichoerus grypus*), the hooded seal (*Cystophora cristata*), and the ringed seal (*Phoca hispida*)in the wild and in rehabilitation facilities. Samples may be exported and re-imported for analyses. The purposes of the research are to study habitat utilization using satellite telemetry and flipper tagging, determine stock association, and monitor health of phocids along the east coast of the U.S., from Maine to Virginia.

The applicant requests an amendment to clarify sampling of lactating females, add capture takes, and refine sampling and restraint methodologies. This would include: milk collection from lactating adult females with a pup (up to 10 handling takes of pups of each species); an increase in the total number of captures of each species by 25 individuals (from 50 animals to 75) to account for animals that might escape or may need to be released prior to sampling due to health or other factors; modifications to existing restraint, weighing, sampling and emergency protocols; sampling lesions to investigate the prevalence of virus/bacteria in the wild populations; rectal temperatures and use of a pulse oxymeter to monitor animals' conditions during procedures; oral swabs for zoonotic disease studies; and ultrasound for blubber thickness measurements.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301)713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 42–1642, 482–1653, or 1026–1671.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 18, 2004.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 04–4023 Filed 2–23–04; 8:45 am]

BILLING CODE 3510–22–S

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Cancellation of Directive Denying Entry to Textiles and Textile Products Allegedly Manufactured by a Certain Factory in El Salvador

February 20, 2004.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Cancelling a directive to the Commissioner, Bureau of Customs and Border Protection to deny entry to shipments allegedly manufactured by a certain factory in El Salvador

**EFFECTIVE DATE:** February 24, 2004.

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 12475 of May 9, 1984, as amended.

In a notice and letter to the Commissioner, Bureau of Customs and Border Protection, dated December 16, 2003 and published on December 22, 2003 (68 FR 71096), the Chairman of CITA directed the Bureau of Customs and Border Protection to deny entry, for two years, to textiles and textile products allegedly manufactured by Daewoo El Salvador, S.A. de C.V. The Bureau of Customs and Border Protection had informed CITA that this company was found to have been illegally transshipping, closed or unable to produce records to verify production.

Based upon information received since that time, CITA has decided to cancel that directive. Effective on February 24, 2004, the Bureau of Customs and Border Protection should not apply that directive to shipments of textiles and textile products allegedly manufactured by Daewoo El Salvador, S.A. de C.V. CITA expects that the Bureau of Customs and Border Protection will conduct additional on-site verifications of this company's production when possible.

**James C. Leonard III,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

February 20, 2004.

Commissioner of Customs,
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: In the letter to the Commissioner, Bureau of Customs and Border Protection, dated December 16, 2003 (68 FR 71096), the Chairman of CITA directed the Bureau of Customs and Border Protection to deny entry to textiles and textile products allegedly manufactured by Daewoo El Salvador, S.A. de C.V. The Bureau of Customs and Border Protection had informed CITA that this company was found to have been illegally transshipping, closed or unable to produce records to verify production.

Based on information received since that time, CITA has decided to cancel that directive. Effective on February 24, 2004, the Bureau of Customs and Border Protection should not apply that directive to shipments of textiles and textile products allegedly manufactured by Daewoo El Salvador, S.A. de C.V. CITA expects that the Bureau of Customs and Border Protection will conduct additional on-site verifications of this company's production when possible.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
James C. Leonard III,
*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc.04–4093 Filed 2–20–04; 11:16 am]

**BILLING CODE 3510–DR–S**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, 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 April 26, 2004.

**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, Regulatory Information Management Group, 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: February 18, 2004.

**Angela C. Arrington,**

*Leader, Regulatory Information Management Group, Office of the Chief Information Officer.*

**Office of Postsecondary Education**

*Type of Review:* Reinstatement.

*Title:* Robert C. Byrd Honors Scholarship Program Performance Report.

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 57.

*Burden Hours:* 228.

*Abstract:* This information is required of State agencies that administer the Robert C. Byrd Honors Scholarship Program under Title IV, Part A, Subpart 6 of the Higher Education Act of 1965, as amended and administered under 34 CFR Part 654. This information is used to monitor the compliance of the state educational agencies.

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 2282. When you access the information collection, click on ''Download Attachments ''to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivian_reese@ed.gov*. Requests may also

be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. 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 Joe 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. 04–3946 Filed 2–23–04; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, 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 April 26, 2004.

**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, Regulatory Information Management Group, 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: February 18, 2004.

**Angela C. Arrington,**

*Leader, Regulatory Information Management Group, Office of the Chief Information Officer.*

**Institute of Education Sciences**

*Type of Review:* New.

*Title:* Impact Evaluation of Teacher Preparation Methods.

*Frequency:* On Occasion.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household.

*Reporting and Recordkeeping Hour Burden: Responses:* 4,000. *Burden Hours:* 14,008.

*Abstract:* Data collection for impact evalaution of teacher preparation methods. A sample of teachers are the primary respondents.

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 2456. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivian_reese@ed.gov*. Requests may also be electronically mailed to the internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. 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 Kathy Axt at her e-mail address *Kathy.Axt@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. 04–3947 Filed 2–23–04; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

### Office of Safe and Drug-Free Schools; Overview Information; Grants To Reduce Alcohol Abuse; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2004

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.184A

**DATES:** Applications Available: February 24, 2004.

Deadline for Transmittal of Applications: April 9, 2004.

Deadline for Intergovernmental Review: April 26, 2004.

*Eligible Applicants:* Local educational agencies (LEAs).

*Estimated Available Funds:* $5,500,000. The Secretary may reserve up to 25 percent of funds to award grants to low-income and rural LEAs. Contingent upon the availability of funds, we may make additional awards in FY 2005 from the rank-ordered list of non-funded applications from this competition.

*Estimated Range of Awards:* $250,000–$750,000.

*Estimated Average Size of Awards:* $500,000.

*Estimated Number of Awards:* 11.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 36 months.

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* This program provides grants to LEAs to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

*Priority:* In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 4129 of the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. 7139.

*Absolute Priority:* For FY 2004 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: Alcohol Abuse Reduction.

A project must develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

*Program Authority:* 20 U.S.C. 7139.

*Applicable Regulations:* The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, 99, and 299.

**II. Award Information**

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* $5,500,000. The Secretary may reserve

up to 25 percent of funds for grants to low-income and rural LEAs. Contingent upon the availability of funds, we may make additional awards in FY 2005 from the rank-ordered list of non-funded applications from this competition.

*Estimated Range of Awards:* $250,000–$750,000.

*Estimated Average Size of Awards:* $500,000.

*Estimated Number of Awards:* 11.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 36 months.

**III. Eligibility Information**

1. *Eligible Applicants:* LEAs.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

3. *Other:* To be eligible to receive a grant under this competition, an LEA's application must include—

i. A description of the activities to be carried out under the grant;

ii. An assurance that such activities will include one or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration (SAMSA);

iii. An explanation of how other activities to be carried out under the grant that are not a SAMSA model program will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

iv. An assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant.

**IV. Application and Submission Information**

1. *Address to Request Application Package:* Education

Publications Center (ED Pubs), P.O Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov*

If you request an application from ED Pubs be sure to identify this competition as follows: CFDA number 84.184A.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed under For Further Information Contact elsewhere in this notice.

2. *Content and Form of Application Submission:*

Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. You may access the electronic version of the application at the following Web site: *http://www.ed.gov/programs/dvalcoholabuse/index.html*

3. *Submission Dates and Times:*

Applications Available: February 24, 2004.

Deadline for Transmittal of Applications: April 9, 2004.

The dates and times for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this competition. The application package also specifies the hours of operation of the e-Application Web site.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: April 26, 2004.

*Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

4. *Funding Restrictions:* We reference regulations outlining funding restrictions in the Applicable *Regulations* section of this notice.

5. *Other Submission Requirements:* Instructions and requirements for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this competition. Application Procedures: The Government Paperwork Elimination Act (GPEA) of 1998 (Pub. L. 105–277) and the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107) encourage us to undertake initiatives to improve our grant processes. Enhancing the ability of individuals and entities to conduct business with us electronically is a major part of our response to these Acts. Therefore, we are taking steps to adopt the Internet as our chief means of conducting transactions in order to improve services to our customers and to simplify and expedite our business processes.

Some of the procedures in these instructions for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 DCR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

We are requiring that applications for grants under the Grants to Reduce Alcohol Abuse competition-CFDA Number 84.184A-be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-GRANTS system. The e-GRANTS system is accessible through its portal page at: *http://e-grants.ed.gov.*

If you are unable to submit an application through the e-GRANTS system, you may submit a written request for a waiver of the electronic submission requirement. In your request, you should explain the reason or reasons that prevent you from using the Internet to submit your application. Address your request to: Ethel F. Jackson, U.S. Department of Education, 400 Maryland Avenue, SW, room 3E308, FOB#6, Washington, DC 20202–6450. Please submit your request no later than two weeks before the application deadline date.

If, within two weeks of the application deadline date, you are unable to submit an application electronically, you must submit a paper application by the application deadline date in accordance with the transmittal instructions in the application package. The paper application must include a written request for a waiver documenting the reasons that prevented you from using the Internet to submit your application.

*Pilot Project for Electronic Submission of Applications:* We are continuing to expand our pilot project for electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. The Grants to Reduce Alcohol Abuse competition—CFDA Number 84.184A—is one of the programs included in the pilot project. If you are an applicant under the Grants to Reduce Alcohol Abuse competition, you must submit your application to us in electronic format or receive a waiver.

The pilot project involves the use of e-Application. If you use e-Application, you will be entering data online while completing your application. You may not e-mail an electronic copy of a grant

application to us. The data you enter online will be saved into a database. We shall continue to evaluate the success of e-Application and solicit suggestions for its improvement.

If you participate in e-Application, please note the following:

• When you enter the e-Application system, you will find information about its hours of operation. We strongly recommend that you do not wait until the application deadline date to initiate an e-Application package.

• You will not receive additional point value because you do not submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.

• You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information-Non-Construction Programs (ED 524) and all necessary assurances and certifications.

• Your e-Application must comply with any page limit requirements described in this notice.

• After you electronically submit your application, you will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

• Within three working days after submitting your electronic application, fax a signed copy of the Application for Federal Education Assistance (ED 424) to the Application Control Center after following these steps:

1. Print ED 424 from e-Application.

2. The institution's Authorizing Representative must sign this form.

3. Place the PR/Award number in the upper right hand corner of the hard copy signature page of the ED 424.

4. Fax the signed ED 424 to the Application Control Center at (202) 260–1349.

• We may request that you give us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of System Unavailability: If you are prevented from submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

1. You are a registered user of e-Application and you have initiated an e-Application for this competition; and

2. (a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time during the last hour of operation (that is, for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time) on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under For Further Information Contact (see VII. Agency Contact) or (2) the e-GRANTS help desk at 1–888–336–8930.

You may access the electronic grant application for the Grants to Reduce Alcohol Abuse competition at: *http://e-grants.ed.gov.*

## V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are in 34 CFR 75.210 and in the application package for this competition.

2. *Review and Selection Process:* An additional factor we consider in selecting an application for an award is rural and low-income status.

Applications from rural and low-income applicants will be read and scored separately and up to 25 percent of the available funds will be reserved for awards to these LEAs. The following is a suggested definition of rural and low-income that has been used by this program in a previous competition; however, LEAs that want to be considered as rural and low-income applicants may provide other supporting evidence of their status as rural and low-income.

A rural and low-income LEA is one (a) that is designated with a locale code of 6, 7, or 8, as determined by the Department's National Center for Education Statistics (NCES); and (b) in which 20 percent or more of the children ages 5 through 17 years served by the LEA are from families below the poverty line. *Note:* Applicants wishing to be considered under this factor must be both rural and low-income.

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we will notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.718.

4. *Performance Measures:* Under the Government Performance and Results Act (GPRA), three measures have been developed for evaluating the overall effectiveness of the Grants to Reduce Alcohol Abuse competition: (1) The percentage of grantees whose target students show a measurable decrease in binge drinking; (2) the percentage of grantees that show a measurable increase in the percentage of target students who believe that alcohol abuse is harmful to their health; and (3) the percentage of grantees that show a measurable increase in the percentage of target students who disapprove of alcohol abuse. These three measures constitute the Department's indicators of success for this program. Consequently, applicants for a grant under this program are advised to give careful consideration to these three outcomes in conceptualizing the design, implementation, and evaluation of their proposed project. If funded, applicants will be asked to collect and report data in their annual performance reports about progress toward these goals.

## VII. Agency Contact

*For Further Information Contact:* Ethel F. Jackson, U.S. Department of Education, 400 Maryland Ave., SW., room 3E308, Washington, DC 20202–6450. Telephone: (202) 260–2812 or by e-mail: *ethel.jackson@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

**VIII. Other Information**

*Electronic Access to This Document:* You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: February 18, 2004.

**Deborah A. Price,**

*Deputy Under Secretary for Safe and Drug-Free Schools.*

[FR Doc. 04–3988 Filed 2–23–04; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF EDUCATION

## Office of Safe and Drug-Free Schools; Overview Information; Partnerships in Character Education; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2004

*Catalog of Federal Domestic Assistance (CFDA) Number:* 84.215V—State Educational Agencies; 84.215S—Local Educational Agencies

**DATES:** Applications Available: February 24, 2004.

Deadline for Transmittal of Applications: April 9, 2004.

Deadline for Intergovernmental Review: June 8, 2004.

*Eligible Applicants:* An eligible applicant under the 84.215V competition is:

(a) A State educational agency (SEA) in partnership with one or more local educational agencies (LEAs); or

(b) An SEA in partnership with one or more LEAs and nonprofit organizations or entities, including an institution of higher education (IHE).

An eligible applicant under the 84.215S competition is:

(a) An LEA or consortium of LEAs; or

(b) An LEA in partnership with one or more nonprofit organizations or entities, including an IHE.

*Estimated Available Funds:* $2,496,331. Contingent upon the availability of funds, we may make additional awards in FY 2005 from the rank-ordered list of nonfunded applications from this competition.

*Estimated Range of Awards:* For CFDA 84.215V—State educational agencies—$350,000 to $750,000 for each 12-month budget period. For CFDA 84.215S—Local educational agencies—$100,000 to $500,000 for each 12-month budget period.

*Estimated Average Size of Awards:* For CFDA 84.215V—State educational agencies—$550,000 for each 12-month budget period. For CFDA 84.215S—Local educational agencies—$300,000 for each 12 month budget period.

*Minimum Award:* Pursuant to Section 5431(a)(4) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7247), we will reject any request from an SEA that proposes a total budget for the entire project period that is *less* than $500,000. This restriction does not apply to applications from LEAs.

*Estimated Number of Awards:* 6–9.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months, of which no more than 12 months may be used for planning and program design.

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* Under this program we provide Federal financial assistance to eligible entities to assist them in designing and implementing character education programs that take into consideration the view of parents, students, students with disabilities (including those with mental or physical disabilities) and other members of the community, including members of private and nonprofit organizations.

*Priorities:* This competition includes one absolute priority and one invitational priority that are explained in the following paragraphs. To be considered for funding, each applicant must address the absolute priority. These priorities are as follows.

In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from Title V, Part D, Subpart 3, Section 5431 of the ESEA (20 U.S.C. 7247).

*Absolute Priority:* For this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: the design and implementation of character education programs that:

(A) Are able to be integrated into classroom instruction and to be consistent with State academic content standards; and

(B) Are able to be carried out in conjunction with other educational reform efforts.

Within this absolute priority, we are particularly interested in applications that address the following invitational priority.

*Invitational Priority:*

Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

*Invitational Priority—Experimental and Quasi-Experimental Evaluation Designs*

The Secretary is particularly interested in receiving applications that propose evaluation plans that are based on rigorous scientifically based research methods to assess the effectiveness of a particular intervention. The Secretary intends that this priority will allow program participants and the Department to determine whether the project produces meaningful effects on student achievement or teacher performance.

Evaluation methods using an experimental design are best for determining project effectiveness. Thus, we encourage projects to use an experimental design under which participants—*e.g.*, students, teachers, classrooms, or schools—are randomly assigned to participate in the project activities being evaluated or to a control group that does not participate in the project activities being evaluated.

If random assignment is not feasible, the project might use a quasi-experimental design with carefully matched comparison conditions. This alternative design attempts to approximate a randomly assigned control group by matching participants—*e.g.*, students, teachers, classrooms, or schools—with non-participants having similar pre-program characteristics.

In cases where random assignment is not possible and an extended series of observations of the outcome of interest precedes and follows the introduction of a new program or practice, regression discontinuity designs might be employed.

For projects that are focused on special populations in which sufficient numbers of participants are not available to support random assignment or matched comparison group designs, single-subject designs such as multiple baseline or treatment reversal or interrupted time series that are capable of demonstrating causal relationships could be employed.

When sufficient numbers of participants are available to support evaluation strategies that use experimental designs with random assignment or quasi-experimental designs using a match comparison group or regression continuity designs, applicants are encouraged to use one of these designs. Evaluation strategies that involve sufficient numbers of participants to support group designs should be capable of demonstrating the causal effects of an intervention or program on those participants. The proposed evaluation plan should describe how the project evaluator will collect—before the project intervention commences and after it ends—valid and reliable data that measure the impact of participation in the program or in the comparison group.

A quality evaluation method should consider the following:

(1) The type of design to be used (that is, random assignment or matched comparison). If it will be matched comparison, the applicant should include in the plan a discussion of why random assignment is not feasible.

(2) The outcomes to be measured.

(3) A discussion of how the applicant plans to assign students, teachers, classrooms, or schools to the project and control group or match them for comparison with other students, teachers, classrooms, or schools.

(4) A proposed evaluator, preferably independent, with the necessary background and technical expertise to carry out the proposed evaluation. (An independent evaluator does not have any authority over the project and is not involved in its implementation.)

*Program Authority:* 20 U.S.C. 7247.

*Applicable Regulations:* The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, 99, and 299.

**Note:** The regulations in 34 CFR part 86 apply to IHEs only.

## II. Award Information

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* $2,496,331. Contingent upon the availability of funds, we may make additional awards in FY 2005 from the rank-ordered list of nonfunded applications from this competition.

*Estimated Range of Awards:* For CFDA 84.215V—State educational agencies—$350,000 to $750,000 for each 12-month budget period. For CFDA 84.215S—Local educational agencies—$100,000 to $500,000 for each 12-month budget period.

*Estimated Average Size of Awards:* For CFDA 84.215V—State educational agencies—$550,000 for each 12-month budget period. For CFDA 84.215S—Local educational agencies—$300,000 for each 12-month budget period.

*Minimum Award:* Pursuant to Section 5431(a)(4) of the ESEA, we will reject any application from an SEA that proposes a total budget for the entire project period that is less than $500,000. There is no such restriction on applications from LEAs.

*Estimated Number of Awards:* 6–9.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 48 months, of which no more than 12 months may be used for planning and program design.

## III. Eligibility Information

1. *Eligible Applicants:* An eligible applicant under the 84.215V competition is:

(a) An SEA in partnership with one or more LEAs; or

(b) An SEA in partnership with one or more LEAs and nonprofit organizations or entities, including an IHE.

An eligible applicant under the 84.215S competition is:

(a) An LEA or consortium of LEAs; or

(b) An LEA in partnership with one or more nonprofit organizations or entities, including an IHE.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

3. *Other:* Each eligible entity receiving a grant must provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in the funded programs and activities.

## IV. Application and Submission Information

1. *Address to Request Application Package:* Sharon J. Burton, U.S. Department of Education, 555 New Jersey Avenue, NW., room 203, Washington, DC 20208–5570. Telephone: (202) 219–2044, Fax: (202) 208–1190 or by e-mail: *Sharon.Burton@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. It is strongly suggested that you limit Part III to the equivalent of no more than 25 pages, using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, we request that you include all of the application narrative in Part III.

3. *Submission Dates and Times:*

Applications Available: February 24, 2004.

Deadline for Transmittal of Applications: April 9, 2004.

**Note:** We are requiring that applications for grants under this program be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-GRANTS system. For information about how to access the e-GRANTS system or to request a waiver of the electronic submission requirement, please refer to Section IV, Other Submission Requirements, in this notice.

The application package for this program specifies the hours of operation of the e-Application Web site. If you are requesting a waiver of the electronic submission requirement, the dates and times for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are also in the application package.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: June 8, 2004.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR 79. Information about Intergovernmental Review of Federal Competitions under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* The regulations on determining allowable costs are in 34 CFR 80. We reference regulations outlining additional funding restrictions in the *Applicable Regulations* section of this notice.

An SEA receiving a grant may use no more than 3 percent of the grant funds, each year, for administrative purposes. The remainder of these funds may be used for (1) collaborative initiatives with and between LEAs and schools; (2) the preparation or purchase of materials, and teacher training; (3) providing assistance to LEAs, schools, or IHEs; and (4) technical assistance and evaluation.

6. *Other Submission Requirements:* Instructions and requirements for the transmittal of applications by mail or by hand (including a courier service or commercial carrier) are in the application package for this competition.

Application Procedures: The Government Paperwork Elimination Act (GPEA) of 1998 (Pub. L. 105–277) and the Federal Financial Assistance Management Improvement Act of 1999 (Pub. L. 106–107) encourage us to undertake initiatives to improve our grant processes. Enhancing the ability of individuals and entities to conduct business with us electronically is a major part of our response to these Acts. Therefore, we are taking steps to adopt the Internet as our chief means of conducting transactions in order to improve services to our customers and to simplify and expedite our business processes.

Some of the procedures in these instructions for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

We are requiring that applications for grants under Partnerships in Character Education—CFDA Number 84.215V—State educational agencies and CFDA Number 84.215S—Local education agencies be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-GRANTS system. The e-GRANTS system is accessible through its portal page at: *http://e-grants.ed.gov.*

If you are unable to submit an application through the e-GRANTS system, you may submit a written request for a waiver of the electronic submission requirement. In your request, you should explain the reason or reasons that prevent you from using the Internet to submit your application. Address your request to: Sharon J. Burton, U.S. Department of Education, 555 New Jersey Avenue, NW., room 203, Washington, DC 20208–5570. Please submit your request no later than two weeks before the application deadline date.

If, within two weeks of the application deadline date, you are unable to submit an application electronically, you must submit a paper application by the application deadline date in accordance with the transmittal instructions in the application package. The paper application must include a written request for a waiver documenting the reasons that prevented you from using the Internet to submit your application.

Pilot Project for Electronic Submission of Applications: We are continuing to expand our pilot project for electronic submission of applications to include additional formula grant programs and additional discretionary grant competitions. Partnerships in Character Education—CFDA Number 84.215V—State educational agencies and CFDA Number 84.215S—Local educational agencies are two of the competitions included in the pilot project. If you are an applicant under Partnerships in Character Education you must submit your application to us in electronic format or receive a waiver.

The pilot project involves the use of e-Application. If you use e-Application, you will be entering data online while completing your application. You may not e-mail an electronic copy of a grant application to us. The data you enter online will be saved into a database. We shall continue to evaluate the success of e-Application and solicit suggestions for its improvement.

If you participate in e-Application, please note the following:

- When you enter the e-Application system, you will find information about its hours of operation. We strongly recommend that you do not wait until the application deadline date to initiate an e-Application package.
- You will not receive additional point value because you submit a grant application in electronic format, nor will we penalize you if you submit an application in paper format.
- You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- Your e-Application must comply with any page limit requirements described in this notice.
- After you electronically submit your application, you will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).
- Within three working days after submitting your electronic application, fax a signed copy of the Application for Federal Education Assistance (ED 424) to the Application Control Center after following these steps:

1. Print ED 424 from e-Application.

2. The institution's Authorizing Representative must sign this form.

3. Place the PR/Award number in the upper right hand corner of the hard copy signature page of the ED 424.

4. Fax the signed ED 424 to the Application Control Center at (202) 260–1349.

- We may request that you give us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of System Unavailability: If you are prevented from submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

1. You are a registered user of e-Application, and you have initiated an e-Application for this competition; and

2. (a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) The e-Application system is unavailable for any period of time during the last hour of operation (that is, for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time) on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-GRANTS help desk at 1–888–336–8930.

You may access the electronic grant application for Partnerships in Character Education at: *http://e-grants.ed.gov*

**V. Application Review Information**

1. *Selection Criteria:* The selection criteria for this competition are in the application package.

2. *Review and Selection Process:* Additional factors we consider in selecting an application for an award are in 20 U.S.C. 7247. In making selections for funding, we will ensure, to the extent practicable, that the projects are equitably distributed among the geographic regions of the United States, and among urban, suburban, and rural areas.

**VI. Award Administration Information**

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. Additional reporting requirements are set out in Section 5431(h) of the ESEA.

4. *Performance Measure:* We have established one performance indicator for the Partnerships in Character Education Program. The indicator is: Partnerships in Character Education Program grantees will demonstrate predicted student effects through valid, rigorous evaluations. Consequently, applicants for a grant under this program are advised to give careful consideration to this measure in conceptualizing the design, implementation, and evaluation of their proposed project. If funded, applicants will be asked to collect and report data in their annual performance reports on evaluation outcomes. We will track this indicator through the use of one measure.

*Measure:* The proportion of projects funded under this competition demonstrating predicted student effects through valid, rigorous evaluations will increase.

**VII. Agency Contact**

**FOR FURTHER INFORMATION CONTACT:** Sharon J. Burton, U.S. Department of Education, 555 New Jersey Avenue, NW., room 203, Washington, DC 20208–5570. Telephone: (202) 219–2044, FAX: (202) 208–1190 or by e-mail: *Sharon.Burton@ed.gov*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

**VIII. Other Information**

*Electronic Access to This Document:* You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: February 19, 2004.

**Deborah A. Price,**

*Deputy Under Secretary for Safe and Drug-Free Schools.*

[FR Doc. 04–3989 Filed 2–23–04; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Project No. 2004–075–Massachusetts]**

## City of Holyoke Gas & Electric Department; Notice

February 18, 2004.

By notice of January 28, 2003, Commission staff was assigned to help facilitate resolution of environmental and related issues associated with development of a comprehensive settlement agreement for the Holyoke Project. The following staff will also be considered ''separated staff'' and will take no part in the Commission's review of the offer of settlement and the comprehensive settlement agreement, or deliberations concerning the disposition of the rehearings:

Robert Grieve, Office of Energy Projects.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–363 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## El Paso Natural Gas Company; Notice of Compliance Filing

February 18, 2004.

Take notice that on February 12, 2004, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, Substitute Original Sheet No. 219H and Substitute Original Sheet No. 219I, with an effective date of February 1, 2004.

El Paso states that the filing is being filed in compliance with the Commission's Order addressing its directional transfer scheduling proposal.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at

*http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–359 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP03–543–001]**

## Iroquois Gas Transmission System, L.P.; Notice of Fuel Calculations

February 18, 2004.

Take notice that on January 8, 2004, Iroquois Gas Transmission System, L.P., (Iroquois) tendered for filing revised schedules to correct previously submitted calculations supporting the Measurement Variance/Fuel Use Factors utilized by Iroquois during the period January 1, 2003 through June 30, 2003.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before the protest date as shown below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

*Protest Date:* February 25, 2004.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–366 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP04–153–000]**

## Iroquois Gas Transmission System, L.P.; Notice of Fuel Calculations

February 18, 2004.

Take notice that on January 8, 2004, Iroquois Gas Transmission System, L.P., (Iroquois) tendered for filing schedules reflecting calculations supporting the Measurement Variance/Fuel Use Factors utilized by Iroquois during the period July 1, 2003 through December 31, 2003.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before the date as indicated below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary 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. Comments, protests and interventions 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 under the e-Filing link.

*Protest Date:* February 25, 2004.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–367 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP04–165–000]**

## Midwestern Gas Transmission Company; Notice of Cashout Report

February 18, 2004.

Take notice that on February 11, 2004, Midwestern Gas Transmission Company (Midwestern) tendered for filing, its 10th annual cashout report for the September 2002 through August 2003 period.

Midwestern states that the cashout report reflects a net cashout gain of $290,294. Midwestern states that it will credit this gain to its firm shippers in its next issuance of invoices.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed on or before the date as indicated below. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

*Comment Date:* February 25, 2004.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–369 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. CP04–62–000]**

## Midwestern Gas Transmission Company; Notice of Application

February 18, 2004.

Take notice that Midwestern Gas Transmission Company (Midwestern), 13710 FNB Parkway, Omaha, Nebraska 68154, filed in Docket No. CP04–62–000 on February 11, 2004, an application pursuant to section 7(b) of the Natural Gas Act (NGA), as amended, to abandon in place pipeline facilities consisting of 1.6 miles of 30-inch diameter mainline (Midwestern's Line 2100–2) and appurtenant facilities, located near the Portland, Tennessee, Compressor Station, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing 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, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Raymond D. Neppl, Vice President, Regulatory Affairs and Market Services, at (402) 492–7428.

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, on or before March 10, 2004, 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. A party must submit 14 copies of filings made with 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.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of 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. 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 may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

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.

*Comment Date:* March 10, 2004.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–371 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP04–164–000]**

## Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 18, 2004.

Take notice that on February 11, 2004, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in the filing, to be effective April 1, 2004.

Northwest states that the purpose of this filing is to revise Northwest's tariff to conform it to Northwest's current practices concerning certain electronic communication, transaction and contracting procedures.

Northwest states that a copy of this filing has been served upon Northwest's customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See*, 18 CFR 385.2001(a)(1)(iii) and the

instructions on the Commission's Web site under the e-Filing link.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–368 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP04–166–000]**

## Trunkline Gas Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

February 18, 2004.

Take notice that on February 12, 2004, Trunkline Gas Company, LLC (Trunkline) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets to become effective March 14, 2004:

First Revised Sheet No. 269
First Revised Sheet No. 270

Trunkline states that this filing is to revise the right of first refusal (ROFR) provisions in section 11.3 of the General Terms and Conditions of Trunkline's tariff to clarify its rights to allow a contractual ROFR when a service agreement might otherwise not be eligible for such rights.

Trunkline further states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or TTY, contact (202) 502–8659. The Commission strongly encourages electronic filings. *See,* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the e-Filing link.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–370 Filed 2–23–04;8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. ER04–350–000]**

## XL Trading Partners America LLC; Notice of Issuance of Order

February 17, 2004.

XL Trading Partners America LLC (XL Trading) 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. XL Trading also requested waiver of various Commission regulations. In particular, XL Trading requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by the XL Trading.

On February 9, 2004, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, 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 XL Trading 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, as set forth above, is March 10, 2004.

Absent a request to be heard in opposition by the deadline above, XL Tading 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 XL Trading, 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 XL Trading's issuances of securities or assumptions of liability.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 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 e library (FERRIS) 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. E4–356 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. EC04–64–000, et al.]**

## Denver City Energy Associates, L.P., et al.; Electric Rate and Corporate Filings

February 13, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

### 1. Denver City Energy Associates, L.P.

[Docket No. EC04–64–000]

Take notice that on February 11, 2004, Denver City Energy Associates, L.P. (DCE) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of an indirect disposition of jurisdictional facilities in connection with the sale by United States Power Fund, L.P. to UnionBanCal Equities, Inc. DCE states that it request confidential treatment of a document submitted therewith.

DCE states that copies of the application were served upon the Public Utility Commission of Texas and Golden Spread Electrical Cooperative, Inc.

*Comment Date:* March 3, 2004.

**2. ALLETE, Inc.**

[Docket No. EL04–81–000]

Take notice that on February 9, 2004, ALLETE, Inc. (ALLETE) tendered for filing a Petition for Declaratory Order pursuant to rule 207 of the Commission's rules of practice and procedure, 18 CFR 385.207, seeking Commission ratification that: (i) The distribution to ALLETE's shareholders of common stock of its indirect wholly-owned non-utility subsidiary, ADESA Corporation is not prohibited by section 305(a) of the Federal Power Act; and (ii) the manner in which ALLETE proposes to account for the distribution is acceptable and in accordance with the Uniform System of Accounts.

*Comment Date:* March 1, 2004.

**3. BlueStar Energy Services, Inc.**

[Docket No. ER04–426–001]

Take notice that on February 11, 2004, BlueStar Energy Services, Inc. (BlueStar) tendered for filing an amendment to its petition filed January 20, 2004, in Docket No. ER04–426–000.

*Comment Date:* March 3, 2004.

**4. PacifiCorp**

[Docket No. ER04–489–001]

Take notice that on February 11, 2004, PacifiCorp tendered for filing in accordance with 18 CFR part 35 of the Commission's rules and regulations an amendment to PacifiCorp's December 17, 2003, filing submitting proposed revisions to PacifiCorp's market based rate tariff designated as FERC Electric Tariff, 4th Rev. Volume No. 12. PacifiCorp requests waiver of the Commission's prior notice requirements so that the revisions may be effective on December 17, 2003.

PacifiCorp states that copies of this filing have been supplied to all parties designated on the official service list compiled by the Secretary in this proceeding.

*Comment Date:* March 3, 2004.

**5. SWEPI LP**

[Docket No. ER04–547–000]

Take notice that on February 11, 2004, SWEPI LP tendered for filing a Notice of Cancellation, of its FERC Electric Tariff, Original Volume No. 1, which was accepted by the Commission on October 24, 2002, in Docket No. ER02–2558–000. SWEPI LP requests waiver of the 60-day notice period to allow the cancellation of its tariff to become effective immediately.

*Comment Date:* March 3, 2004.

**6. PJM Interconnection, L.L.C.**

[Docket No. ER04–548–000]

Take notice that on February 11, 2004, PJM Interconnection, L.L.C. (PJM) submitted revisions to Schedule 9–2 and Schedule 9–3 of the PJM Open Access Transmission Tariff (PJM Tariff) regarding the recovery of costs of administering Financial Transmission Rights and Market Support Services. PJM requests waiver of 18 CFR 35.3 to permit an effective date of April 1, 2004, for the proposed revisions to Schedule 9–2. PJM requests an effective date of May 1, 2004, for the proposed revisions to Schedule 9–3.

PJM states that copies of the filing were served on all PJM members and on the utility regulatory commissions in the PJM region.

*Comment Date:* March 3, 2004.

**7. Virginia Electric and Power Company**

[Docket No. ER04–549–000]

Take notice that on February 11, 2004, Virginia Electric and Power Company, doing business as Dominion Virginia Power, tendered for filing its Large Generator Interconnection Procedures and Large Generator Interconnection Agreement in compliance with Order No. 2003 issued July 24, 2003, in Docket No. RM02–1–000 and Order Denying Stay and Granting Extension issued 7/24/03 in Docket Nos. RM02–1–000 and 001. Dominion Virginia Power requests an effective date of February 12, 2004.

Dominion Virginia Power states that copies of the filing were served upon customers under Dominion Virginia Power's open access transmission tariff, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

*Comment Date:* March 3, 2004.

**8. Aquila, Inc.**

[Docket No. ES04–13–000]

Take notice that on February 9, 2004, Aquila, Inc. (Aquila) submitted an application pursuant to section 204 of the Federal Power Act to authorize Aquila to issue up to and including $500 million of secured and unsecured notes and other evidences of indebtedness.

*Comment Date:* March 1, 2004.

**Standard Paragraph**

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–357 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. EC04–650–000, et al.]**

## GenWest LLC, et al.; Electric Rate and Corporate Filings

February 17, 2004.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

**1. GenWest LLC**

[Docket No. EC04–65–000]

Take notice that on February 13, 2004, GenWest LLC (GenWest) tendered for filing pursuant to section 203 of the Federal Power Act, an application for authorization for GenWest to transfer a 25% undivided ownership interest in its Silverhawk Generating Facility to the Southern Nevada Water Authority on or after commercial operation.

*Comment Date:* March 5, 2004.

**2. San Roque Power Corporation**

[Docket No. EG04–33–000]

Take notice that on February 12, 2004, San Roque Power Corporation (Applicant), with its principal office at 6766 Ayala Avenue, 1200 Makati City, Republic of the Philippines, filed with

the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Applicant states that it is a Philippine corporation engaged directly and exclusively in the business of owning and operating an approximately 345 MW, hydroelectric facility located on Luzon Island in the Republic of the Philippines. Applicant further states that electric energy produced by the facility will be sold at wholesale and entirely outside the United States.

*Comment Date:* March 4, 2004.

**3. PSEG Huangshi Power Ltd.**

[Docket No. EG04–34–000]

Take notice that on February 12, 2004, PSEG Huangshi Power Ltd. (PSEG Huangshi), with its principal office at Clarendon House, 2 Church Street, Hamilton HM11, Bermuda, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission(s regulations.

PSEG Huangshi states that it is a corporation organized under the laws of Bermuda. PSEG Huangshi states that it will be engaged, directly or indirectly through an affiliate as defined in section 2(a)(11)(B) of the Public Utility Holding Company Act of 1935 (PUHCA), exclusively in owning, operating, or both owning and operating: (1) A 50 percent ownership interest in a coal-fired thermal facility consisting of a steam turbine and generator with a total output of approximately 200 megawatts; and (2) a coal-fired thermal facility consisting of two steam turbines and generators with a total output of approximately 600 megawatts. PSEG Huangshi states that it will through an affiliate sell electric energy at wholesale from the facility and may engage in other incidental activities with respect thereto consistent with PUHCA.

*Comment Date:* March 5, 2004.

**4. Maine Public Service Company**

[Docket No. ER00–1053–010]

Take notice that on February 11, 2004, Maine Public Service Company (MPS) submitted revisions to its Open Access Transmission Tariff (OATT) to implement an Agreement regarding Maine Public Service Company's Formula Rate and 2003 Informational Filing (Settlement Agreement).

MPS states that copies of this filing were served on the parties to the proceeding, parties to the Settlement Agreement in Docket No. ER00–1053–000, the Commission Trial Staff, the Maine Public Utilities Commission, the Maine Public Advocate, and current MPS open access transmission tariff customers.

*Comment Date:* March 3, 2004.

**5. ISO New England Inc.**

[Docket No. ER01–316–011]

Take notice that on February 12, 2004, ISO New England Inc. (the ISO) tendered for filing a revised quarterly Index of Customers for the fourth quarter of 2003 for its Tariff for Transmission Dispatch and Power Administration Services filed on February 3, 2004, in Docket No. ER01–316–010. The ISO states that the revision is made to conform to FERC rule 614.

*Comment Date:* March 4, 2004.

**6. NorthWestern Energy Marketing, LLC**

[Docket No. ER02–41–005]

Take notice that on February 12, 2004, NorthWestern Energy Marketing, LLC (NEM) tendered for filing an amended Original Sheet No. 1 to its market-based rate tariff, FERC Electric Tariff, First Revised Volume No. 1, to identify the Commission-approved geographic markets into which NEM may sell ancillary services.

*Comment Date:* March 4, 2004.

**7. NorthWestern Energy**

[Docket No. ER03–329–004]

Take notice that on February 12, 2004, NorthWestern Energy (NWE) tendered for filing an amended Original Sheet No. 1 to its market-based rate tariff, FERC Electric Tariff, Second Revised Volume No. 6, to identify the Commission-approved geographic markets into which NWE may sell ancillary services.

*Comment Date:* March 4, 2004.

**8. American Electric Power Service**

[Docket No. ER04–276–001]

Take notice that on February 12, 2004, American Electric Power Service (AEP) tendered for filing Amendments to an Amended Interconnection and Operation Agreement between Ohio Power Company and Lima Energy Company (LEC). AEP requests an effective date of February 9, 2004.

AEP states that a copy of the filing was served upon LEC and the Public Commission of Ohio.

*Comment Date:* March 4, 2004.

**9. Bravo Energy Resources, LLC**

[Docket No. ER04–292–001]

Take notice that on February 12, 2004, Bravo Energy Resources, LLC (Bravo) submitted an amendment to its petition filed December 15, 2003, for acceptance of Bravo Rate Schedule FERC Electric Tariff Original Volume No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Bravo states that it intends to engage in wholesale electric power and energy purchases and sales as a marketer and that it is not in the business of generating or transmitting electric power.

*Comment Date:* March 4, 2004.

**10. The Clark Fork and Blackfoot, L.L.C.**

[Docket Nos. ER04–467–001]

Take notice that on February 12, 2004, The Clark Fork and Blackfoot, L.L.C. (TCFB) tendered for filing an amended Original Sheet No. 1 to its market-based rate tariff, FERC Electric Tariff, First Revised Volume No. 1, to identify the Commission-approved geographic markets into which TCFB may sell ancillary services.

*Comment Date:* March 4, 2004.

**11. Southern California Edison Company**

[Docket No. ER04–550–000]

Take notice, that on February 12, 2004, Southern California Edison Company (SCE) tendered for filing a revised rate sheet (Revised Sheet) for the Service Agreement for Wholesale Distribution Service between SCE and the City of Rancho Cucamonga, California (Rancho Cucamonga). SCE states that the Revised Sheet reflects a revised date for the commencement of wholesale Distribution Service.

SCE states that copies of this filing were served upon the Public Utilities Commission of the State of California, and Rancho Cucamonga.

*Comment Date:* March 4, 2004.

**12. Western Systems Power Pool, Inc.**

[Docket No. ER04–551–000]

Take notice that on February 12, 2004, Western Systems Power Pool, Incorporated (WSPP) tendered for filing a request to amend the WSPP Agreement to include ATCO Power Canada Ltd. (ATCO) and Las Vegas Cogeneration II, LLC (LVC II) as participants. The WSPP seeks an effective date of December 22, 2003, for LVC II membership and January 12, 2004, for ACTO's membership.

WSPP states that copies of this filing will be served upon ATCO and Black Hills Generation, Inc., the parent company of LVCC II. In addition, WSPP states that copies will be emailed to WSPP members who have supplied email addresses for the Contract

Committee and Contacts lists. WSPP further states that this filing also has been posted on the WSPP home page (*www.wspp.org*) thereby providing notice to all WSPP members.

*Comment Date:* March 4, 2004.

**13. Illinois Power Company**

[Docket No. ER04–552–000]

Take notice that on February 12, 2004, Illinois Power Company (Illinois Power) tendered for filing First Revised Sheet No. 10 and Original Sheet No. 180 through Original Sheet No. 346, to include the *pro forma* Large Generator Interconnection Procedures and the Large Generator Interconnection Agreement in its Open Access Transmission Tariff. Illinois Power requests an effective date of January 20, 2004, for the tariff sheets.

*Comment Date:* March 4, 2004.

**14. Avista Corporation**

[Docket Nos. ER04–553–000]

Take notice that on February 12, 2004, Avista Corporation (Avista) tendered for filing with the Federal Regulatory Commission a Notice of Cancellation of Avista's Rate Schedule No. 194 with PacifiCorp.

*Comment Date:* March 4, 2004.

**15. Diverse Power Incorporated**

[Docket No. ER04–555–000]

Take notice that on February 12, 2004, Diverse Power Incorporated (Diverse) submitted its proposed Revised Tariff Sheet No. 1 of its Original FERC Rate Schedule No. 1. The revised tariff sheet is being filed to reflect a change in name from Troup Electric Membership Corp. to Diverse Power Incorporated.

*Comment Date:* March 4, 2004.

**Standard Paragraph**

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov*, using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–358 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Project No. 2503–068]**

## Duke Power Company, a Division of Duke Energy; Notice of Availability of Environmental Assessment

February 18, 2004.

In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Energy Regulatory Commission's (Commission) regulations (18 CFR part 380), Commission staff have prepared an environmental assessment (EA) that analyzes the environmental impacts of allowing Duke Power Company, licensee for the Keowee-Jocassee Hydroelectric Project, to authorize the Cliffs at Keowee Vineyards (the Cliffs) use of project lands and waters. Specifically, the Cliffs purposes to excavate about 3,300 cubic yards of sediment material in an area about 785 feet in length, 49 feet in width, and 2.3 feet in depth for the purpose of providing safe access to the previously approved cluster docks serving the subdivision. The EA contains staff's analysis of the potential environmental impacts of the proposal and concludes that approval of the proposed action would not constitute a major Federal action significantly affecting the quality of the human environment.

A copy of the EA is attached to a February 5, 2004, Commission Order titled ''Order Approving Non-Project Use of Project Lands and Waters,'' which is available for review and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''elibrary'' link. Enter the docket number (prefaced by P–) and excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–364 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Notice of Settlement Agreement and Soliciting Comments

February 17, 2004.

Take notice that the following settlement agreement has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Settlement agreement on resolution of issues related to Endangered Species Act listed snails as part of new hydroelectric license applications.

b. *Project Nos.:* P–2778–005, P–2777–07, P–2061–004, P–1975–014, and P–2055–010.

c. *Date filed:* February 12, 2004.

d. *Applicant:* Idaho Power Company.

e. *Name of Projects:* Shoshone Falls, Upper Salmon Falls, Lower Salmon Falls, Bliss, C.J. Strike

f. *Location:* On the Snake River, East of Boise, Idaho in the counties of Owyhee, Elmore, Gooding, Twin Falls, Jerome.

g. *Filed Pursuant to:* Rule 602 of the Commission's rules of practice and procedure, 18 CFR 385.602.

h. *Applicant Contact:* James Tucker, Senior Counsel, Idaho Power Company, 1221 West Idaho Street, Boise, Idaho, 208–388–2112.

i. *FERC Contact:* John Blair, 202–502–6092, *john.blair@ferc.gov*.

j. *Deadline for filing comments:* March 15, 2004. Reply comments: March 25, 2004.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's rules of practice require all interveners 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 intervener files comments or documents with the Commission relating to the merits of an issue that

may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Comments 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. Idaho Power Company (IPC) filed on behalf of the Company and the U.S. Fish and Wildlife Service (FWS) a settlement agreement on the resolution of all issues related to the Endangered Species Act (ESA) listed snails in connection with the relicensing of five Snake River hydroelectric Projects: Shoshone Falls, P–2778 Upper Salmon Falls, P–2777, Lower Salmon Falls, P–2061, Bliss, P–1975, C.J. Strike, P–2055. The five projects have a combined capacity of 252 MW. The specific areas of disagreement and subsequent settlement are whether and how the load following operations at the Lower Salmon Falls, Bliss and C.J. Strike projects affect the listed endangered snails. The resolution of this issue is important because significant loss of power and economic benefits would occur if the projects operated in a year-round run-of-river (ROR) mode instead of following existing operations. IPC and FWS have agreed that additional studies and analyses are desirable to assess projects effects on the snails. IPC and FWS have agreed upon an operational regime for the five projects that will permit six years of studies and analyses of various project operations on the listed snails. All Parties to the settlement have agreed that the Settlement Agreement is fair and reasonable and in the public interest. On behalf of the Parties, PGE requests that the Commission approve the Settlement Agreement and adopt it as part of the new license without material modification.

l. A copy of the settlement agreement 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.

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. E4–354 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Project Nos. P–11810–004, P–5044–008 and P–2935–015]**

## City of Augusta, Enterprise Mill LLC, Avondale Mills, Inc.; Notice of Applications Accepted for Filing; Soliciting Comments, Motions to Intervene and Protests; and Revised Schedule for Processing Applications

February 17, 2004.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection.

a. *Types of Applications:* Original major license, new major license, subsequent minor license.

b. *Project Nos.:* P–11810–004, P–5044–008, and P–2935–015.

c. *Dates filed:* Augusta Canal, 02/03/03; Sibley Mill, 04/02/01; Enterprise Mill; 09/24/01.

d. *Applicants:* City of Augusta, Enterprise Mill LLC, Avondale Mills Inc.

e. *Names of Projects:* Augusta Canal Project, P–11810–004; Sibley Mill Project, P–5044–008; Enterprise Mill Project, P–2935–015.

f. *Location:* On the Augusta Canal, adjacent to the Savannah River, Richmond County, Augusta, GA. The Augusta Canal Project is located on the Savannah River at the diversion dam for the canal. Sibley Mill and Enterprise Mill are located in the Augusta Canal, about 5 and 6 miles, respectively, downstream of the diversion dam. The projects do not affect Federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contacts:* Augusta Canal: Max Hicks, Director, Utilities Department, 360 Bay Street, Suite 180, Augusta, Georgia 30901, (706) 312–4121; Sibley Mill: Mr. J. H. Vaughn, III, Avondale Mills Inc., P.O. Box 128, Graniteville, SC 29829, (803) 663–2116; Enterprise Mill: Beth E. Harris, Project Engineer, CHI Energy, Inc., P.O. Box 8597, Greenville, SC 29604, (864) 281–9630.

i. *FERC Contact:* Monte TerHaar, *monte.terhaar@ferc.gov*, (202) 502–6035.

j. *Cooperating Agencies:* We are asking Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperation status should follow the instruction for filing comments described in item n below.

k. *Deadline for filing comments, motions to intervene, and protests:* 60 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.

Motions to intervene may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

l. These applications have been accepted, and are not ready for environmental analysis at this time.

m. *Project Descriptions:* Augusta Canal: The City of Augusta does not propose to construct hydroelectric generation facilities and the project would produce no power. Augusta proposes to license parts of the Augusta Canal system which pass flows for use by three existing hydroelectric projects located in the Augusta Canal. These projects are the 2.475 megawatt (MW) Sibley Mill Project, 2.05 MW King Mill Project, and the 1.2 MW Enterprise Project. The license for the King Mill Project, P–9988, does not expire until 5/31/2009, and is not being relicensed at this time. The proposed Augusta Canal Project would consist of the following: (1) The 1,666-foot-long stone masonry Augusta Diversion Dam; (2) the 2,250-foot-long Savannah River impoundment between Steven's Creek Dam and the Augusta Diversion Dam; and (3) the first level of the Augusta Canal, which extends about 7 miles between the

Augusta Diversion Dam and the Thirteenth Street gates. Sibley Mill Project consists of: (1) Intake works including four steel diversion gates on a 50-foot-long by 15-foot-high intake structure equipped with 1-inch trash racks; (2) a concrete headrace 290 feet long, 42 feet wide, and 15 feet deep; (3) a brick powerhouse; (4) three vertical shaft Francis turbine/generator units with an installed capacity of 2.475 MW; (5) an open tailrace 350 feet long, 30 feet wide, and 38 feet deep returning flow to the Augusta Canal; and (6) appurtenant facilities. There is no dam or impoundment, as approximately 936 cfs of water is withdrawn from the Augusta Canal when operating at full capacity. The applicant estimates that the total average annual generation would be 11,000 megawatthours (MWh). All generated power is utilized within the industrial manufacturing facility in the Sibley Mill. No new facilities are proposed. The Enterprise Mill Project consists of: (1) intake works including two steel sliding, vertical lift intake gates; (2) primary and secondary steel trash racks; (3) two 300-foot-long, 8-foot-diameter penstocks; (4) two vertical shaft turbine/generator units with an installed capacity of 1.2 megawatts and a rated maximum discharge of 590 cfs, located inside the reinforced concrete and masonry Enterprise Mill structure; (5) an underground 350-foot-long tailrace, and open 500-foot-long tailrace section returning flow to the Augusta Canal, and (6) appurtenant facilities. There is no dam or impoundment, as approximately 580 cfs of water is withdrawn from the Augusta Canal when operating at full capacity. Developed head is approximately 30 feet. The applicant estimates that the annual generation would be between 5,000 and 8,000 MWh. Generated power is utilized within the applicant's Enterprise Mill which houses residential and commercial tenants, and excess power will be sold to Georgia Power Company. No new facilities are proposed.

n. Copies of the applications are 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. Copies are also available for inspection and reproduction at the addresses in item h above.

All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''COMMENTS''; (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. 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.

o. *Procedural Schedule:* the remaining schedule for processing these applications is revised as shown below. Revisions to this schedule may be made as appropriate.

| Milestone | Target date |
|---|---|
| Notice Accepting Applications, and Motions to Intervene | February 2004. |
| Additional information requested | February 2004. |
| Additional Information due | April 2004. |
| Notice Ready for Environmental Analysis/Soliciting Final Comments, Recommendations, Terms and Conditions | April 2004. |
| Deadline for Agency Recommendations | June 2004. |
| Notice of the availability of the EA | August 2004. |
| Public Comments on EA due | September 2004. |
| Ready for Commission decision on the application | Oct.–Nov. 2004. |

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–355 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

February 18, 2004.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters.

b. *Project Number:* P–1494–259.

c. *Date Filed:* October 31, 2003.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Project.

f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. The project does not occupy any federal or tribal lands. The proposed non-project use would be located on Grand Lake of the Cherokees in Section 9, Township 24 North, Range 23 East in Delaware County.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Mary Von Drehle or Teresa Hicks, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301. Phone: (918) 256–5545.

i. *FERC Contact:* Any questions on this notice should be addressed to Steve Naugle at (202) 502–6061, or by e-mail: *steven.naugle@ferc.gov.*

j. *Deadline for filing comments and or motions:* March 19, 2004.

k. *Description of the Application:* The project licensee requests Commission authorization to permit St. Andrew's Harbor to install five floating docks with a total of 47 covered boat slips. The dock facilities would be used by homeowners in a residential development on Monkey Island known as St. Andrew's.

l. *Location of the Application:* A copy of the application is available for inspection and reproduction at the Commission's 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. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov,* or for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers (P–1494–259). 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–361 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

February 18, 2004.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-project use of project lands and waters.

b. *Project Number:* P–1494–261.

c. *Date Filed:* December 12, 2003.

d. *Applicant:* Grand River Dam Authority (GRDA).

e. *Name of Project:* Pensacola Project.

f. *Location:* The project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. The project does not occupy any Federal or tribal lands. The proposed non-project use would occupy project lands and waters on Grand Lake O' the Cherokees in Section 11, Township 24 North, Range 23 East in Delaware County on Sunset Peninsula near Grove, Oklahoma.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)—825(r).

h. *Applicant Contacts:* Mary Von Drehle or Teresa Hicks, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301. Phone: (918) 256–5545.

i. *FERC Contact:* Any questions on this notice should be addressed to Steve Naugle at (202) 502–6061, or by e-mail: *steven.naugle@ferc.gov.*

j. *Deadline for filing comments and or motions:* March 19, 2004.

k. *Description of the Application:* GRDA, the project licensee, requests Commission authorization to permit William Skea d/b/a Batavia Development Company, LLC (Batavia) to: (1) dredge approximately 17,000 cubic yards of bed and bank material on 2.1 acres in Paris Cove, a small inlet to Honey Creek Cove; and (2) construct four floating docks with a total of 30 covered boat slips within the dredged area in the back reach of the cove. The purpose of the proposed dredging is to deepen the cove to allow boat access to the installed docks. The dredged material would be placed on Batavia's adjacent property above elevation 757 feet Pensacola Datum. The dock facilities would be used by homeowners in Stony Creek Subdivision, a new residential community being developed by Batavia.

l. *Location of the Application:* A copy of the application is available for inspection and reproduction at the Commission's 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. 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, call 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov,* or for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers (P–1494–261). 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file

comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. *See,* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–362 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket Nos. ER04–48–000, RT04–01–000, ER04–434–000, ER99–4392–000, and RM01–12–000]**

## Southwest Power Pool, Inc., Remedying Undue Discrimination Through Open Access Transmission Service and Standard Electricity Market Design; Notice of Technical Conference

February 18, 2004.

Take notice that a technical conference for the Southwest Power Pool, Inc. (SPP) will be held on Friday, March 19, from approximately 9 a.m. to 1 p.m. central standard time at the Hyatt Regency DFW, inside the Dallas/Ft. Worth Airport in Dallas, Texas. Members of the Commission will attend and participate in the discussions.

This conference shall be one in a series of regional technical conferences announced in the White Paper issued in this docket on April 28, 2003. The Commission intends to use this conference to discuss with states and market participants reasonable timetables for RTO development activities to benefit customers within the region.

Individual panelists will be invited to participate in this conference. Further details of the conference, including the agenda, will be specified in a subsequent notice. All interested persons may attend the conference, and registration is not required. However, in-person attendees are encouraged to register on-line at *http://www.ferc.gov/whats-new/registration/smd-0319-form.asp*.

Transcripts of the conference will be immediately available from Ace Reporting Company (202–347–3700 or 1–800–336–6646) for a fee. They will be available for the public on the Commission's eLibrary system seven calendar days after FERC receives the transcript. Additionally, Capitol Connection offers the opportunity for remote listening of the conference via Real Audio or a Phone Bridge Connection for a fee. Persons interested in making arrangements should contact David Reininger or Julia Morelli at the Capitol Connection (703–993–3100) as soon as possible or visit the Capitol Connection Web site at *http://www.capitolconnection.org* and click on ''FERC.''

For more information about the conference, please contact Sarah McKinley at (202) 502–8004 or *sarah.mckinley@ferc.gov*.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–360 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket Nos. RM01–8–000 and ER02–2001–000]**

## Revised Public Utility Filing Requirements Electric Quarterly Reports; Notice of Electric Quarterly Reports Information

February 18, 2004.

This notice announces:

- The availability of a new version of Electric Quarterly Report (EQR) submission software (2.0) which implements the changes mandated in Order No. 2001–E.
- A two-day EQR Users Group Workshop in Washington, DC, on March 11 and 12, 2004.
- An outreach session for western EQR filers on February 24, 2004, at the California ISO.
- The availability of a function to download the entire EQR database to a remote site.

On April 25, 2002, the Commission issued Order No. 2001,[1] a final rule which requires public utilities to file Electric Quarterly Reports. Order 2001–E, issued December 23, 2003, made certain changes in the filing requirements which are effective beginning with the first quarter 2004 filing, due April 30, 2004. The enhancements have been made to the EQR submission software and users' EQR software will be automatically updated to the new version when they open their software on a computer that is connected to the Internet. A newly revised Users Guide and guidance for the changes resulting from Order No. 2001–E have been posted on the Commission's Web site at *http://www.ferc.gov/docs-filing/eqr/eqr-soft.asp*.

On March 11 and 12, 2004, there will be an EQR Users Group Workshop. All interested parties are invited to attend. The meeting will be held in the Commission Meeting Room at FERC headquarters, 888 First Street, NE., Washington, DC. For those unable to attend in person, access to some of the workshop sessions will be available by teleconference. These sessions are intended to be interactive meetings with considerable discussion of detailed elements of the EQR.

The teleconferenced Users Group Meeting will run from 1 p.m. to 5 p.m. on Thursday, March 11 and from 10 a.m. to 1 p.m. on Friday, March 12. There will be informal working sessions Thursday morning, from 9:30 a.m. until 12 p.m., and Friday afternoon, from 2 p.m. to 4 p.m. Those sessions will not be available via teleconference. Those interested in participating in person or via teleconference are asked to register online by March 1, 2004, at *http://www.ferc.gov/whats-new/registration/eqr_0311-form.asp*. There is no registration fee.

On February 24, 2004, Barbara Bourque (EQR Program Manager) and Steven Reich will hold an EQR outreach session at the offices of the California Independent System Operator. The meeting will be held at 151 Blue Ravine Road in Folsom, California and will run from 1:30 p.m. to 5:30 p.m. It will include a discussion of the changes mandated by Order No. 2001–E and an extended question and answer session. Those interested in attending the meeting are asked to register online by 11 a.m. Pacific time on Friday, February 20, 2004, at *http://www.ferc.gov/whats-new/registration/eqr_0224-form.asp*. There is no registration fee. Questions and comments may be submitted in advance by filing them in ER02–2001 as described below, or by submitting them online at *http://www.ferc.gov/whats-new/registration/question-form.asp*.

Beginning February 18, 2004, interested parties may download a copy of the entire EQR database from the

[1] Revised Public Utility Filing Requirements, Order No. 2001, 67 FR 31043, FERC Stats. & Regs. ¶ 31,127 (April 25, 2002); *reh'g denied,* Order No. 2001–A, 100 FERC ¶ 61,074, *reconsideration and clarification denied,* Order No. 2001–B, 100 FERC ¶ 61.342 (2002).

FERC Web site at *http://www.ferc.gov/docs-filing/eqr/database-down-new.asp*. The database is in Visual FoxPro (VFP) format. The file is over 500 MB compressed, expanding to over 7,500 MB when decompressed. This file will be updated each Saturday, and only one user at a time will be allowed to download it because of its size. For that reason and because of the computer sophistication required to use a VFP database, only parties with IT departments capable of supporting the database should attempt to download it.

Interested parties wishing to file comments may do so under the above-captioned Docket Numbers. Those filings will be 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, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or via phone at (866) 208–3676 (toll-free). For TTY, contact (202) 502–8659.

For additional information, please contact Barbara Bourque of FERC's Office of Market Oversight & Investigations at (202) 502–8338 or by e-mail, *Barbara.bourque@ferc.gov*.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E4–365 Filed 2–23–04; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–7626–2]**

## Proposed Amendment to Second Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed amendment to second consent decree regarding Portland, Maine; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), 42 U.S.C. 7413(g), notice is hereby given of a proposed amendment to the second partial consent decree, to address a lawsuit filed by Sierra Club and the Group Against SMOG and Pollution in the District Court for the District of Columbia: *Sierra Club and Group Against SMOG and Pollution, Inc.* v. *Leavitt,* No. 1:00CV02206 (D. D.C.). On or about September 14, 2000, Sierra Club and the Group Against SMOG and Pollution filed a complaint seeking to require EPA to take final actions regarding determinations of whether several PM–10 and ozone nonattainment areas had attained the pertinent air quality standards by their attainment dates. EPA and the plaintiffs previously settled the claims regarding a number of the nonattainment areas, including Portland, Maine, in prior consent decrees. EPA and the plaintiffs are now proposing to amend the consent decree concerning Portland to extend the date for EPA's final action regarding Portland. Under the terms of the proposed amendment to the second consent decree, EPA will sign for publication in the **Federal Register** the Administrator's final determination pursuant to 42 U.S.C. 7511(b)(2) on whether the Portland area did or did not attain the 1-hour national ambient air quality standards for ozone by the applicable attainment date.

**DATES:** Written comments on the proposed amendment to second consent decree must be received by March 25, 2004.

**ADDRESSES:** Submit your comments, identified by docket ID number OGC–2004–0003, online at *http://www.epa.gov/edocket* (EPA's preferred method); by e-mail to *oei.docket@epa.gov;* mailed to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Wordperfect or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Kevin McLean, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. telephone: (202) 564–5564.

**SUPPLEMENTARY INFORMATION:**

### I. Additional Information About the Proposed Amendment to Second Consent Decree

The proposed amendment to the second consent decree expects that the Maine Department of Environmental Protection (''DEP'') will notify EPA in writing by March 1, 2004 that it has issued and made publicly available a study, including supporting data on the feasibility of implementing the California Zero Emission Vehicle (''ZEV'') mandate in Maine. In addition, the proposed amendment to the second consent decree expects that the Maine DEP will submit for EPA's approval eight specific revisions to its State Implementation Plan by dates set forth in the consent decree. The proposed amendment to the consent decree provides that if Maine DEP does not make its ZEV study publicly available by the specified date or if EPA does not find the SIP revisions complete or approve them by specified dates, EPA is to take final action regarding the determination of attainment for Portland. If, however, the ZEV study is made publicly available and EPA approves all of the eight SIP revisions, then EPA is to have no further obligations under the consent decree.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed amendment to second consent decree from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed amendment to second consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determine, based on any comment which may be submitted, that consent to the amendment to the second consent decree should be withdrawn, the terms of the decree will be affirmed.

### II. Additional Information About Commenting on the Proposed Amendment to Second Consent Decree

*A. How Can I Get a Copy of the Amendment to the Second Consent Decree?*

EPA has established an official public docket for this action under Docket ID No. OGC-2004–0003 which contains a copy of the amendment to second consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in EPA's electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

*B. How and To Whom Do I Submit Comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (e-mail) system is not an ''anonymous access'' system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: February 17, 2004.

**Lisa K. Friedman,**

*Associate General Counsel, Air and Radiation Law Office, Office of General Counsel.*

[FR Doc. 04–3935 Filed 2–23–04; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–7626–3]**

### National Advisory Council for Environmental Policy and Technology

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

**ACTION:** Notice of meeting.

**SUMMARY:** Under the Federal Advisory Committee Act, Pub. L. 92–463, EPA gives notice of a meeting of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy, technology, and management issues. NACEPT consists of a representative cross-section of EPA's partners and principal constituents who provide advice and recommendations on policy issues and serve as a sounding board for new strategies that the Agency is developing. The Council is a proactive, strategic panel of experts that identifies emerging challenges facing EPA and responds to specific charges requested by the Administrator and the program office managers. The purpose of the meeting is to develop the NACEPT Council's agenda for FY04 to support the Administrator's priorities. In addition, NACEPT will report on the work of its subcommittees.

**DATES:** NACEPT will hold a two-day public meeting on Thursday, March 11, from 8:30 a.m. to 5 p.m. and Friday, March 12, from 8:30 a.m. to 3 p.m.

**ADDRESSES:** The meeting will be held at the Grant Hyatt Washington, 1000 H Street, NW., Washington, DC. The meeting is open to the public, with limited seating on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Sonia Altieri, Designated Federal Officer, *altieri.sonia@epa.gov*, 202–233–0061, U.S. EPA, Office of Cooperative Environmental Management (1601E), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** Requests to make oral comments or provide written comments to the Council should be sent to Sonia Altieri, Designated Federal Officer using the contact information below by March 5, 2004. The public is welcome to attend all portions of the meeting.

*Meeting Access:* Individuals requiring special accommodation at this meeting, including wheelchair access, should contact Sonia Altieri at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: February 10, 2004.

**Sonia Altieri,**

*Designated Federal Officer.*

[FR Doc. 04–3933 Filed 2–23–04; 8:45 am]

**BILLING CODE 6560–50–M**

## FARM CREDIT ADMINISTRATION

**RIN 3052–AC13**

### Loan Policies and Operations; Loan Syndication Transactions

**AGENCY:** Farm Credit Administration.

**ACTION:** Final notice.

**SUMMARY:** The Farm Credit Administration (FCA or agency) provides, in this notice, the guidance that the Farm Credit System (FCS or System) requested about the regulatory treatment of syndicated loans to eligible borrowers. This notice also reaffirms FCA's longstanding interpretation that syndicated loans to eligible borrowers come within System banks' and associations' lending powers, not their loan participation authorities.

**FOR FURTHER INFORMATION CONTACT:** Dennis K. Carpenter, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TTY (703) 883–4434; or

Richard A. Katz, Senior Attorney, Office of General Counsel, Farm Credit

Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–2020.

**SUPPLEMENTARY INFORMATION:**

## I. Brief Overview

System banks and associations engage in loan syndication transactions for eligible borrowers under their direct lending authorities. Therefore, syndications to eligible borrowers are subject to all statutory and regulatory requirements that apply to direct loans. Eligible borrowers must purchase and hold the voting stock of FCS lenders that are parties to the syndication. Borrower rights and territorial consent requirements apply when lenders operating under title I or II of the Farm Credit Act of 1971, as amended, (Act) take part in syndications made to eligible borrowers. All System lenders that engage in loan syndication transactions must maintain a first-lien position on borrower stock, and all FCS associations operating under title I of the Act must hold a first lien on real estate pledged as collateral. Farm Credit banks operating under title I of the Act cannot enter directly into loan syndications after they have transferred their direct lending authority to their affiliated associations. Finally, no System bank or association has authority to purchase assignments in loan syndications from non-System lenders.

## II. Background

### *A. Distinctions Between Participations and Syndications*

Many different types of arrangements enable lenders to work together in multi-lender transactions. Participations and syndications are two separate and distinct examples of multi-lender transactions. The essential distinguishing factor between the two is the legal relationships among the parties.

Loan participations involve two separate legal relationships. The first relationship is between the borrower and loan originator (lead lender), and the second relationship is between the lead lender and the participating lenders. In a loan participation, only the lead lender signs a loan agreement with, and receives a promissory note from, the borrower. Participating lenders must look only to the lead lender for satisfaction of their claims because they have no contractual relationship with the borrower.

In syndications, the borrower signs a loan agreement with multiple creditors, each of whom has a direct contractual relationship with the borrower. Usually, each creditor in a syndicated loan transaction receives its own promissory note from the borrower. Loan agreements usually allow the original loan syndicators to sell both assignments and participations in their portion of the credit to other lenders. Thereafter, a purchaser of an assignment has a direct contractual relationship with the borrower.

### *B. The FCA's Historical Position on Participations and Syndications*

The FCA has consistently viewed syndications as loans under the System's direct lending authority, not as participations. In 1991, the preamble to a reproposed rule on loan participations and other interests in loans stated:

> The reproposed regulations do not address loan syndications, whereby a borrower has a direct contractual relationship with more than one lender but the loan negotiations with the borrower are coordinated under the auspices of a lead bank(s). *Such loans can be made through the exercise of the institution's direct lending authority provided * * * other statutory and regulatory requirements * * * are met.*

(Emphasis added). See 56 FR 2452 (Jan. 23, 1991).

Two more recent rulemakings reaffirmed that a System institution's participation interest in a loan made by another lender does not result in a direct contractual relationship with the borrower. The rulemakings also recognized three factors that demonstrate that a participation cannot be interpreted as a direct loan. In a participation, (1) There is no contractual relationship between the borrower and participating lenders, (2) only the lead lender extends credit directly to the borrower, and (3) the lead lender is the only lender of record on all loan documents. The FCA relied in part on these principles in 2000 when it repealed several regulations that required out-of-territory consent for loan participations that FCS lenders buy from non-System lenders,[1] and in 2002, when it authorized FCS banks and associations to buy 100-percent participations from non-System lenders.[2]

### *C. The System's Petition and the FCA's Request for Input From the Public*

Syndicated loans are emerging as a more common method of financing large agricultural operations. As a result, the System has asked the FCA to change its approach to syndications so FCS banks and associations would have greater flexibility to engage in such transactions. A May 16, 2002 letter from the Farm Credit Council (FCC) to the Chairman of the FCA stated that the agency's position places the System at a competitive disadvantage with commercial lenders for syndicated credits because (1) Associations must comply with borrower rights requirements and obtain consent for out-of-territory loans, (2) the agricultural credit bank (ACB) and associations must sell voting stock to borrowers, and (3) all FCS institutions must maintain the first-lien position on voting stock and, in certain cases, long-term mortgage real estate pledged as collateral. The FCC also stated that as long as these requirements apply, commercial banks that organize and comprise a majority of lenders taking part in syndications would probably exclude System institutions from most transactions. Borrower rights, borrower stock, and territorial consent are not standard practices in loan syndication transactions because they only apply to the FCS. As a result, the FCC asserted that these requirements are obstacles that block the System from assuming a meaningful role in syndications to eligible borrowers.

The FCC attached a position paper and legal analysis to its letter, which advocated the System's view that loan syndications are the functional equivalent of loan participations because a System institution (1) Acquires only a small fraction of the overall credit to the borrower, and (2) cannot unilaterally make major credit decisions about the loan.

As a result of the System's request, the FCA Board decided to solicit comments from the public about the regulatory treatment of syndications. On January 17, 2003, the FCA published a notice (*See* 68 FR 2540) in the **Federal Register** that asked the public to answer the following questions:

1. What is the proper regulatory treatment of loan syndications?

2. Assuming syndication transactions are within the System's loan-making authority, should the FCA consider regulatory changes that allow (a) Borrowers to waive borrower rights in syndication transactions, and (b) associations to take part in syndications to eligible borrowers who are located in the chartered territories of other associations without consent?

3. If the FCA would choose to recommend statutory changes to Congress regarding the System's authority to engage in various types of multi-lender transactions with non-System lenders, what specifically should the FCA include in its recommendation?

[1] *See* 65 FR 24101 (Apr. 25, 2000).

[2] *See* 67 FR 1282 (Jan. 10, 2002).

The initial comment period expired on February 18, 2003. At the request of the FCC, the FCA reopened the comment period on February 25, 2003 for 60 additional days.[3] The FCA subsequently extended the comment period twice, each time for an additional 60 days, as members of the public requested.[4] The comment period closed on August 19, 2003.

*D. Comments Received*

The FCA received 152 comment letters from System and non-System lenders and other interested parties. Fifty-six (56) letters came from System banks and associations that asked the FCA to change its interpretation and, in the future, treat syndications to eligible borrowers as loan participations. Additionally, 10 commercial lenders supported continued System involvement in loan syndication transactions. The FCA received 86 comment letters from commercial banks, their trade associations, and members of the general public that favor retaining the current interpretation. These commenters opposed any regulatory changes. Both System and non-System commenters opposed the FCA asking Congress for new legislation on syndications.

The commenters who favor changing the FCA's current interpretation advised the FCA that:

1. The trend in the markets is away from traditional participations and toward syndications;

2. Syndications resemble participations because each party only has a fractional interest in the entire credit and, in contrast to direct loans, no party can unilaterally make major credit decisions;

3. Borrower rights, borrower stock, first-lien position, and territorial consent requirements deter commercial lenders from inviting System institutions to take part in loan syndications, and

4. Because the FCA has broad discretion in how it interprets the Act, and is entitled to judicial deference, the FCA should extend the definition of ''participation'' in the similar entity provisions of the Act to syndications for eligible borrowers.

The commenters who favor retaining FCA's current interpretation asked the FCA to consider that:

1. The law on this issue is settled, and the markets distinguish syndications from participations and, therefore, the FCA's current interpretation is correct;

2. Syndications are credits to large borrowers, whereas the System should focus on young, beginning, and small farmers and ranchers and other borrowers that are more closely involved in production agriculture;

3. Congress gave borrower rights to farmers who borrow from the System, and the FCA should protect those rights, and

4. A new interpretation that would exempt System associations from territorial consent revives the national charter initiative and encourages the associations to ''cherry pick'' large credits.

**III. Review of Loan Syndications for Eligible Borrowers**

After reviewing input from the public and conducting a thorough legal review of the Act, its legislative history, and external sources, the FCA reaffirms that syndications and assignments of interests in syndicated loans do not fall within the statutory authority of FCS banks and associations to participate in loans made by non-System lenders to eligible borrowers. Under the Act, syndicated loans to eligible borrowers are part of the System's direct lending authority. For this reason, regulations that implement the Act and other guidance from the FCA will continue to require System banks and associations to (1) Treat syndications to eligible borrowers as direct loans, and (2) comply with all statutory and regulatory requirements that apply to direct loans.

*A. The Rules of Statutory Construction*

In interpreting the provisions of the Act that govern the System's direct lending and participation authorities, the FCA is guided by the rules of statutory construction that Federal courts use when they review an agency's interpretation of the statute it administers. A reviewing court examines the language and design of the *whole* statute to determine whether or not Congress clearly expressed its intent about the question at hand. If Congress' intent is clear, the inquiry ends, and the unambiguously expressed intent of Congress is enforced. If the applicable provisions of the statute are silent or ambiguous, the agency's interpretation is entitled to judicial deference as long as it is not arbitrary, capricious, or manifestly contrary to the statute. The agency's reasonable interpretation of the statute is entitled to judicial deference even if the reviewing court would not have necessarily adopted the agency's position had it decided the issue. *See Chevron U.S.A., Inc.* v. *Natural Resources Defense Council, Inc.,* 467 U.S. 837, 842–43 (1984).

*B. The Text and Structure of the Act*

In determining whether or not a statute is ambiguous, its provisions ''must be read in their context and with a view to their place in the overall statutory scheme.'' [5] In other words, all the parts of a statute must fit into a ''harmonious whole,'' [6] and one provision cannot be interpreted in a way that negates another provision of the same statute. Furthermore, the words of a statute must be interpreted according to their ''ordinary, contemporary, common meaning,'' [7] unless Congress clearly expressed a different intent.

An examination of the text, structure, and history of the Act indicates that Congress was not silent or ambiguous about this issue. After applying these judicial rules of statutory construction to the Act, the FCA reaffirms that syndicated loans to eligible borrowers are part of the System's direct lending authority and do not fall within the System's participation authority.

1. Definition of Participation and Syndication

As the rules of statutory construction require, the FCA examines the ''ordinary, contemporary, common meaning'' of the terms in question. ''Participate'' and ''participation'' is clearly different from the meaning of ''syndications.'' Moreover, defining ''participate'' or ''participation'' to include syndications would contradict the commonly understood meaning of these terms in the financial, business, and legal communities. For example, a banking law journal described the differences between participations and syndications as follows:

> Multiple lender transactions generally fall into two categories: loan participations and loan syndications. The first category, loan participations, involved transactions where a lead or originating lender sells a part of or all of a loan to one or more purchasers. Participation, thus, can be defined as a third party's acquisition of a specified percentage of a prearranged loan.
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> The second type of multi-lender transaction, loan syndications, involve two or more lenders who make a loan(s) to a borrower under a common loan agreement. Each lender is a syndicate member. Unlike participations, the borrower has direct relationships with each of the lenders. Thus,

[3] *See* 68 FR 8764 (Feb. 25, 2003).

[4] *See* 68 FR 19538 (Apr. 21, 2003); 68 FR 37824 (Jun. 25, 2003).

[5] *FDA* v. *Brown & Williamson Tobacco Corp.,* 529 U.S. 120, 133 (2000) (citing *Davis* v. *Mich. Dept. of Treas.,* 489 U.S. 803, 809 (1989)).

[6] *Id.* (citing *FTC* v. *Mandel Bros, Inc.,* 359 U.S. 386, 389 (1959)).

[7] *Pioneer Investment Service Co.* v. *Brunswick Associates Ltd. Partnership,* 507 U.S. 380, 388 (1993).

each syndicate member is in direct privity of contract with the borrower.[8]

Case law [9] and guidance from other Federal banking regulators [10] also distinguish between syndications and participations. A passage in *Bank of the West* v. *The Valley National Bank of Arizona,*[11] which cited Circular 181 of the Office of the Comptroller of the Currency, states:

A loan participation, as distinguished from a multibank loan transaction (syndicated loan), is an arrangement in which a bank makes a loan to a borrower and then sells all or a portion of the loan to a purchasing bank. All documentation of the loan is drafted in the name of the selling bank.

*In re Okura & Co* stated that a loan participation ''involves two independent, bilateral relationships: the first between the borrower and the lead bank and the second between the lead bank and the participants.'' [12] The same passage notes, ''As a general rule, the participants do not have privity of contract with underlying borrower * * *. In a syndication agreement, the banks jointly lend money.'' [13]

A System bank, citing a law review article,[14] stated participations and syndications are treated the same under securities laws. However, Federal securities statutes and regulations of the Securities and Exchange Commission do not, as the commenter implies, define ''syndications'' to mean ''participations.'' The point of the article is not that syndications and participations are the same, but that neither are generally considered securities. Furthermore, the same section of text cited by the commenter as supporting its view, actually supports the opposite view, namely that syndications are a form of direct lending. The text describes the attributes of a syndication as follows, ''[e]ach bank is a party to the syndicated loan agreement, is in privity of contract with the borrower, and receives its own note and security interest in the collateral.'' [15] In summary, the commonly accepted definition and legal effect of a syndication transaction clearly bring it within the System's loan-making authority and not its participation authority.

2. Similar Entity Authority

Several System commenters asked the FCA to apply the definition of ''participate'' and ''participation'' in the similar entity provisions of the Act to syndications and assignments for eligible borrowers. Many of these commenters stated that section 3.1(11)(B)(iii) of the Act demonstrates Congress' intent to treat syndications and participations identically for all multi-lender transactions that System banks and associations engage in. Some System commenters found it inconceivable that Congress intended to exempt syndications for ineligible similar entities from borrower rights, borrower stock, territorial consent, and first-lien requirements, while imposing these same obligations on syndications for eligible borrowers.

The FCA responds that the plain language of section 3.1(11)(B)(iii) of the Act explicitly applies this definition to similar entities, not extensions of credit to eligible borrowers. Sections 3.1(11)(B) and 4.18A of the Act authorize FCS lenders to ''participate'' in loans to similar entities, which are not eligible for System loans, but are functionally similar to eligible borrowers. Sections 3.1(11)(b)(iii) and 4.18A(a)(1) of the Act, which were added by the Farm Credit System Agricultural Export and Risk Management Act (1994 Act),[16] expressly define ''participate'' and ''participation'' for similar entity transactions to include syndications and assignments.[17] In contrast, sections 1.5(12)(C), 2.2(13) and 3.1(11)(A) of the Act, which authorize FCS banks and associations to participate in loans to eligible borrowers, do not define ''participations'' to include syndications and assignments.[18] As explained above, the rules of statutory construction require that the various provisions of the Act be ''read in their context and with a view to their place in the overall statutory scheme'' so they fit into a ''harmonious whole.'' Examination of the structure of the Act demonstrates that Congress established two different statutory schemes for participations to (1) Eligible borrowers, and (2) similar entities. Congress did not amend the provisions of sections 1.5, 2.2, and 3.1 of the Act, which govern loan participations for eligible borrowers, in 1994 when it added the new definition of ''participate'' and ''participation'' for similar entities to section 3.1(11)(B)(iv) of the Act. Therefore, it is clear that the 1994 Act did not authorize System banks and associations to engage in syndication transactions for eligible borrowers under their loan participation authorities.

*C. Legislative History*

The Farm Credit Act of 1971 granted production credit associations (PCAs) and banks for cooperatives authority to participate in loans with non-System lenders in 1971,[19] while the Farm Credit Act Amendments of 1980 [20] (1980 Act) gave System mortgage lenders similar authority. The legislative history to the 1980 Act confirms that Congress believed that a participation interest does not entail a contractual relationship between a borrower and a participating lender.

Prior to 1980, it was not clear whether a PCA was required to issue stock to a borrower when the PCA participated in a loan that a non-System lender made. The legislative history to the 1980 Act stated ''[t]he requirement that farmers or aquatic borrowers purchase stock in the association served to impede or complicate PCA-other lender participations. *It caused the association to become a visible party in transactions in which the commercial lender was the*

[8] *N.C. Banking Institute* 169, 172 (April 1999). *See also*, Office of the Comptroller of the Currency Economic and Policy Analysis Working Paper, ''Recent Trends in Bank Loan Syndications Evidence for 1995 to 1999'' (December 2000) and ''Banks and Loan Sales,'' 35 *Journal of Monetary Economics* 389, 394 (1995).

[9] *In re Okura & Co.*, 249 B.R. 596, 608 (Bankr. S.D.N.Y., 2000); *Bank of the West* v. *The Valley Nat'l Bank of Arizona,* 41 F. 3d 471, 473 (9th Cir, 1994); *Banco Espanol de Credito* v. *Security Pacific National Bank,* 763 F. Supp. 36, 43 (S.D.N.Y., 1991) aff'd 73 F.2d 51 (2nd Cir. 1992), cert. denied 509 U.S. 903 (1993); *Hibernia Nat. Bank* v. *Federal Deposit Ins. Corp.*, 733 F.2d 1403, 1407 (10th Cir. 1984); *McVay* v. *Western Plains Corp.*, 823 F.2d 1395 (10th Cir. 1987).

[10] Office of the Comptroller of the Currency Banking Circular, OCC–BC–181 (Aug. 2, 1984).

[11] *Supra* at 41 F. 3d 471, 473 (9th Cir, 1994).

[12] *Supra* at 249 B.R. 596, 608 (Bankr. S.D.N.Y., 2000).

[13] *Id.* Citations omitted.

[14] *See* ''The Status of Note Participations Under the Federal Securities Acts,'' 8 Harv. J.L & Pub. Pol'y 465, 468–69 & n. 18 (1985).

[15] *Id.*

[16] *See* Pub. L. 103–376, Section 2, 108 Stat. 3797 (Oct. 19, 1994).

[17] Section 3.1(11)(b)(iii) of the Act states, ''as used in this subparagraph, the term 'participate' or 'participation' refers to multilender transactions, including syndications, assignments, loan participations, subparticipations or other forms of the purchase, sale or transfer or interests in loans, other extensions of credit, or other technical and financial assistance.'' Section 4.18A(a)(1) incorporates this definition by reference into the statutory provision that authorized banks and associations operating under titles I and II of the Act to ''participate'' in similar-entity transactions.

[18] Certain statutory restrictions that only apply to similar entity authority may explain why Congress chose a more flexible definition of ''participation'' and ''participate'' for similar entity transactions. First, the total amount of participations any FCS lender has outstanding to a single similar entity cannot, in most cases, exceed 10 percent of its total capital. Second, the participation interest(s) that one or more FCS lender holds in the same similar entity transaction cannot equal or exceed 50 percent of the principal amount of the loan. Third, the total amount of outstanding similar entity participations held by an FCS lender cannot equal or exceed 15 percent of its total outstanding assets at the end of the preceding fiscal year.

[19] *See* Pub. L. 92–181, 85 Stat. 583 (Dec. 10, 1971).

[20] *See* Pub. L. 24–184, 94 Stat. 3437 (Dec. 24, 1980).

*lead institution.*''[21] (Emphasis added). In order to resolve any confusion and to remove the PCA as a ''visible party,'' the 1980 Act allowed PCAs to satisfy the stock requirement by issuing stock to the non-System lender instead of the borrower. If a participation transaction entailed a direct contractual relationship between a PCA and a borrower, the PCA would have been a ''visible party,'' whether or not it issued stock to the borrower. However, Congress chose to resolve this problem by changing the stock requirement. Therefore, it is clear that Congress did not believe that a participation transaction resulted in a direct contractual relationship between a PCA and a borrower.

After 1980, Congress did not substantively revise the provisions of the Act that govern the System's authorities to participate in loans to eligible borrowers but, as noted earlier, it added a new statutory definition of ''participate'' and ''participation'' for similar entity transactions in 1994. A System commenter cited two passages in the legislative history to the 1994 Act to support its view that syndications to eligible borrowers are within the System's loan participation authority.

In the first passage, a Senator stated that the new definition of ''participations'' for similar entity authority would ''[c]larify the System's current authority to participate in loans * * * permitting the System to take part in syndications * * *.''[22] According to the commenter, this statement indicates that the Senator believed that the System already had authority to engage in syndications to eligible borrowers. However, this interpretation would be inconsistent with the actual text of the Act and the 1994 amendments thereto.[23] The 1994 amendments did not change the System's existing participation authority. Rather, it clarified the existing similar entity authority for title III lending and added similar entity authority for titles I and II.[24]

The second passage that the commenter relies on is an analysis of the 1994 legislation that the FCA prepared and submitted to the House Agriculture Committee, which was subsequently reprinted in the *Congressional Record.* The FCA's analysis stated the proposed statutory definition of ''participations'' for similar entities ''* * * is more expansive than the current regulatory definition * * *'' and ''does not require an undivided fractional interest in the principal amount of the loans (as FCA regulations do) and hence does not require pro rata risk sharing.''[25] The commenter's reliance on this passage is misplaced. The FCA's analysis discussed a regulatory, but not a statutory limit on loan participations for eligible borrowers. Former § 614.4325(a)(4), defined a ''participation'' to mean a fractional undivided interest in a loan. Because the proposed statutory definition was ''more expansive'' than the existing regulatory definition, the FCA noted that the Act would not require an undivided fractional interest for similar entity transactions. In 2002, the FCA revised § 614.4325(a)(4) so FCS banks and associations could purchase participations that equaled 100 percent of the principal amount of a loan to an eligible borrower. However, this change is not relevant to the present issue. Regardless of whether syndications are divided or undivided interests, they still are direct loans and, therefore, come within the System's direct lending authority.

## IV. Rules that Apply to Syndications for Eligible Borrowers

The foregoing analysis of the Act, its legislative history, and applicable case law, affirm that syndications for eligible borrowers come within the System's direct lending authority, not within its loan participation authority. As a result, FCS banks and associations that are direct lenders may take part in a syndicated loan to an eligible borrower as long as they comply with the applicable provisions of the Act and FCA regulations that govern lending to eligible borrowers. FCS banks that are not direct lenders cannot take part directly in syndicated loans to eligible borrowers, and no System lender may purchase assignments in syndicated loans to eligible borrowers from non-System lenders.

### *A. System Banks*

System banks that have transferred their long-term mortgage lending authority under section 7.6 of the Act to their associations can no longer make loans directly to farmers, ranchers, and other eligible borrowers. Therefore, these banks cannot directly take part in syndicated loans to eligible borrowers. These banks may, however, purchase a participation interest in a long-term mortgage syndicated loan directly from a non-System lender. Additionally, these banks may buy (long-or short-term) participations and other interests in syndicated loans directly from other System banks or associations.

### *B. Assignments*

Assignments in syndications are interests in loans. Sections 1.5(16), 2.2(11), and 3.1(13)(B) of the Act do not authorize FCS banks and associations to buy interests in loans from non-System lenders. However, System banks and associations may buy from and sell to each other assignments in loans.

### *C. Borrower Rights*

Borrower rights attach to all agricultural or aquatic loans made under title I or II of the Act.[26] Therefore, System associations that take part in syndicated loans to eligible farmers, ranchers, and aquatic producers and harvesters must adhere to borrower rights requirements.

Our earlier notice (*See* 68 FR 2540, January 17, 2003) asked the public whether the FCA should consider regulatory changes that allow a borrower to waive borrower rights in syndications. Many System commenters replied that borrower rights are an impediment that will discourage commercial lenders from inviting FCS lenders into syndicated loan transactions. Some of these commenters indicated that many, but not all, non-System lenders may be more inclined to invite FCS institutions into syndicated transactions if borrowers could waive borrower rights. Commercial bank commenters opposed any regulatory change that would allow borrowers to waive these rights.

The FCA believes that borrower rights should only be waived in limited

[21] *See* H.R. 96–1287, 96th Cong. 2d. Sess., (Sept. 4, 1980), p. 25.

[22] July 19, 1994 *Cong. Rec.* at S9252 (Statement of Sen. Lugar); Oct. 5, 1994 *Cong. Rec.* at 14236.

[23] United States Supreme Court cases do not give much credence to ''post-enactment'' statements by a bill's sponsor or a member of the committee that reports out a bill. In *Chrysler* v. *Brown,* 441 U.S. 281, 331 (1979), the Supreme Court stated, ''The remarks of a single legislator, even the sponsor, are not controlling in analyzing legislative history.'' In *Central Bank of Denver N.A.* v. *First Interstate Bank of Denver,* 511 U.S. 164, 185 (1994), the Supreme Court opinion stated, ''we have observed on more than one occasion that the interpretation given by one Congress (or a committee or member thereof) to an earlier statute is of little assistance in discerning the meaning of that statute.'' *See also United States* v. *United Mine Workers,* 330 U.S. 258, 281–82 (1947).

[24] Section 502 of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 granted title III banks new authority to ''participate'' in similar entity loans with non-System lenders. *See* Pub. L. 102–552, § 502, 106 Stat. 4102, 4130 (Oct. 28, 1992). Two years later, section 5 of the 1994 Act granted similar entity authority to title I and II lenders. *See* Pub. L. 103–376, § 5, 108 Stat. 3497, 3498 (Oct. 19, 1994). Section 2 of the 1994 Act added the definition of ''participation'' for similar entities to section 3.1(11)(B) of the Act. *Id.* § 2 at 3497.

[25] Sept. 29, 1994 *Cong. Rec.* at H10325.

[26] Section 4.14A(a)(6) exempts title III banks from borrower rights requirements.

circumstances. In the future, the FCA may consider whether to initiate a rulemaking that would allow waivers of borrower rights in syndications for certain sophisticated borrowers.

*D. Stock and Membership Requirements*

Section 4.3A of the Act requires all eligible farmers, ranchers, aquatic producers and harvesters, and cooperatives, to buy voting stock in the FCS institution that lends to them. This voting stock enables these borrowers to own, control, and participate in the affairs of their System lenders. Under the Act, a minimum stock purchase of $1,000 or 2 percent of the principal amount of the loan, whichever is less, is required. For the reasons explained above, eligible borrowers in syndicated loans must buy voting stock in FCS lenders that take part in these transactions.

*E. Territorial Concurrence Requirements*

An FCA regulation, § 614.4070, prohibits a System institution that operates under title I or II of the Act from lending directly to any borrower who is located in the chartered territory of another FCS lender without its consent. The earlier notice (*See* 68 FR 2540, January 17, 2003) asked whether the FCA should consider revising this regulation so that out-of-territory syndications to eligible borrowers would no longer require consent from other FCS lenders. All commercial bank commenters who replied to this question opposed repeal of the territorial consent requirement for syndications. These commenters expressed concerns that repealing the territorial consent requirements for syndications would dilute local control of System associations and allow them to operate nationally. The FCA received only a few responses to this question from System commenters. These commenters expressed concern that territorial concurrence for out-of-territory syndications would sharply curtail System involvement in this market. Only one System commenter thought that the FCA should consider revising § 614.4070 if syndications are classified as direct loans. Two other FCS commenters deemed changes to the regulation as unnecessary because System lenders could resolve the territorial consent issues among themselves.

After considering the views of these commenters, the FCA does not plan, at this time, to initiate a rulemaking that would repeal the territorial consent requirements for syndications. FCS associations can resolve this issue through cross-territory consent agreements.

*F. Lien Position Requirements*

Sections 1.14, 2.6, and 3.10(c) of the Act require each Farm Credit bank and association to hold a first-lien position on stock, participation certificates, and other equity that they issue for the payment of any liability owed by the shareholder-member. Separately, section 1.10(a)(2) of the Act requires that all System institutions operating under title I secure all long-term mortgages with a first lien on interests in real estate. For these reasons, FCS banks and associations must maintain priority lien positions on membership stock and participation certificates, and (when applicable) on real estate that cannot be subrogated to any non-System lender.

**V. Other Concerns of the Commenters**

A System commenter suggested that the FCA create a special regulatory category for syndications and other multi-lender transactions if the agency determined that syndications for eligible borrowers are not within the System's loan participations authorities. Under the commenter's proposal, multi-lender transactions involving a direct contractual relationship between the borrower and all the creditors would be exempt from borrower stock, borrower rights, territorial concurrence, and first-lien requirements if (1) The borrower was a customer of a non-System lender, (2) FCS institutions held a pro rata interest in the credit, and (3) System lenders could not unilaterally make major credit decisions on the loan. The FCA has no basis under the Act to exempt syndications, assignments, and other multilender transactions (where System lenders enter into a direct contractual relationship with an eligible borrower) from the statutory and regulatory requirements that apply to loans. For this reason, the FCA declines the commenter's request.

Most commercial banks expressed concern that syndications to large, integrated operators would cause System lenders to shift their energies away from young, beginning, and small farmers, ranchers and other borrowers that are more closely involved in production agriculture. However, FCS lenders have legal authority to take part in syndications, as explained above. Accordingly, System lenders may enter into syndications that extend credit to eligible borrowers that have large, integrated operations as long as they comply with all statutory and regulatory requirements that apply to direct loans. Section 1.1(b) of the Act states that the System's public policy mission is to ''* * * be responsive to the credit needs of all types of agricultural producers having a basis for credit. * * *'' Thus, the System may serve all creditworthy agricultural and aquatic producers.

**VI. Compliance with this Guidance**

System institutions that take part in syndicated loans to eligible borrowers must comply with all applicable provisions of the Act and regulations. From a safety and soundness perspective, each FCS lender must understand the risks associated with syndications, and the policies of its board must establish methods for measuring and managing these risks. The FCA also expects each System lender that takes part in syndications to achieve clearly defined risk management and diversification objectives. The Office of Examination will continue to examine loan syndications to ensure safety and soundness and compliance with the Act and regulations.

**VII. Legislative Initiative**

The January 17, 2003 notice also sought input from the public about whether the FCA should seek legislative changes regarding the System's authority to engage in various types of multi-lender transactions with non-System lenders. The notice asked what specific statutory changes the FCA should seek if it chose to recommend new legislation to Congress.

All System and non-System commenters opposed any legislative initiative by the FCA on this issue. At this time, the FCA does not plan to propose new legislation to Congress about syndications and other multi-lender transactions. However, given the increasing importance of syndications in agricultural credit markets, the FCA may reconsider its position and pursue legislation that would address this matter in the future.

Dated: February 18, 2004.

**James M. Morris,**

*Acting Secretary, Farm Credit Administration Board.*

[FR Doc. 04–3888 Filed 2–23–04; 8:45 am]

**BILLING CODE 6705–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

February 10, 2004.

**SUMMARY:** The Federal Communications Commission, as part of its continuing

effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before March 25, 2004. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov* or Kristy L. LaLonde, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–3562 or via Internet at *Kristy_L._LaLonde@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0953.

*Title:* Wireless Medical Telemetry Service, ET Docket No. 99–255.

*Form Number:* N/A.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Businesses or other for profit, not for profit institutions.

*Number of Respondents:* 1 respondent, 2,500 responses.

*Estimated Time per Response:* 1 to 4 hours.

*Frequency of Response:* Recordkeeping; On occasion reporting requirement; Third party disclosure.

*Total Annual Burden:* 10,000 hours.

*Total Annual Cost:* $500,000.

*Needs and Uses:* The Commission allocated spectrum and established rules for a ''Wireless Medical Telemetry Service'' that allows potentially life critical equipment to operate in an interference-protected basis. Medical telemetry equipment is used in hospitals and health care facilities to transmit patient measurement data such as pulse and respiration rate to a nearby receiver, permitting greater patient mobility and increased comfort.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04–3973 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

February 12, 2004.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law No. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before March 25, 2004. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all Paperwork Reduction Act (PRA) comments to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to *Judith-B.Herman@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judith B. Herman at (202) 418–0214 or via the Internet at *Judith-B.Herman@fcc.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060–0496.

*Title:* ARMIS Operating Data Report.

*Report No.:* FCC Report 43–08.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 55.

*Estimated Time Per Response:* 139 hours.

*Frequency of Response:* Annual reporting requirement.

*Total Annual Burden:* 7,645 hours.

*Total Annual Cost:* N/A.

*Needs and Uses:* The ARMIS Report 43–08 collects network operating data in a consistent format. It also monitors network growth, usage, and reliability. Section 11 of the Communications Act of 1934, as amended, 47 U.S.C. 161, requires the Commission, in every even-numbered year beginning in 1998, to review its regulations applicable to providers of telecommunications services to determine whether the regulations are no longer in the public interest due to meaningful economic competition between providers of such services and whether such regulations should be repealed or modified. Section 11 further instructs the Commission to repeal or modify any regulation it determines to be no longer in the public interest. The Commission uses an indexed revenue threshold to determine which carriers are required to file the ARMIS reports. In this collection, the Commission revised the number of carriers filing this ARMIS report from 53 to 55 respondents to reflect two carriers that exceeded the indexed revenue threshold. The Commission is now seeking the full three year OMB approval for the information collection with no changes.

*OMB Control No.:* 3060–0512.

*Title:* ARMIS Annual Summary Report.

*Report No.:* FCC Report 43–01.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 119.

*Estimated Time Per Response:* 89 hours.

*Frequency of Response:* Annual reporting requirement.

*Total Annual Burden:* 10,591 hours.

*Total Annual Cost:* N/A.

*Needs and Uses:* The Annual Summary Report contains financial and operating data and is used to monitor the incumbent local exchange carrier industry and to perform routine analyses of costs and revenues on behalf of the Commission. As a result of Part 32 accounts changes, the Commission is reducing the burden hours in this information collection to reflect the addition, elimination, and consolidation of a number of reporting rows in this report. The Commission is also revising the number of carriers filing this ARMIS report from 115 to 119. The Commission uses an indexed revenue threshold to determine which carriers are required to file the ARMIS reports. That revenue threshold is currently $121 million.

*OMB Control No.:* 3060–0513.

*Title:* ARMIS Joint Cost Report.

*Report No.:* FCC Report 43–03.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 85.

*Estimated Time Per Response:* 50 hours.

*Frequency of Response:* Annual reporting requirement.

*Total Annual Burden:* 4,250 hours.

*Total Annual Cost:* N/A.

*Needs and Uses:* The Joint Cost Report is needed to administer the Commission's joint cost rules contained in Part 64 and to analyze data in order to prevent cross-subsidization of non-regulated operations by the regulated operations of Tier 1 carriers. As a result of Part 32 account changes, the Commission is reducing the total annual burden hours to reflect the addition, elimination, and consolidation of a number of reporting rows in this report.

*OMB Control No.:* 3060–0395

*Title:* The ARMIS USOA Report (ARMIS Report 43–02); The ARMIS Service Quality Report (ARMIS Report 43–05); and the ARMIS Infrastructure Report (ARMIS Report 43–07).

*Report Nos.:* FCC Reports 43–02, 43–05 and 43–07.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 51.

*Estimated Time Per Response:* 5.7–844 hours.

*Frequency of Response:* Annual reporting requirement and recordkeeping requirement.

*Total Annual Burden:* 21,004 hours.

*Total Annual Cost:* N/A.

*Needs and Uses:* FCC Report 43–02 contains company-wide data for each account specified in the Uniform System of Accounts (USOA). It provides the annual operating results of the carriers' activities for every account in the USOA. As a result of Part 32 account changes, the Commission is reducing the burden hours to reflect the addition, elimination, and consolidation of a number of reporting rows as well as the elimination of a number of columns in this report. FCC Report 43–05 collects data at the study area level and holding company level and is designed to capture trends in service quality information in the areas of service quality under price cap regulation. It provides service quality information in the areas of interexchange access service installation and repair intervals, local service installation and repair intervals, trunk blockage and total switch downtime for price cap companies. There are no changes to this report; however, we are increasing the number of respondents by two to account for an acquisition of price cap study areas and a new price cap carrier. FCC Report 43–07 is designed to capture trends in telephone industry infrastructure development under price cap regulation. It provides switch deployment and capabilities data. There are no changes to this report for this submission to the OMB.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04–3974 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

February 18, 2004.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before April 26, 2004. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all Paperwork Reduction Act (PRA) comments to Les Smith, Federal Communications Commission, 445 12th Street, SW, Room 1–A804, Washington, DC 20554 or via the Internet to *Leslie.Smith@fcc.gov.*

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at *Leslie.Smith@fcc.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0967.

*Title:* Section 79.2, Accessibility of Programming Providing Emergency Information.

*Form Number:* N/A.

*Type of Review:* Extension of currently approved collection.

*Respondents:* Business or other for-profit entities, Individuals or household; Not-for-profit institutions; and State, local or tribal government.

*Number of Respondents:* 100.

*Estimated Hours per Response:* 1 hour.

*Frequency of Response:* On occasion reporting requirement.

*Total Annual Burden:* 275 hours.

*Total Annual Cost:* $5,000.

*Needs and Uses:* On July 21, 2000, the Commission adopted a Report and Order, *In the Matter of Implementation of Video Description of Video Programming*, in MM Docket No. 99–339. This Report and Order adopted video description rules to make television more accessible to persons

with visual disabilities. Among other things, the Report and Order requires any broadcast station or multiple video programming distributor (MVPD) that provides local emergency information as part of a regularly scheduled newscast, or as part of a newscast that interrupts regularly scheduled programming, to make the critical details of the information accessible to persons with visual disabilities in the affected local area. In addition, any broadcast station or MVPD that provides emergency information through a crawl or scroll must accompany that information with an aural tone to alert persons with visual disabilities that the station or MVPD is providing this information. Under 47 CFR 79.2(c) a complaint alleging a violation of this section may be transmitted to the FCC. The complaint should include the name of the video programming distributor against whom the complaint is alleged, the date and time of the omission of emergency information, and the type of emergency. The FCC will notify the video programming distributor of the complaint, and the distributor must respond to the complaint within 30 days.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 04–3976 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

**[DA 04–289]**

### Wireless Telecommunications Bureau Announces Final Phase of the Private Land Mobile Radio Station Construction and Operational Status Audit

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces the final phase of the Private Land Mobile Radio (PLMR) Spectrum Audit. At the end of this phase, call signs for which licensees have failed to respond to the audit will be deemed to have cancelled automatically.

**DATES:** Response due on or before March 31, 2004.

**ADDRESSES:** All responses should be mailed to FCC, PLMR Spectrum Audit Responses, 1270 Fairfield Road, Gettysburg, PA 17325, or faxed to (717) 338–2696.

**FOR FURTHER INFORMATION CONTACT:** Kelly Lawver, Public Safety & Critical Infrastructure Division, Wireless Telecommunications Bureau, (717) 338–2605.

**SUPPLEMENTARY INFORMATION:** This is a summary of a Public Notice released on February 9, 2004.

1. The Bureau has been conducting an audit of the construction and operational status of certain Private Land Mobile Radio (PLMR) stations. The audit includes most PLMR Stations (radio services IG, YG, PW, YW) licensed on frequencies below 512 MHz that are subject to frequency coordination and rule-based construction and operational requirements. The Federal Communications Commission's (FCC) part 90 rules for the PLMR facilities require construction within a specified time and require that stations remain operational in order for the FCC license to remain valid. Specifically, when a license fails to construct its authorized PLMR facilities within the requisite construction period or discontinues operation for a period of one year, the license cancels automatically and the licensee is required to notify the FCC.

2. The Bureau initially sent audit letters to licensees over a six month period from August 2001, to January 2002. More than 267,000 letters involving approximately 420,000 call signs were sent. The initial mailing generated a 73 percent response rate. In order to generate a higher response rate, a second audit mailing took place in April and May of 2002. As a result of this mailing, the response rate increased to 88 percent. To date, there are approximately 14,000 call signs for which the FCC has not received a response. Because of the number of call signs in this category, we are not listing them in an attachment to this Public Notice. The call signs, however, are listed on the FCC's audit web page.

3. To assist licensees and industry in determining which call signs have outstanding audit responses, there are several tools available on the FCC's audit web page at *http://wireless.fcc.gov/licensing/audits/plmrs/index.html.* Information regarding particular call signs may be obtained by querying the audit database under ''Audit Search''. Listings of call signs for which the FCC has no record of a response are available under ''Database Downloads''. These files are separated by radio service and state/territory. In addition, if a licensee determines that it needs to respond to the audit, a response form may be downloaded from this page. The completed form should be faxed to: (717) 338–2696 or mailed to: FCC, PLMR Spectrum Audit Responses, 1270 Fairfield Road, Gettysburg, PA 17325.

4. On February 27, 2004, the WTB will begin sending out a third and final letter to those licensees who have not responded to the audit. Licensees will be given until March 31, 2004, to provide a response. The FCC will presume from a failure to respond to this inquiry and previous inquiries that the licensee has either failed to construct its stations within the requisite time period or has discontinued operation of its station for a period of one year. Consequently, if a licensee does not provide a response by March 31, 2004, the stations will be deemed to have cancelled automatically. The FCC's licensing database will be updated to reflect that the licenses are no longer valid and the frequencies will be made available for relicensing.

5. For additional information about PLMR Spectrum audit, please call 1–888–225–5322 and select option 2 or visit the WTB Web site at *http://wireless.fcc.gov/licensing/audits/plmrs/index.html.*

Federal Communications Commission.

**D'wana R. Terry,**

*Chief, Public Safety and Critical Infrastructure Division, WTB.*

[FR Doc. 04–3971 Filed 2–23–04; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

**[DA 04–290]**

### Wireless Telecommunications Bureau Announces Disposition of Call Signs Which Were Undeliverable in the Private Land Mobile Radio Station Construction and Operational Status Audit

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces its handling of call signs with outstanding audit responses for which Private Land Mobile (PLMR) Spectrum Audit letters have been returned to the Commission as undeliverable. As part of the final phase of the PLMR Spectrum Audit, undeliverable call signs which remain without a response 30 days after publication of this list in the **Federal Register** will be deemed to have cancelled automatically.

**DATES:** Effective March 25, 2004.

**ADDRESSES:** All responses should be mailed to FCC, PLMR Spectrum Audit Responses, 1270 Fairfield Road,

Gettysburg, PA 17325, or faxed to (717) 338–2696.

**FOR FURTHER INFORMATION CONTACT:** Kelly Lawver, Public Safety & Critical Infrastructure Division, Wireless Telecommunications Bureau, (717) 338–2605.

**SUPPLEMENTARY INFORMATION:**

1. The Bureau has been conducting an audit of the construction and operational status of certain Private Land Mobile Radio (PLMR) stations. The audit includes most PLMR Stations (radio services IG, YG, PW, YW) licensed on frequencies below 512 MHz that are subject to frequency coordination and rule-based construction and operational requirements. The Federal Communications Commission's (FCC) part 90 rules for the PLMR facilities require construction within a specified time and require that stations remain operational in order for the FCC license to remain valid. Specifically, when a license fails to construct its authorized PLMR facilities within the requisite construction period or discontinues operation for a period of one year, the license cancels automatically and the licensee is required to notify the FCC.

2. The Bureau initially sent audit letters to licensees over a six month period from August 2001, to January 2002. More than 267,000 letters involving approximately 420,000 call signs were sent. The initial mailing generated a 73 percent response rate. In order to generate a higher response rate, the Bureau updated addresses and sent a second letter in April and May of 2002. As a result of this mailing, the response rate increased to 88 percent. To date, letters for approximately 2,300 call signs with outstanding audit responses have been returned to the FCC as undeliverable. The attachment lists the call signs with outstanding audit responses.

3. Tools are available on the FCC's audit web page at *http://wireless.fcc.gov/licensing/audits/plmrs/index.html* to assist licensees and industry in determining which call signs are undeliverable and do not have a response. Information regarding particular call signs may be obtained by querying the audit database under ''Audit Search''. Listings of call signs for which the Commission has no record of a response are available under ''Database Downloads''. These files are separated by radio service and state/territory. In addition if a licensee determines that it needs to respond to the audit, a response form may be downloaded from this page. The completed form should be faxed to (717) 338–2696 or mailed to FCC, PLMR Spectrum Audit Responses, 1270 Fairfield Road, Gettysburg, PA 17325.

4. Licensees will have until March 25, 2004, to provide a response for the attached call signs. The FCC will presume from a failure to provide a response that the licensee has either failed to construct its stations within the requisite time period or has discontinued operation of its station for a period of one year. Consequently, if a licensee does not provide a response by March 25, 2004, the stations will be deemed to have cancelled automatically. The FCC's licensing database will be updated to reflect that licenses are no longer valid and the frequencies will be made available for relicensing.

5. For additional information about the Private Land Mobile Radio construction audit, please call 1–888–225–5322 and select option 2 or visit the WTB Web site at *http://wireless.fcc.gov/licensing/audits/plmrs/index.html.*

Federal Communications Commission.

**D'wana R. Terry,**

*Chief, Public Safety and Critical Infrastructure Division, WTB.*

**BILLING CODE 6712–01–P**

Appendix

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KA26590 | IG | MDOI INC | TX |
| KA2731 | PW | LIVE OAK, COUNTY OF | TX |
| KA34496 | PW | MENOMINEE COUNTY INTERMEDIA | MI |
| KA40058 | IG | HOUMANN, JIM:HOUMANN, CHET | ND |
| KA43600 | IG | SHAPLEY, CHARLES P | MO |
| KA45050 | IG | ROLAND P MENNELLA LANDSCAPI | NY |
| KA60625 | PW | WAYCROSS, CITY OF | GA |
| KA62483 | PW | COHOCTON, TOWN OF | NY |
| KA69713 | IG | OBEC CONSULTING ENGINEERS | OR |
| KA80526 | IG | WILEY & ASSOCIATES INC | AZ |
| KA92586 | IG | RUARCH ASSOCIATES LLC | VA |
| KA96929 | IG | E.I. Dupont de Nemours and Company | DE |
| KAA245 | IG | YELLOW & CITY CAB CO | KS |
| KAJ993 | IG | SCHWARTZ, STAN | WA |
| KAM983 | IG | RAY KREBSBACH & SONS | IA |
| KAP554 | IG | AWARE OPERATING SERVICES INC | TX |
| KAS947 | IG | PARIS AND SONS INC | IA |
| KAT588 | IG | GENESSEE & WYOMING RAILROAD | PA |
| KB22294 | IG | Arch Chemicals, Inc | NY |
| KB24004 | IG | GALDE, DARRELL O | TN |
| KB26509 | IG | ROHM and HAAS TEXAS INC | TX |
| KB31749 | IG | CALGON CHEMICALS | TX |
| KB35567 | IG | BRINK MARINI TRUCKING INC | CA |
| KB43747 | IG | COM ENERGY SERVICES COMPAN | MA |
| KB45352 | IG | OWENS ILLINOIS INC | CA |
| KB46166 | PW | TURBEVILLE, TOWN OF | SC |
| KB47900 | IG | J A YANSICK LUMBER CO INC | NY |
| KB48069 | IG | UNITEL MOBILE VIDEO INC | PA |
| KB50463 | IG | PIEDMONT AVIATION SERVICES IN | VA |
| KB52599 | PW | LOUISIANA, CITY OF | MO |
| KB53500 | PW | WATERVLIET, CITY OF | MI |
| KB53564 | IG | CHARTER PLAINS HOSPITAL | TX |
| KB54818 | IG | HALL ENGINEERING COMPANY | MI |
| KB60545 | IG | CLINES LANDING ASSOCIATION | TX |
| KB62189 | IG | RACON INC | WA |
| KB62716 | IG | STEVEDORING SERVICES OF AME | CA |
| KB64591 | IG | STEVEDORING SERVICES OF AME | WA |
| KB65125 | IG | GALES VILLAGE SUPERMARKET | OH |
| KB65341 | IG | NAPCO PLASTICS | OH |
| KB65993 | IG | OCEAN SPRAY CRANBERRIES INC | WA |
| KB66326 | IG | IMPERIAL GROUP | TN |
| KB66569 | IG | JOE VAN FOODS INC | IA |
| KB66637 | IG | COATS AMERICAN | GA |
| KB66956 | IG | FAST FORWARD SECURITY INC | NJ |
| KB66999 | IG | MAMMOTH UNIFIED SCHOOL DISTR | CA |
| KB67492 | IG | LAKE REGION GRAIN COOPERATIV | ND |
| KB6880 | IG | COPPERWELD CORP | IL |
| KB69112 | IG | LOUISVILLE, CITY OF | KY |
| KB69279 | IG | MARTIKI COAL CORPORATION | KY |
| KB72143 | IG | COMSEC SYSTEMS OF MASSACH | CT |
| KB72269 | IG | PROTECTORS PRIVATE SECURIT | NJ |
| KB72345 | IG | COMSEC SYSTEMS OF MASSACH | CT |
| KB72667 | IG | PAYLESS CASHWAYS INC | TX |
| KB74592 | IG | OERTHER FOODS INC | FL |
| KB74596 | IG | OERTHER FOODS INC | FL |
| KB78214 | IG | MC DONALDS OF HAWAII | HI |
| KB79790 | IG | BURKICK INC | WI |
| KB86221 | IG | UNION CAMP CORP | NJ |
| KB86794 | IG | COMSEC SYSTEMS OF NORTHER | CT |
| KB87133 | IG | VANOVER, ELDON:WALSH, JACK: | CA |
| KB91014 | IG | NATIONAL HERITAGE INSURANCE | TX |
| KB91045 | IG | WINDEMULLER ELECTRIC INC | MI |
| KB91834 | IG | SKYTRAILS AVIATION | CA |
| KB91885 | IG | WESTLAKE POLYMERS CORPOR | LA |
| KB92043 | IG | Mukluk Telephone Company, Inc. | AK |
| KB92593 | IG | TAMBRANDS INC | ME |
| KB93953 | IG | Mukluk Telephone Company, Inc. | AK |
| KB93954 | IG | Mukluk Telephone Company, Inc. | AK |
| KB93955 | IG | Mukluk Telephone Company, Inc. | AK |
| KB93956 | IG | Mukluk Telephone Company, Inc. | AK |
| KB93957 | IG | Mukluk Telephone Company, Inc. | AK |
| KB93958 | IG | Mukluk Telephone Company, Inc. | AK |
| KB93961 | IG | Mukluk Telephone Company, Inc. | AK |
| KB93973 | IG | Mukluk Telephone Company, Inc. | AK |
| KB93974 | IG | Mukluk Telephone Company, Inc. | AK |
| KB94155 | IG | Mukluk Telephone Company, Inc. | AK |
| KB94245 | IG | DMG LTD DBA MC DONALDS | IL |
| KBA969 | IG | PAGE AVJET CORPORATION | DC |
| KBD556 | PW | WAYCROSS, CITY OF | GA |
| KBD995 | IG | WHITESEL BROTHERS INC | VA |
| KBE969 | PW | ANTIOCH, VILLAGE OF | IL |
| KBF602 | PW | WEST PULASKI VOLUNTEER FIRE | AR |
| KBH517 | IG | EIGHTY FOUR MINING COMPANY | PA |
| KBJ320 | PW | RIVERSIDE MEDICAL CENTER | WI |
| KBK632 | IG | JONESCO ELEVATOR INC | OH |
| KBM535 | IG | TRIMM HEATING & AIR CONDITIO | FL |
| KBQ830 | IG | HILLS TIRE AND SUPPLY INC | SD |
| KBY409 | IG | DELLITT TRUCKING INC | IL |
| KC3569 | PW | PUERTO RICO, COMMONWEALTH | PR |
| KC8701 | IG | CRANBERRY PIPELINE CORPORA | PA |
| KCA755 | IG | WORCESTER YELLOW CAB INC | MA |
| KCE979 | PW | WYOMING HOSPITAL ASSOCIATI | WY |
| KCK440 | IG | TALLADEGA, CITY OF | AL |
| KCP879 | IG | MOUNT VERNON TOWING INC | WA |
| KCQ275 | PW | NORTHERN EMS INC | PA |
| KD20317 | IG | SOUTHWEST SHOPPING CENTER | AR |
| KD21197 | IG | NATIONAL METALS COMPANY | AZ |
| KD21568 | IG | MC CAMM MANAGEMENT CO DBA | MO |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KB70167 | IG | AMERICAN STOCK EXCHANGE | NY |
| KB70813 | IG | DALLAS ATHLETIC COUNTRY CLUB | TX |
| KB71226 | PW | NUECES CTY WATER CONTROL IM | TX |
| KD25963 | PW | NEW FREEDOM BOROUGH OF | PA |
| KD26050 | IG | CYPRESS SEMICONDUCTOR CORP | CA |
| KD27035 | IG | ROYSTER CLARK INC | NC |
| KD29105 | IG | UNIMIN CORPORATION | WI |
| KD30966 | IG | DELAWARE VALLEY MEDICAL CEN | PA |
| KD34908 | IG | MURPHY PLYWOOD | OR |
| KD36307 | IG | LEISURE TIME RESORT | WA |
| KD36485 | IG | PRENTICE, MIKE | CA |
| KD37002 | IG | MC WHORTER TECHNOLOGIES INC | IL |
| KD37490 | IG | SCHERING PLOUGH ANIMAL HEAL | IN |
| KD38833 | IG | ASTRODOME USA | TX |
| KD39118 | IG | HAWAII STATE GOLF ASSOCIATION | HI |
| KD39309 | IG | HARDEES | WI |
| KD39604 | IG | PREFERRED PRODUCTS INC | MN |
| KD39969 | IG | CHICAGO ORNAMENTAL IRON COM | IL |
| KD40120 | IG | PREMARK INTERNATIONAL INC | IL |
| KD40605 | IG | CENTRAL GARDEN SUPPLY | CA |
| KD40689 | IG | CRSI INC | VA |
| KD40899 | IG | SHEMON, GARY | MN |
| KD40946 | IG | NORTHWEST SURVEYING | AZ |
| KD41328 | IG | HARDEES 242 | OH |
| KD41666 | IG | NATIONAL SURFACE CLEANING | MN |
| KD41817 | IG | MILLVILLE MOTOR INN | NJ |
| KD42081 | IG | E.I. Dupont de Nemours and Company | DE |
| KD42453 | IG | YAZOO SUPER VALU | MS |
| KD42481 | IG | CKB INC DBA MC DONALDS 6838 | FL |
| KD42653 | IG | WALKER MANUFACTURING COMPA | MS |
| KD42745 | IG | JOHNSON COUNTY ALARM SYSTEM | KS |
| KD42969 | IG | HEINZ PET PRODUCT | TX |
| KD42988 | IG | TECHNOLOGIES MANAGEMENT SE | WI |
| KD43290 | IG | SAGE OFFICE MANAGEMENT CORP | PA |
| KD43417 | IG | CKB INC DBA MC DONALDS 7542 | FL |
| KD43611 | IG | TRIPOLI COUNTRY CLUB | WI |
| KD43783 | IG | MEADOWCRAFT INC | AZ |
| KD43894 | IG | BORMEC INC | CA |
| KD43961 | IG | NORTH BEND THRIFTWAY | WA |
| KD44103 | IG | NW SCHOOL OF SURVIVAL | OR |
| KD44658 | IG | GULF STATES MARINE TERMINAL | LA |
| KD44809 | IG | BHT INC DBA MC DONALDS 10960 | NC |
| KD45987 | IG | SUNSHINE FOOD STORE | SD |
| KD46192 | IG | LANDMARK FOODS SUPER VALU | NM |
| KD46889 | IG | PORTSMOUTH GENERAL HOSPITA | VA |
| KD47214 | IG | COPPERWELD CORP | IL |
| KD47975 | IG | AMERICAN DYNAMICS GROUP INC | GA |
| KD48042 | IG | HENRIETTA EGLESTON HOSPITAL | GA |
| KD48087 | IG | WERTMAN, DONALD J | MI |
| KD48349 | IG | STAMBAUGHS AIR SERVICE | PA |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KD21845 | IG | E.I. Dupont de Nemours and Compa | DE |
| KD22575 | IG | CANADIAN PACIFIC LIMITED | ME |
| KD25758 | PW | NEW FREEDOM BOROUGH OF | PA |
| KD50100 | IG | TACO BELL #2531 | CA |
| KD50667 | IG | BETZDEARBORN INC | PA |
| KD51623 | IG | INTERSTATE ELECTRONICS COR | CA |
| KD51877 | IG | PITTSBURGH TUBE COMPANY | PA |
| KD52037 | IG | MIDTOWN PLUMBERS INC | FL |
| KD53407 | IG | E.I. Dupont de Nemours and Compa | DE |
| KDA443 | IG | VINSON CAB | LA |
| KDF210 | IG | ALWAYS DEPENDABLE PRIVATE | NY |
| KDH842 | IG | CALLANAN INDUSTRIES INC DBA | NY |
| KDJ210 | IG | RUDCO CORP | NY |
| KDN526 | PW | WINFIELD, CITY OF | AL |
| KDP950 | IG | BAUCOMS NURSERY FARMS & GF | NC |
| KDT518 | IG | MATTES BROTHERS CONSTRUCT | MO |
| KDU672 | IG | RAIL TERMINAL SERVICES LLC | NE |
| KDW978 | IG | KNOWLES FARMS INC | WA |
| KDX62 | IG | CRANBERRY PIPELINE CORPORA | PA |
| KDX64 | IG | CRANBERRY PIPELINE CORPORA | PA |
| KEC553 | PW | SUTHERLIN, CITY OF | OR |
| KED956 | IG | WATER AUTHORITY OF GREAT N | NY |
| KEE476 | PW | BROOKHAVEN, TOWN OF | NY |
| KEJ680 | IG | D BAR CHALMERS INC | TX |
| KEJ957 | PW | BROOKHAVEN, TOWN OF | NY |
| KEK306 | PW | WATERFRONT COMMISSION OF N | NY |
| KEV872 | IG | Maki, Jeannette | MT |
| KEX242 | PW | COMMUNITY LIFE TEAM INC | PA |
| KEZ818 | IG | NEW BOSTON COKE CORPORATI | OH |
| KEZ918 | IG | JOHNSON, BUD | ID |
| KFD375 | IG | Tower Automobile Enterprises | WI |
| KFE453 | IG | TORROMEO TRUCKING CO INC | MA |
| KFE654 | PW | MOCKSVILLE, TOWN OF | NC |
| KFP583 | PW | MAINE GENERAL HEALTH DBA MA | ME |
| KFQ744 | IG | MC GEE, BURTON E | KY |
| KFR623 | IG | CENTRAL DELIVERY SERVICE OF | MD |
| KFR671 | PW | ANTRIM COMMUNITY FIRE DEPT | OH |
| KFT821 | IG | WAKE TECHNICAL COMMUNITY C | NC |
| KFW365 | IG | Comcast of Montana/Indiana/Kentuc | NY |
| KFW535 | IG | ROYAL OLDSMOBILE NISSAN | VA |
| KGA939 | IG | WEST SHORE TAXI CO | PA |
| KGB612 | IG | NEW EASTERN CAB INC | MD |
| KGE858 | PW | CECIL 3 VOLUNTEER FIRE DEPAR | PA |
| KGM771 | IG | BONNETT, J R | KY |
| KGV692 | IG | RAIL TERMINAL SERVICES LLC | NE |
| KGW291 | PW | PAJARO VALLEY FIRE PROTECTI | CA |
| KGW772 | PW | PUERTO RICO, COMMONWEALTH | PR |
| KIK334 | PW | DEACONESS HOSPITAL | MO |
| KIM865 | IG | ZAYTOUN RAINES ASSOCIATES I | NC |
| KIV977 | IG | SCRAPPY THOMAS INC | FL |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KD48477 | IG | DON KEHN CONSTRUCTION INC | CO |
| KD48528 | IG | SUNNYLAND INC | GA |
| KD48823 | IG | PEP BOYS | NJ |
| KD49100 | IG | CARLANA INC DBA MC DONALDS | CA |
| KD49273 | IG | CARLANA INC DBA MC DONALDS | CA |
| KD49640 | IG | VEF II LLC | AZ |
| KD49891 | IG | 36 SOUTH STATE STREET BUILDIN | IL |
| KKD868 | IG | TEXAS CITY TERMINAL RAILWAY C | TX |
| KKG537 | PW | GUERNSEY, COUNTY OF | TX |
| KKG702 | PW | BURNET COUNTY VOLUNTEER FIR | TX |
| KKH363 | IG | CORN BELT FS INC | TX |
| KKM674 | IG | INTERNATIONAL PAPER COMPANY | TX |
| KKQ425 | IG | CULPEPER STONE COMPANY INC | TX |
| KKW381 | IG | MAZIE WATER DISTRICT 2 | TX |
| KKW937 | IG | CHILDS READY MIX CONCRETE CO | TX |
| KKZ388 | IG | C T SWITZER WELL CO | TX |
| KL5267 | PW | PEARDALE CHCG PK FIRE PRTCN | TX |
| KL6228 | IG | INDIANA VOCATIONAL TECH COLL | TX |
| KLD575 | IG | UPDIKE BROTHERS INCORPORATE | TX |
| KLO355 | PW | EASTTOWN, TOWNSHIP OF | TX |
| KLO395 | PW | PIERCE COUNTY FIRE PROTECTIO | TX |
| KLQ861 | IG | HARLOWE TYPOGRAPHY INC | TX |
| KLW860 | IG | COPPER RANGE COMPANY | TX |
| KLY270 | PW | MASON GENERAL HOSPITAL | TX |
| KME991 | IG | AMERICAN STOCK EXCHANGE INC | TX |
| KML469 | IG | GREENCO INC | TX |
| KNAA232 | IG | WCLA Telecommunications Inc | TX |
| KNAA352 | IG | PONTIKI COAL CORPORATION | TX |
| KNAB914 | PW | FAIRBURY HOSPITAL | TX |
| KNAK320 | PW | UPSHUR, COUNTY OF | TX |
| KNAM212 | IG | VASCO ASPHALT EQUIPMENT COM | TX |
| KNAT229 | IG | GREEN TRANSPORTATION CO LLC | TX |
| KNBD631 | PW | SOUTH COAST WATER DISTRICT | TX |
| KNBE847 | IG | RYTERSKI TRUCKING | TX |
| KNBG769 | IG | INTERMEDICS INC | TX |
| KNBH695 | IG | TURNCO INC | TX |
| KNBJ268 | PW | PERRY, COUNTY OF | TX |
| KNBK416 | IG | Rockwell Automation | TX |
| KNBQ314 | IG | NYALA FARMS INC | TX |
| KNBQ496 | IG | HAYASHI, ALLEN | TX |
| KNBQ629 | IG | LYONS, DEAN | TX |
| KNBS200 | IG | MC CARTHY CORPORATION | TX |
| KNBS613 | IG | HENSCHEID, TED:HENSCHEID, RUF | TX |
| KNBT567 | IG | METRO CAB INC DBA RAPID ROVE | TX |
| KNBU537 | IG | ALASKA BUSH CARRIERS INC | TX |
| KNBU638 | PW | MADISON, TOWNSHIP OF | TX |
| KNBX358 | IG | BURTON L HIRSCH FUNERAL HOM | TX |
| KNBZ410 | IG | ACTION KING ENT INC | TX |
| KNCA689 | IG | FRAZIER BROS INC | TX |
| KNCB525 | IG | ALEXANDER AG FLYING SERVICE I | TX |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KIW208 | IG | R W DE HART & CRAFTMEN INC | VA |
| KJB923 | PW | STATE UNIVERSITY OF NEW YOR | NY |
| KJD925 | PW | COSHOCTON, COUNTY OF | OH |
| KJL466 | IG | PROCTER & GAMBLE MANUFACT | NY |
| KJQ410 | IG | FERRARI EQUIPMENT COMPANY | IL |
| KKA562 | IG | MONFORT OF COLORADO INC | CO |
| KKD815 | PW | DESOTO PARISH SHERIFF | LA |
| KNDA882 | IG | HARKNESS, E L | MS |
| KNDB688 | IG | FLEEMAN, HAROLD E | MO |
| KNDC426 | IG | GREEN BAY PACKAGING CORPO | AR |
| KNDE742 | PW | WINFIELD, CITY OF | AL |
| KNDJ226 | IG | CUTRALE CITRUS JUICES USA IN | FL |
| KNDQ866 | IG | BROHN, STANLEY J | LA |
| KNDR366 | IG | PARKEWAY TRANSPORT INC | ME |
| KNDU275 | PW | NEW RICHMOND EXEMPTED VILL | OH |
| KNDX893 | IG | WEAVER BROS | AK |
| KNDY499 | IG | BECKER, RANDY | TX |
| KNDZ432 | IG | THE CONTINENT | OH |
| KNEC619 | IG | CABRILLO FARMS INC | CA |
| KNEE682 | PW | UHHS/CSAHS CUYAHOGA INC DB | OH |
| KNEG616 | IG | AUFDENBERG, RICK E | MO |
| KNEJ922 | IG | PERU COMMUNITY SCHOOL | IN |
| KNEK441 | PW | SALEM BLACKMAN FIRE DEPT | TN |
| KNEN889 | PW | THERESA, TOWN OF | WI |
| KNEP656 | IG | LOUISVILLE REDBIRDS INC | KY |
| KNEP922 | PW | AUSTIN, COUNTY OF | TX |
| KNER251 | IG | ELSTAD, THOMAS C | ND |
| KNES417 | IG | BANDIT MESSENGER OF N DALLA | TX |
| KNEZ257 | IG | WILTSE FENCING & KENNELS INC | MI |
| KNEZ621 | IG | CAMPBELLS SOUP COMPANY | NJ |
| KNFC700 | IG | JACOBSEN, DELONAIR J | NV |
| KNFD932 | IG | KOON, J W | AR |
| KNFH293 | IG | CAN DO TRANSPORTATION CORP | NY |
| KNFL947 | PW | TERRELL, COUNTY OF | GA |
| KNFP446 | PW | QUINLAN, CITY OF | TX |
| KNFS868 | IG | PAQUIN DRILLING INC DBA QUINN | OR |
| KNFT381 | IG | MC DONALD, CLYDE R | NM |
| KNFW612 | IG | MAINE GENERAL HEALTH DBA MA | ME |
| KNFX454 | PW | UHHS/CSAHS CUYAHOGA INC DB | OH |
| KNGD609 | PW | SABINE RIVER AUTHORITY OF TE | TX |
| KNGG644 | IG | BRUNSWICK ELECTRIC MEMBERS | NC |
| KNGQ735 | IG | COLEMAN, WILLIAM K | SC |
| KNGS529 | IG | CAROLINA TAXI CLUB | SC |
| KNGW763 | IG | CLACK, DEBBIE DBA POLK COUN | TX |
| KNGW786 | IG | WALDWICK RADIATOR SERVICE I | NJ |
| KNGZ330 | PW | WAYCROSS, CITY OF | GA |
| KNGZ732 | IG | BRINK MARINI TRUCKING INC | CA |
| KNHH329 | PW | HUDSON, TOWN OF | NH |
| KNHH793 | IG | TIMEPLEX INCORPORATED | NJ |
| KNHJ463 | IG | MINNICH, JOE | WV |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KNCB862 | PW | KLEBERG COUNTY FIRE PREVENT | TX |
| KNCC407 | IG | SAINT JOHNS TOWING | TX |
| KNCE744 | IG | BETTS, HERMON | TX |
| KNCF260 | IG | UHHS/CSAHS CUYAHOGA INC DBA | TX |
| KNCG437 | PW | CUMBERLAND VALLEY TOWNSHIP | TX |
| KNCL904 | IG | WHITEHALL MALL | TX |
| KNCM663 | IG | KOSBAU BROTHERS INC | TX |
| KNCT618 | IG | ROTH, NORMAN | TX |
| KNCV219 | IG | LENOX SQUARE MALL #4827 | TX |
| KNCV763 | IG | CONSUMERS IL WATER COMPANY | TX |
| KNCY336 | IG | SAINT ANNS HOME | TX |
| KNIG844 | IG | BAKER HILL WATER AUTHORITY | AL |
| KNIJ686 | IG | FLINT ENERGY CONSTRUCTION C | OK |
| KNIJ910 | IG | ASPHALT DRIVEWAYS & PATCHIN | ID |
| KNIJ976 | IG | LIVERMANS AUTOMOTIVE INC | NC |
| KNIK462 | PW | MORNING STAR FIRE DEPARTMEN | AR |
| KNIM233 | IG | HART RANCH DEVELOPMENT | SD |
| KNIM734 | IG | MALCOR, ROBERT | MO |
| KNIM840 | IG | LUNDY, DENNIS P | IA |
| KNIN765 | PW | HUNTINGTON, CITY OF | WV |
| KNIP911 | IG | DORN, JACK:DORN, OLIVER DBA D | IL |
| KNIQ783 | IG | GUDGEL, WILL A | OK |
| KNIQ808 | IG | KRALING, SCOTT | ND |
| KNIQ987 | IG | JERRY NOBLE TIRES | MT |
| KNIR207 | IG | LINDSAY, ROBERT:LINDSAY, JAME | OR |
| KNIR236 | IG | RONAN, JOHN | KS |
| KNIR823 | IG | BERKNESS, RONALD | MN |
| KNIT434 | IG | PAGEL, C JOE | WI |
| KNIT735 | IG | FELDPAUSH, FRANCIS | MI |
| KNIV220 | IG | KALUAKOI HOTEL & GOLF CLUB | HI |
| KNIW632 | IG | SCHERR, STANLEY J | CO |
| KNIW895 | PW | WINFIELD, CITY OF | AL |
| KNIX904 | IG | OMAN, JERRY PAUL | OK |
| KNIX952 | IG | FOUKE WATER SUPPLY | TX |
| KNIX960 | IG | SCHULER, MERLE C | WI |
| KNIY529 | IG | PARKLAND BUILDERS INC | LA |
| KNIZ481 | IG | KALKASKA CONSTRUCTION KAL C | MI |
| KNJB947 | IG | VANACEK, JAMES C | IL |
| KNJC630 | IG | MOUND CRUSHED CONCRETE INC | MI |
| KNJD470 | IG | HONESTY PRIVATE CAR SERVICE | NY |
| KNJD715 | IG | SMITH, THOMAS B | FL |
| KNJD988 | IG | CONTINENTAL SECURITY GUARDS | AZ |
| KNJE570 | IG | COUNTRYLAND PROPERTIES INC | NV |
| KNJF648 | PW | WILLOW SPRINGS, VILLAGE OF | IL |
| KNJK422 | PW | HICKMAN, CITY OF | KY |
| KNJM603 | IG | LESTERS REFRIGERATION INC | MA |
| KNJM936 | PW | WARD, JACK: WARD, CAROL DBA K | IN |
| KNJM974 | IG | LAWN DOCTOR OF WHITING | NJ |
| KNJN411 | IG | SCHOOL SERVICES & LEASING INC | KS |
| KNJN977 | PW | STUDENT BUS SERVICE INC | KS |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KNHM313 | IG | COSO OPERATING COMPANY LLC | CA |
| KNHQ608 | IG | JOHNSON & JOHNSON MEDICAL I | FL |
| KNHR735 | IG | CHAPARRAL PAINT & DRYWALL I | NV |
| KNHS216 | IG | COOPER COMMUNITIES INC | AR |
| KNHT740 | IG | TENET HEALTHSYSTEM QA INC D | CA |
| KNHY741 | PW | MOUNT OLIVE, TOWN OF | NC |
| KNIC337 | PW | SEACOAST AMBULANCE | ME |
| KNIC471 | IG | KEEBLER COMPANY | CO |
| KNID509 | IG | DETROIT MARINE TERMINALS INC | MI |
| KNIF286 | IG | OLASON, DOUGLAS W | ND |
| KNIF395 | IG | SLC RECYCLING INDUSTRIES INC | MI |
| KNNN660 | IG | FULL HOUSE SPORTS & ENTERTA | WA |
| KNNN813 | IG | MERCHANT DELIVERY SYSTEM IN | CA |
| KNNN821 | IG | BULLOCK, HENRY | NC |
| KNNN824 | IG | ICO INC | TX |
| KNNN828 | IG | TOYOTA MOTOR SALES USA | CA |
| KNNQ706 | IG | JONES CENTER FOR FAMILIES | AR |
| KNNQ769 | PW | COQUILLE, CITY OF | OR |
| KNNS320 | IG | JOHNSON & JOHNSON MEDICAL | TX |
| KNNS632 | IG | SKF USA INC | KY |
| KNNT648 | IG | GOODYEAR TIRE & RUBBER CO | NE |
| KNNT649 | IG | GOODYEAR TIRE & RUBBER CO | NE |
| KNNT941 | IG | CONCORD HOSPITALITY INC DBA | OH |
| KNNV683 | PW | HARALSON COUNTY WATER AUT | GA |
| KNNV716 | IG | Rockwell Automation | VA |
| KNNW297 | IG | WESTBY CORPORATION | FL |
| KNNW380 | IG | CAMTRON COATINGS INC | MI |
| KO5463 | PW | BRISTOL VOLUNTEER FIRE DEPA | IN |
| KOA644 | IG | YELLOW CAB INC OF MISSOULA | MT |
| KOK799 | IG | DOWNEY, RAYMOND | CO |
| KP3831 | PW | SABINE RIVER AUTHORITY OF TE | TX |
| KQI35 | IG | LOWER NECHES VALLEY AUTHO | TX |
| KQP800 | IG | Comcast of Montana/Indiana/Kentuck | NY |
| KQU284 | PW | PUERTO RICO, COMMONWEALTH | PR |
| KQV687 | IG | PIONEER CONCRETE OF CA INC | CA |
| KQY857 | PW | RIVERSIDE MEDICAL CENTER | WI |
| KR9682 | IG | WESTCOTT CONSTRUCTION CO | MA |
| KRA965 | IG | LEWIS, THOMAS A | NC |
| KRC614 | PW | BEECH ISLAND, CITY OF | SC |
| KRD839 | IG | R L GAUDE CO INC | NY |
| KRG414 | IG | SUPREME HEATING & AIR CONDI | IN |
| KRH764 | IG | A O SMITH CORPORATION | WI |
| KRK472 | IG | VALLEY FRESH FOODS INC DBA F | CA |
| KRL761 | IG | FERGUSON JR, LAWRENCE T | NE |
| KRN538 | IG | ROBINSON ENGINEERING COMPA | IA |
| KRN870 | IG | RO MED CONSTRUCTION COMPA | PA |
| KRO400 | PW | BERNALILLO PUBLIC SCHOOLS | NM |
| KRT751 | PW | BUENA VISTA TOWNSHIP FIRE DI | NJ |
| KRV278 | PW | MC CURTAIN MEMORIAL HOSPITA | OK |
| KS5884 | IG | SECURITY GENERAL CORP | CA |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KNJV294 | IG | CAROLINA DRYWALL INSULATORS | SC |
| KNJY575 | IG | FORT MAGRUDER INN & CONFERE | VA |
| KNNG305 | IG | PONDERNITA INC DBA PAYSON EX | AZ |
| KNNH980 | IG | APPLEWOOD PARTNERS L P DBA A | MO |
| KNNI900 | IG | WEITNAUER HOUSTON INC | TX |
| KNNJ634 | IG | RICARDO INDEPENDENT SCHOOL | TX |
| KNNJ688 | IG | ROMAC INDUSTRIES INC | WA |
| KNNK385 | IG | OSBORNE, JOHN D DBA OSBORNE | MI |
| KNNK564 | IG | ELECTRONIC SOLUTIONS | CA |
| KNNL243 | IG | KING LOGGING INC | OR |
| KNNL654 | IG | HINES INTERESTS LIMITED PARTN | TX |
| KNNM522 | PW | BLAKEY, RACHEL | MD |
| KNNM570 | IG | FRUEN INDUSTRIES OF COLORADO | CO |
| KNNN363 | IG | CORRECTIONS CORP OF AMERICA | TN |
| KNNN654 | IG | UIS PROGRAMMABLE SERVICES IN | MI |
| KT9929 | IG | TOC TERMINALS INC | GA |
| KT9931 | IG | TOC TERMINALS INC | GA |
| KTB329 | IG | BOBS TRUCKING INC | CA |
| KTC276 | IG | CEJA CORPORATION | OK |
| KTL466 | IG | PENN DEL CAB INC | PA |
| KTO431 | PW | ERIE, CITY OF | KS |
| KTQ395 | IG | LUMPP, MICHAEL | IL |
| KTS532 | PW | PORTAGE HEALTH SYSTEMS | MI |
| KTS533 | PW | PORTAGE HOSPITAL | MI |
| KTT912 | IG | FORT BEND COUNTY WRECKER AS | TX |
| KTX470 | IG | NETTLES, JOE DBA JOE NETTLES F | TX |
| KUE365 | IG | PONY EXPRESS COURIER CORP | NC |
| KUE454 | PW | LIVE OAK, COUNTY OF | TX |
| KUI295 | IG | HARPER CONSTRUCTION INC | KY |
| KUI483 | IG | POPLAR GROVE FEED CO | IL |
| KUK878 | IG | WELLMAN FARMS INC | IA |
| KUL603 | IG | ROBERTS COMMUNICATIONS & EL | NC |
| KUL966 | IG | Tower Automobile Enterprises | WI |
| KUN637 | PW | LAKE CITY HOSPITAL | MN |
| KUO762 | IG | L L O INC | NV |
| KUQ754 | PW | OAKLAND, CITY OF | OR |
| KUS643 | PW | RUSSELLVILLE, CITY OF | AR |
| KUS796 | IG | SKYLINE ELECTRIC INC | AK |
| KUZ952 | PW | UNION, COUNTY OF | TN |
| KVA367 | IG | LUGO, KERRY | CA |
| KVE640 | IG | WOODHAM, MICHAEL L | FL |
| KVF507 | PW | PORTSMOUTH GENERAL HOSPITA | VA |
| KVF630 | IG | ISLANDER TAXI SERVICES | VI |
| KVL955 | PW | FAIRVIEW, CITY OF | TN |
| KVM626 | IG | RUZEKS STANDARD STATION | WI |
| KVP805 | PW | BLOUNT MEMORIAL HOSPITAL | AL |
| KVP806 | PW | Medical Center Blount | AL |
| KVR762 | PW | WISE, JOHN T:CROMER, DONALD E | VA |
| KVT820 | PW | DRESDEN, VILLAGE OF | OH |
| KVX796 | PW | BURLESON, COUNTY OF | TX |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KS6436 | IG | LAFAYETTE GRAND HOSPITAL | MO |
| KS9804 | IG | MALIBU GRAND PRIX CORP | CA |
| KSA531 | IG | CITY CAB COMPANY INC | WI |
| KSI747 | PW | MOUNT OLIVE, TOWN OF | NC |
| KSM445 | IG | MOLESWORTH CONTRACTING CO | MI |
| KSR557 | IG | Comcast of Montana/Indiana/Kentuc | NY |
| KSU395 | PW | BENNINGTON, TOWN OF | VT |
| KSU555 | IG | ANN ARBOR RAILROAD | OH |
| KSZ726 | PW | HUMANA HOSPITAL CORPUS CHR | TX |
| KT5391 | IG | CONAGRA POULTRY COMPANY | CA |
| KT5991 | IG | MURPHY OIL USA INC | FL |
| KT7391 | IG | ECHOLS BROTHERS INC | VA |
| KT9926 | IG | TOC TERMINALS INC | GA |
| KT9927 | IG | TOC TERMINALS INC | GA |
| KT9928 | IG | TOC TERMINALS INC | GA |
| KXF791 | IG | ECHOLS BROTHERS INC | VA |
| KXF792 | IG | ECHOLS BROTHERS INC | VA |
| KXF859 | IG | CONAGRA POULTRY COMPANY | CA |
| KXJ515 | IG | RICHARDS JR, RANSOM A | TX |
| KXK549 | IG | ST FRANCIS CENTRAL HOSPITAL | PA |
| KXL667 | IG | ACME SCRAP IRON & METAL | OH |
| KXT564 | IG | SHAWNEE TRANSPORTATION INC | OK |
| KXV780 | IG | SIDS WRECKER SERVICE INC | IN |
| KXX434 | IG | SABINE RIVER & NORTHERN RAIL | TX |
| KXY295 | IG | ANGELL, WARREN D | KS |
| KYB856 | PW | BABBITT, CITY OF | MN |
| KYC227 | PW | WOOD, COUNTY OF | WV |
| KYF335 | PW | SPEEGLEVILLE CITY OF | TX |
| KYF358 | PW | WALL VOLUNTEER FIRE DEPT INC | PA |
| KYK506 | PW | LIVE OAK, COUNTY OF | TX |
| KYM783 | IG | BROWNING, HAROLD | AR |
| KYX938 | PW | LYNCH AREA FIRE PROTECTION I | IL |
| KYZ963 | IG | FREEMAN FERTILIZER CO | SD |
| KZB727 | IG | BROUSE, NINA | CO |
| KZN442 | IG | GREEN BAY PACKAGING CORPOR | AR |
| KZQ780 | PW | RUSSELLVILLE, CITY OF | AR |
| KZU261 | IG | LARRY E KUNTZE EXCAVATING & | MO |
| KZU356 | IG | DAME, TERRY | MO |
| KZX275 | IG | CANADIAN PACIFIC LIMITED | ME |
| WAD374 | IG | SECURITY GENERAL CORP | CA |
| WAP917 | IG | CONAGRA POULTRY COMPANY | CA |
| WAP973 | IG | GLOUCESTER TOWNSHIP MUNIC | NJ |
| WCV461 | IG | EIGHTY-FOUR MINING CO | PA |
| WCV959 | IG | Hudson Service Center | VA |
| WCV983 | IG | QUICKSILVER INC | OH |
| WFE799 | PW | MENOMINEE COUNTY INTERMED | MI |
| WFE800 | PW | MENOMINEE COUNTY INTERMED | MI |
| WFM785 | IG | W M WALKER INC | NM |
| WFP278 | IG | ROLAND P MENNELLA LANDSCAP | NY |
| WFP588 | IG | JONES, TOM | FL |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| KVX975 | IG | Hanson Aggregates of Arizona, Inc. | AZ |
| KVY996 | IG | CLEVELAND, GROVER H | GA |
| KVZ535 | PW | ARKANSAS, STATE OF | AR |
| KW4083 | IG | JONES, TOM | FL |
| KWF225 | IG | SECURITY GENERAL CORP | CA |
| KWF325 | IG | Gans Communications, L.P. | PA |
| KWF482 | IG | LEEDLE, KENNETH | WI |
| KWG222 | IG | GOODMAN, JAMES R | AZ |
| KWM937 | IG | COURTESY CAB CO INC | MO |
| KWN823 | IG | LOVEGROVE CONSTRUCTION CO I | VA |
| KWN825 | IG | KRAXBERGER, FRANK | AK |
| KWO243 | IG | MOORE, MELL R | OK |
| KWO470 | PW | ORANGE COUNTY WATER CONTR( | TX |
| KWQ959 | IG | FRANKLIN CONSTRUCTION INC | CA |
| KWT560 | IG | BODE GRAVEL COMPANY | CA |
| KWV87 | IG | J H MEEK & SONS INC | CA |
| KWV895 | IG | OLSSON, JERRY | KS |
| KWW444 | IG | SCHULTZ CONSTRUCTION INC | NY |
| KX6722 | IG | CASHMAN EQUIPMENT CO | NV |
| WNAJ940 | IG | EMMETT RESCUE SQUAD INC | MI |
| WNAJ949 | IG | CUSTOM APPLE PACKERS INC | WA |
| WNAL254 | IG | CRUMBAUGH, DAVID | MI |
| WNAL776 | IG | WILLOUGHBY CAB CO | OH |
| WNAM320 | IG | WES AUTOMOTIVE SERVICE INC | MI |
| WNAN922 | PW | RICHLAND, TOWNSHIP OF | OH |
| WNAP529 | IG | KRAEMER, NORBERT | WI |
| WNAR674 | PW | COBRE VALLEY COMMUNITY HOSP | AZ |
| WNAW746 | IG | ELECTROSONICS INTERNATIONAL | NJ |
| WNAX983 | PW | RICHLAND, TOWNSHIP OF | OH |
| WNAZ731 | IG | BASE, CLINT | KS |
| WNBB555 | IG | SANFORD, DEBORA L | PA |
| WNBB890 | IG | BLUMENTHAL JEWISH HOME | NC |
| WNBD788 | IG | GAHRAMANI, YOOSHIEH | CA |
| WNBD913 | IG | COMMERCIAL SERVICES INC | IN |
| WNBF444 | IG | TUFCO READY MIX, INC | TX |
| WNBH768 | IG | GREEN, PAUL | CA |
| WNBH824 | IG | CUTLER, JERE | TN |
| WNBJ361 | IG | STRONG LITE PRODUCTS | AR |
| WNBJ830 | IG | REYNOLDS, CHARLES | KY |
| WNBL954 | IG | RENFROS REFUSE SERVICE | MO |
| WNBM719 | IG | STEIN, DONALD | ND |
| WNBP367 | IG | KITTITAS COUNTY ACTION COUNC | WA |
| WNBP716 | IG | JEFFRIES CONSTRUCTION | OK |
| WNBQ687 | IG | DEERFIELD OPERATING COMPANY | VT |
| WNBR703 | IG | CENTERVILLE NPK INC | IN |
| WNBR985 | IG | DEERFIELD OPERATING COMPANY | VT |
| WNBS311 | IG | HARPER BROTHERS INC | FL |
| WNBV405 | IG | HARVEYS GRADING CO | VA |
| WNBW820 | IG | WUNDERLICH READY MIX INC | TX |
| WNBZ857 | IG | RED ROOF INNS INC | OH |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WGC721 | PW | DELAWARE VALLEY MEDICAL CE | PA |
| WGK686 | IG | MONTGOMERY CO R W D 11 | KS |
| WIE346 | IG | FERRARI EQUIPMENT COMPANY | IL |
| WIE723 | IG | CHEERS DISPATCH INC | NY |
| WIG330 | IG | ADVANCE SECURITY INC | PA |
| WIG429 | IG | SERRES, JOHN F:SERRES, KATHE | CA |
| WIG534 | IG | INTERNATIONAL RADIO SYSTEM I | FL |
| WIJ590 | IG | GOETJEN, DAVID M. | CA |
| WIJ678 | IG | QUIMBY, WILLIAM P | MA |
| WIK601 | PW | PROSPECT HEIGHTS, CITY OF | IL |
| WIM346 | IG | EASTERN TAXI CO | FL |
| WIM426 | IG | WATERSIDE MANAGEMENT CORP | NV |
| WNAA901 | IG | BEDFORD WELL DRILLING INC | VA |
| WNAB207 | IG | FIRST STAMFORD PLACE COMPA | CT |
| WNAB747 | IG | PAWLACZYK, CONRAD P | MI |
| WNAC392 | IG | UHRMACHER, SHARON | NE |
| WNAC466 | IG | NEBCO ASSOCIATES INC DBA NE | AZ |
| WNAE455 | PW | WAYCROSS, CITY OF | GA |
| WNAH412 | IG | SHERATON MAITLAND | FL |
| WNFT565 | IG | MECHANICAL SYSTEMS OF DAYT | OH |
| WNFT754 | IG | TOWNSEND GAS & OIL INC | PA |
| WNFU674 | IG | PARR LUMBER CO | OR |
| WNFW214 | IG | MAYLAND BROTHERS | WY |
| WNFY339 | IG | SOUTHARD JR, KENNETH:SOUTH | TX |
| WNGD723 | IG | MILLER ELECTRIC | NE |
| WNGF802 | IG | JOHNSON, VIRGIL | NE |
| WNGF951 | IG | WARSAW OIL COMPANY INC | MO |
| WNGH258 | IG | SHIEL SEXTON CO INC | IN |
| WNGT939 | IG | SCHOOL SERVICES AND LEASING | KS |
| WNHG262 | PW | PLYMOUTH, TOWNSHIP OF | PA |
| WNHH922 | IG | AMERICAN RED CROSS | AL |
| WNHP644 | IG | STEPHENS, WILLIAM M | IL |
| WNHP744 | IG | OJAI VALLEY INN AND COUNTRY | CA |
| WNHU958 | IG | Greater Cincinnati Transportation Co | OH |
| WNIC442 | IG | AKRON SERVICES INC | IL |
| WNID870 | IG | CALLANAN INDUSTRIES INC | NY |
| WNID975 | IG | KLUVER, DONALD | IA |
| WNIG309 | IG | FOLLMER, PAUL L | NM |
| WNIL747 | IG | LUCENT TECHNOLOGIES | OH |
| WNIM750 | IG | ENGLISH, CLAYTON | GA |
| WNIP670 | IG | TRUMAN ANNEX CO | FL |
| WNIQ985 | IG | BOULDER COMMUNICATIONS | CO |
| WNIT539 | IG | IREM TEMPLE | PA |
| WNIT582 | PW | WESTBROOK, CITY OF | ME |
| WNJA811 | IG | AIRPORT CAB CO | VA |
| WNJB288 | IG | ZIGGYS PROPANE CO INC | NM |
| WNJB416 | IG | CROTON DEVELOPMENT | MI |
| WNJF976 | IG | TRAINHAM, JERRELL | TX |
| WNJH714 | PW | PIKEVILLE, CITY OF | KY |
| WNJK748 | IG | SPA HOTEL | CA |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WNBZ909 | IG | JIMMIE NAIL & COMPANY | TX |
| WNCA625 | IG | K & K CUSTOM & REPAIR | IA |
| WNCA805 | IG | CHARLES JENNESS TRUCKING | ME |
| WNCP983 | IG | RIESLIND, WILK | WY |
| WNCY245 | IG | AGIP PETROLEUM COMPANY INC | TX |
| WNCY663 | IG | TYSON ENGINEERING - | IL |
| WNCZ353 | IG | TRI COUNTY SECURITY | MI |
| WNDE662 | IG | PITTS, CARL | ID |
| WNDF352 | IG | DIRECT BROADCAST SERVICE INC | NJ |
| WNDK665 | PW | GLENWOOD, CITY OF | AR |
| WNDP957 | PW | WILKINSON, COUNTY OF | GA |
| WNDR258 | IG | SCIENTIFIC GAMES INC | CA |
| WNDR545 | IG | PIEDMONT BROADCASTING CORP | VA |
| WNDW75 | IG | SAFETY NETWORK INC | GA |
| WNDW77 | IG | HEDLUND, DAVID E | MI |
| WNEA289 | IG | HALL SUPPLY CO INC | GA |
| WNEB845 | PW | SOUTH MORGAN COUNTY VOLUNT | WV |
| WNFC340 | IG | PONY EXPRESS COURIER CORP | NC |
| WNFH758 | IG | GYORGY, WILLIAM J | CA |
| WNFL644 | IG | BERGERON, CLIFFORD D | WA |
| WNFL759 | PW | NEWMANSVILLE VOLUNTEER FIRE | TN |
| WNFL808 | IG | WHEELBRATOR EOS | WA |
| WNFS598 | IG | TRANSTEXAS GAS CORP | TX |
| WNNA495 | PW | CHOCTAW HOUSING AUTHORITY | MS |
| WNNB279 | IG | DIAL ONE U A DURR PLUMBING & H | LA |
| WNND805 | IG | Comcast of Montana/Indiana/Kentucky | NY |
| WNNG429 | IG | MATTOON CHARLESTON READY M | IL |
| WNNK455 | IG | GONSOULIN BROS INC | LA |
| WNNM326 | IG | LARSON, DONALD R | WA |
| WNNM359 | IG | RUSSELL JONES ELECTRIC | TX |
| WNNN709 | IG | ROYSTER-CLARK AGIBUSINESS IN | OH |
| WNNO315 | IG | TALMADGE, JOSEPH S | CA |
| WNNO360 | PW | ERIE, CITY OF | KS |
| WNNO400 | IG | GRAND CENTRAL PARTNERSHIP IN | NY |
| WNNO635 | IG | PALO VERDE SERVICE INC | CA |
| WNNP240 | IG | KORTHALS, ALBERT H | MN |
| WNNQ303 | IG | CONOPCO INC DBA LIPTON | NJ |
| WNNQ948 | IG | COSO OPERATING COMPANY LLC | CA |
| WNNR995 | IG | WOLF, GERALD D | IN |
| WNNS634 | IG | FRITO LAY INC | MS |
| WNNS694 | IG | MITCHELL, DANNY R | KS |
| WNNS704 | PW | UNION, TOWNSHIP OF | PA |
| WNNT342 | IG | SECURITY PROFESSIONALS LLC | CT |
| WNNT430 | IG | CARROLLS CREEK WATER AUTHO | AL |
| WNNT999 | IG | BROWN BROTHERS RANCHING CO | TX |
| WNNU221 | IG | BOBS OF PORTSMOUTH INC | NH |
| WNNU256 | IG | TYSON, RONNIE | LA |
| WNNU270 | IG | DAVES COOLING HEATING & PLUM | VA |
| WNNU347 | IG | FINCH, JACKY | TN |
| WNNV534 | IG | PRYOR IMPLEMENT COMPANY INC | TN |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WNJN279 | PW | UPLAND UNIFIED SCHOOL DISTR | CA |
| WNJU317 | IG | OXBOW GEOTHERMAL CORPORA | NV |
| WNJW770 | IG | PROFESSIONAL ANSWER INC | TX |
| WNJY393 | PW | SCHOOL SERVICES & LEASING IN | TX |
| WNKM684 | IG | GRUBE, ALLEN | IN |
| WNKP341 | PW | CENTRAL MISS EMERGENCY MED | MS |
| WNKP736 | PW | AUSTIN, COUNTY OF | TX |
| WNLC686 | IG | UNISYS CORPORATION | UT |
| WNLG763 | IG | TELEMARK INTERVAL OWNERS A | WI |
| WNLG937 | IG | Harbor Enterprises, Inc | AK |
| WNLQ264 | IG | BROWN, DALE R | ND |
| WNLQ438 | IG | WRANA, RICHARD A | CT |
| WNLQ990 | IG | AIRBORNE SECURITY & SERVICE | FL |
| WNLR404 | IG | BORDENTOWN REGIONAL SCHOO | NJ |
| WNLU517 | PW | TAYLOR, COUNTY OF | FL |
| WNLW228 | IG | DALEY, DENNIS | AZ |
| WNME706 | IG | METRO ELECTRONICS OF WNY IN | NY |
| WNMF680 | PW | MONROE, CITY OF | WI |
| WNMJ823 | IG | CUTRALE CITRUS JUICES USA IN | FL |
| WNMM553 | IG | HAYES LAND CO | MO |
| WNMM691 | IG | LOONEY, JAMES | TX |
| WNMO352 | IG | COTTONS PEST CONTROL | LA |
| WNMV861 | IG | M & M CAB COMPANY INC | CA |
| WNPJ368 | IG | PARCO MAINTENANCE INC | IL |
| WNPK260 | IG | VIRGINIA TECHNICAL RESOURCE | VA |
| WNPK453 | IG | BIEMANN SUPPLY CO INC | SC |
| WNPK779 | IG | LONGMONT SWEEPING | CO |
| WNPM339 | IG | BREWSTER ACADEMY | NH |
| WNPM515 | IG | STATE TAXI | SC |
| WNPM517 | IG | PARKER, GARY DBA KAR KLEEN | OK |
| WNPM585 | IG | LEHIGH GAS SERVICE | CT |
| WNPO604 | IG | UNOCAL CORP | TX |
| WNPO605 | IG | JACKSON, LYNN | TX |
| WNPO746 | IG | OWAN, MARK | ND |
| WNPQ379 | IG | ABCOMM COMMUNICATIONS LTD | NY |
| WNPQ733 | IG | FOX, DAVE:FOX, NANCY DBA FOX | OR |
| WNPR799 | IG | NERUD, DONALD E | NE |
| WNPR829 | IG | KEITH WURM CONSTRUCTION | MN |
| WNPU848 | IG | ROYSTER-CLARK AGIBUSINESS I | OH |
| WNPV242 | IG | MOUNTAIN WEST ELECTRIC INC | ID |
| WNPV425 | IG | MERLS TOWING SERVICE INC | MI |
| WNPV528 | IG | EAST, JOHN | TN |
| WNPW527 | IG | JANET SAND & GRAVEL CO INC | MI |
| WNPX687 | IG | R & E ASPHALT SERVICE INC | MO |
| WNPX739 | IG | BLACK, OSCAR | SC |
| WNPY761 | IG | NIVERVILLE ENERGY CORPORAT | NY |
| WNPZ683 | IG | BOY SCOUTS OF AMERICA | KS |
| WNQB906 | IG | LEONARDS AUTO REPAIR INC | HI |
| WNQC646 | IG | BASF CORPORATION | KY |
| WNQE666 | IG | HILLSBOROUGH TOWNSHIP BOA | NJ |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WNNV995 | IG | R&R ENTERPRISES | AZ |
| WNNW40 | IG | MC MILLIN, JAMES | OH |
| WNNX292 | IG | MONFORT OF COLORADO INC | CO |
| WNNX418 | IG | HAYNES SERVICE CENTER & WRE | WV |
| WNNX452 | IG | TICKET CONNECTION | AZ |
| WNNY317 | IG | NICKS CONSTRUCTION CO INC | TN |
| WNNY406 | IG | BRINK MARINI TRUCKING INC | CA |
| WNNY542 | IG | RAY, EUGENE E | NJ |
| WNNY758 | PW | PONTOTOC, COUNTY OF | MS |
| WNNZ539 | IG | HUNT, JACK | TN |
| WNPA444 | IG | CHURCH HOSPITAL CORP | MD |
| WNPA722 | IG | KRAUSE, DU WAYNE A | SD |
| WNPB273 | IG | PHILLIPS, MC COY:PHILLIPS, DIANE | MS |
| WNPB589 | IG | REDGER, STEVEN | KS |
| WNPD675 | IG | DEPARTMENT 56 | MN |
| WNPF229 | IG | BOOM STUDIO INC | NY |
| WNPF668 | IG | COLONIAL AUCTION SERVICES INC | MD |
| WNPF911 | IG | BRADSHAW FARMS | AR |
| WNPF967 | IG | GUZMAN CONSTRUCTION CO | AZ |
| WNPG824 | IG | H & D INC | MI |
| WNPG923 | IG | MEMORIAL HOSPITAL SYSTEM DBA | TX |
| WNPH378 | IG | DUNLAPS GARAGE INC | OH |
| WNPH530 | IG | STEC, BRYAN | NE |
| WNPH845 | IG | SPANCO CORPORATION | AZ |
| WNPH932 | IG | PALOMAS RANCH CORPORATION | TX |
| WNPI487 | IG | CANYON BROADCASTERS INC | CA |
| WNPI659 | IG | TELTREND INC | IL |
| WNRC705 | IG | RITE OF PASSAGE INC | NV |
| WNRC870 | IG | SUMTER FARM & STOCK COMPANY | AL |
| WNRD793 | IG | LON COLEMAN JONES JOINT VENT | FL |
| WNRE771 | PW | SKINNER, DANIEL E | AL |
| WNRF598 | IG | JOHN STEWART CO DBA JACKIE R | CA |
| WNRG809 | IG | RON ANDREWS LOGGING | CA |
| WNRH817 | PW | BABBITT, CITY OF | MN |
| WNRH855 | IG | PFISTER & VOGEL LEATHER CO IN | WI |
| WNRI578 | IG | EQUITABLE RESOURCES INC | PA |
| WNRI908 | IG | RANDYS FOODMART INC | WI |
| WNRJ890 | IG | HARMAN, JACK | VA |
| WNRL458 | IG | CARBO CERAMICS INC | AL |
| WNRM254 | IG | GATX TERMINALS CORPORATION | NJ |
| WNRM635 | IG | MOOS, BOB | CA |
| WNRM858 | IG | SOUTHERN MARYLAND HOSPITAL | MD |
| WNRN263 | IG | BROWARD MARINE INC | FL |
| WNRO203 | IG | AGAR SUPPLY COMPANY | MA |
| WNRO319 | IG | A C HEATING & COOLING INC | IL |
| WNRQ546 | IG | MATHER AUTO SALES INC | MA |
| WNRQ597 | IG | C D F INC | OH |
| WNRR290 | IG | DEPENDABLE SKYCAP SERVICE | FL |
| WNRV862 | IG | DURAND GLASS MANUFACTURING | NJ |
| WNRW571 | IG | MC LEOD, TED | ME |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WNQE886 | IG | FAST DELIVERY MESSENGER SE | CA |
| WNQE981 | IG | COASTAL MATERIALS CORPORAT | NH |
| WNQF459 | IG | LEGO SYSTEMS INC | CT |
| WNQF602 | IG | HDIAYE, KEBA | NY |
| WNQI216 | IG | TIJERINA JR, ELEAZAR | TX |
| WNQI892 | IG | MONTGOMERY CO SCHOOL SYST | KY |
| WNQJ586 | IG | GENESEE MANAGEMENT INC | NY |
| WNQK467 | IG | HOWARD MC AULIFFE INC | CT |
| WNQN282 | PW | SCHOOL SERVICES AND LEASING | KS |
| WNQN539 | IG | NORTH CAMBRIA FUEL COMPANY | PA |
| WNQO208 | PW | MINOOKA SCHOOLS DISTRICTS 1 | IL |
| WNQO219 | IG | ZIMMERMAN, DON | WY |
| WNQP842 | IG | GEORGIA SOUTHWESTERN RAIL | GA |
| WNQQ493 | IG | IMC POTASH HERSEY INC | MI |
| WNQR418 | IG | PILLSBURY COMPANY | OR |
| WNQS265 | IG | J&M INC | MS |
| WNQS687 | IG | JUPITER CHEMICALS | OK |
| WNQU379 | IG | MEDICAL CENTER EAST | AL |
| WNQU448 | IG | QUICKSILVER MESSENGER SERV | OH |
| WNQU671 | IG | AAA1 PORTABLE SANITATION CO | FL |
| WNQU771 | IG | CHAPMAN, J I | SC |
| WNQV620 | IG | GREENTREE COMM CO | WA |
| WNQY739 | IG | NEW YORK OIL DRILLING CO | NY |
| WNR0319 | IG | A C HEATING & COOLING INC | IL |
| WNRA875 | IG | GLEN CO FARMS | MO |
| WNRB544 | IG | PACIFIC OPERATORS OF TEXAS | TX |
| WNRB952 | IG | KELLOGG COMPANY | MI |
| WNVG823 | PW | CALIFORNIA STATE POLYTECHNI | CA |
| WNVI973 | IG | LUCENT TECHNOLOGIES | NJ |
| WNVJ284 | IG | DELAWARE COUNTY MEMORIAL H | PA |
| WNVJ371 | PW | FIRST CARE HEALTH SERVICES L | IL |
| WNVK883 | IG | TRINIDAD GOLF COURSE | CO |
| WNVL375 | IG | IRECO INC | AZ |
| WNVR971 | IG | BIG ELK CREEK MINING | KY |
| WNVS325 | IG | LITTLETON PROPERTIES INC | IN |
| WNVS704 | IG | LAS VEGAS COUNTRY CLUB MAS | NV |
| WNVT555 | IG | MURPHCO OF FLORIDA INC | FL |
| WNVT760 | IG | BAY COUNTY SCHOOL BOARD | FL |
| WNVV258 | IG | Hillcrest-Riverside, Inc. dba Tulsa Re | OK |
| WNVV585 | IG | COUNTRY CLUB OF LEXINGTON | SC |
| WNVV610 | IG | HAWAII TRANSFER CO INC | HI |
| WNVX566 | IG | MORRIS, MELVIN R | NY |
| WNVY533 | IG | RICHARD D POOLE INC | PA |
| WNWD457 | PW | MOUNT OLIVE, TOWN OF | NC |
| WNWE204 | IG | GERRARD, WILLIAM T | MT |
| WNWF417 | IG | BLOOMINGDALE, JIM | IA |
| WNWG966 | IG | ABCOMM COMMUNICATIONS LTD | NY |
| WNWH774 | IG | LARRY & LYNN CAMPGROUND MA | UT |
| WNWH793 | IG | BASSANI, ALAN | WA |
| WNWK468 | IG | BOISE CASCADE | OR |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WNRX245 | IG | CASS COUNTY CONCRETE INC | NE |
| WNSA201 | IG | FARMERS TRACTOR COMPANY | AL |
| WNSA738 | IG | RIEGER, DALE | ND |
| WNSB438 | IG | ANNEX ANTIQUES FAIR & FLEA MA | NY |
| WNSB796 | IG | TOMS BUILDING SUPPLIES | OH |
| WNSC279 | IG | MC CAMM MANAGEMENT CO DBA M | MO |
| WNSD696 | IG | TRANSPORTATION PLUS INC | GA |
| WNSG584 | IG | ARM COMMUNICATIONS | TX |
| WNSK266 | IG | SOUTHERN WINE & SPIRITS OF AM | FL |
| WNSL434 | IG | HANDIVAN INC | SD |
| WNSQ570 | IG | AMTECH CORPORATION | WA |
| WNSQ671 | IG | MC KAY TOWER LLC | MI |
| WNSS651 | IG | TURNQUIST PAPER COMPANY | MN |
| WNSS747 | PW | HENRY, COUNTY OF | TN |
| WNST431 | PW | FLOYD, COUNTY OF | IN |
| WNST816 | IG | GARVEY ELEVATOR | NE |
| WNSU272 | IG | COLE, WARREN | IN |
| WNSU967 | PW | NEW LENOX FIRE PROTECTION DIS | IL |
| WNSV928 | IG | ROHM AND HAAS TEXAS INC | TX |
| WNSW520 | IG | CHRISTOPHER, KEVIN | MN |
| WNUC858 | IG | SUNRISE LINE LOGGING INC | MT |
| WNUE643 | IG | SCOTTS LEASING CORP | MI |
| WNUF596 | IG | KORNS ELECTRIC INC | OH |
| WNUG864 | IG | PARALLEL PRODUCTS | KY |
| WNUM969 | IG | OCEAN SPRAY CRANBERRIES INC | FL |
| WNUM981 | IG | SOUTHERN MARYLAND HOSPITAL | MD |
| WNUN213 | IG | ALOHA TRANSPORTATION AND RE | HI |
| WNUQ995 | IG | EVANS CHEMETICS | NY |
| WNUZ481 | IG | OSBORNE CUYAHOGA CONCRETE | OH |
| WNVB799 | IG | FURNITURE TRANSPORTATION SY | CA |
| WNVB841 | IG | BLOSSOM HILL ESTATES | CA |
| WNZL450 | PW | SUNLAND PARK, CITY OF | NM |
| WNZL669 | IG | SUBURBAN LAWN SERVICE INC | NY |
| WNZM984 | IG | LENTINI, ROBERT | NY |
| WNZP294 | IG | ESTILLETTE, DANNY | LA |
| WNZP324 | IG | WASHINGTON COUNTY BOARD OF | KY |
| WNZR934 | IG | HURT, KENNY | MS |
| WNZS753 | PW | EDOM VOLUNTEER FIRE DEPARTM | TX |
| WNZT540 | IG | HEATMASTER INC | NC |
| WNZU619 | IG | RADACOM TECHNOLOGIES INC | TX |
| WNZU975 | IG | MOSHER JR, EVERETT N | NY |
| WNZW878 | IG | YAMAHA MUSIC MANUFACTURING | GA |
| WNZX595 | IG | NICKEL, GILBERT | CO |
| WNZX992 | IG | LARSON, MARK A | MO |
| WPAB604 | IG | PHELPS WATER SUPPLY CORPOR | TX |
| WPAC911 | PW | DELAWARE, COUNTY OF | OK |
| WPAC953 | IG | ALLIANCE RUBBER COMPANY | AR |
| WPAE330 | PW | JONESBORO SKYWARN SEARCH A | AR |
| WPAK855 | IG | GREYHILLS HIGH SCHOOL | AZ |
| WPAR994 | PW | PEASE DEVELOPMENT AUTHORITY | NH |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WNWM485 | IG | OLIVER CARR CO | VA |
| WNWP455 | IG | RANGER COMMUNICATIONS INC | CA |
| WNWQ883 | IG | HOFFMAN, CLINT | WA |
| WNWQ900 | IG | ROHRBACH, BERT J | ID |
| WNWV627 | IG | HOGAN GROUP INC | FL |
| WNWV792 | IG | ROCHESTER DOWNTOWN HOTEL | NY |
| WNWW23 | IG | RANGER COMMUNICATIONS INC | CA |
| WNWW66 | IG | MEMORIAL PARK CEMETERY OF | OH |
| WNWZ957 | PW | NEWBERRY COUNTY RESCUE SQ | SC |
| WNXD830 | IG | SHAMROCK MATERIAL | CA |
| WNXF203 | IG | Comcast of Montana/Indiana/Kentuck | NY |
| WNXF553 | IG | SHAMROCK MATERIALS INC | CA |
| WNXI644 | IG | Helena Chemical Co. | TX |
| WNXI645 | IG | SCHOOL SERVICES AND LEASING | KS |
| WNXK667 | IG | WESTLAKE POLYMERS CORPOR | LA |
| WNXV305 | IG | MC DONALDS REST 10075 | MO |
| WNXX691 | IG | OLD FASHIONED FOODS INC | WI |
| WNYD561 | IG | STRUCTURAL GRAPHICS TEXAS | TX |
| WNYD840 | IG | TAYLOR, JOE A:TAYLOR, BARNEY | MS |
| WNYF268 | IG | OWINGS AND SONS INC | MD |
| WNYG500 | IG | COUSINS MANAGEMENT INC | GA |
| WNYK915 | IG | U S SMOKELESS TOBACCO MANU | TN |
| WNYN335 | IG | 34TH STREET PARTNERSHIP | NY |
| WNYS740 | IG | PATRICK, R L | LA |
| WNYW294 | IG | BAESLERS INC | IN |
| WNYX648 | IG | ARKANSAS MIDLAND RAILROAD | AR |
| WNYY397 | IG | HAZARDVILLE WATER CO | CT |
| WNZD809 | IG | OCEAN SPRAY CRANBERRIES INC | FL |
| WNZE867 | IG | PRIDE COMMUNICATIONS LTD | MA |
| WNZG631 | IG | TOBACCO VALLEY SANITATION | CT |
| WNZJ407 | IG | FORT JAMES CORPORATION | PA |
| WPDJ280 | PW | RYDER STUDENT TRANSPORTAT | RI |
| WPDK235 | IG | SELLERS, DIANE:SELLERS, MART | CA |
| WPDK498 | IG | PIKEVILLE, CITY OF | KY |
| WPDQ577 | IG | SAWYER & SAWYER EXC | WA |
| WPDS928 | IG | KEY ELECTRIC CO | OH |
| WPDT541 | IG | ENVIRITE CORPORATION | IL |
| WPDU484 | PW | RUSSELLVILLE, CITY OF | AR |
| WPDV951 | IG | HENRY COUNTY PUBLIC SERVICE | VA |
| WPDX251 | IG | HILTON INC | FL |
| WPDX851 | IG | GREEN BAY PACKAGING INC | MI |
| WPEB204 | IG | CRISP JR, OTTIS | NC |
| WPEB600 | IG | EVERMAN PLUMBING INC | NE |
| WPEB605 | IG | HILLCREST MEDICAL CENTER | OK |
| WPEB618 | IG | RICHS FOODS | MN |
| WPEB742 | IG | STOCKHAM VALVES & FITTINGS | AL |
| WPEB828 | IG | HOMEBASE 67 | NM |
| WPEB882 | IG | SUPERVALU INC | FL |
| WPEC203 | IG | PERRY TRUCKING & PSJ TRUCKI | GA |
| WPEC336 | PW | PORTSMOUTH GENERAL HOSPIT | VA |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPAS223 | PW | SORT INC | NC |
| WPAS700 | IG | NORTHGATE MALL | TN |
| WPAU718 | PW | CARLISLE, CITY OF | AR |
| WPAZ448 | IG | RESIDENCE INN BY MARRIOTT | CA |
| WPBC309 | IG | STEVE GUTTERY COMMUNICATION | TN |
| WPBG992 | IG | TIVIS, WAYNE | NM |
| WPBI589 | IG | HOUSTON PT FOUR WESTLAKE OF | TX |
| WPBJ722 | IG | SUNNY RIDGE COAL | KY |
| WPBK625 | IG | FLINT ENGINEERING & CONSTRUC | OK |
| WPBM671 | PW | PA SEARCH AND RESCUE COUNCI | NJ |
| WPBN527 | IG | MIKE DAVIS & ASSOCIATES INC | TX |
| WPBQ287 | IG | COLE PARMER INSTRUMENT COM | IL |
| WPBR899 | PW | JEFF DAVIS, COUNTY OF | GA |
| WPBY234 | PW | CHRISTIE-PROCTOR VOLUNTEER F | OK |
| WPBY284 | IG | NASH, RYAN | IA |
| WPCC635 | IG | Community Of Christ | MO |
| WPCC766 | IG | OGDEN AVIATION SERVICES | DC |
| WPCE697 | PW | ROAN MOUNTAIN VOL FIRE DEPT | TN |
| WPCF567 | IG | YATES, RANDY M | VA |
| WPCH242 | IG | ROYSTER-CLARK AGIBUSINESS IN | OH |
| WPCH689 | IG | ALEF CAB COMPANY INC | IL |
| WPCK608 | IG | NEWBY, LARRY | IL |
| WPCM258 | IG | PORT NEWARK CONTAINER TER | NJ |
| WPCM288 | IG | COMMUNICATIONS INTERNATIONA | FL |
| WPCP613 | PW | BRAXTON COUNTY FIREFIGHTERS | WV |
| WPCS521 | IG | COMMUNICATIONS INTERNATIONA | FL |
| WPCS525 | IG | COMMUNICATIONS INTERNATIONA | FL |
| WPCT612 | PW | SUNLAND PARK, CITY OF | NM |
| WPCV284 | IG | FISHER ELECTRIC INC | MO |
| WPDD760 | IG | RIVERSIDE MEDICAL CENTER | WI |
| WPDG570 | IG | CARNEY PRODUCTS CO LTD | ID |
| WPDG628 | IG | MAC ILROYS PLUMBING INC | ME |
| WPDH690 | IG | EAGLE HARDWARE & GARDEN | WA |
| WPDI348 | IG | MAHOPAC SANITATION INC | NY |
| WPDI721 | PW | SHARPES AMBULANCE SERVICE IN | TN |
| WPEK289 | PW | WASHINGTON, COUNTY OF | FL |
| WPEK327 | IG | MORESCO & MORESCO INC DBA T | CA |
| WPEK853 | IG | MC DONALDS REST LC 12737 | MI |
| WPEM319 | IG | RAYTHEON SYSTEMS | TX |
| WPEM750 | IG | COX, DONALD P | CA |
| WPEM773 | IG | DE LA RUE CASH SYSTEMS INC | IA |
| WPEM961 | IG | METRO ELECTRONICS OF WNY INC | NY |
| WPEN467 | IG | TIMBER COVE APARTMENTS | IL |
| WPEN486 | IG | TRAYLOR, Q R | TX |
| WPEN527 | IG | BURNETTE, C RUSSELL | VA |
| WPEN690 | IG | LAIDLAW ENVIRONMENTAL SERVIC | SC |
| WPEN756 | PW | SAINT LUCIE, COUNTY OF | FL |
| WPEN944 | IG | EIGHTY FOUR MINING COMPANY | PA |
| WPEP406 | IG | WENDYS OF STAR CITY WEWV301 | WV |
| WPEP423 | IG | TERRA INTERNATIONAL | TX |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPEC596 | IG | FORSTMANN & COMPANY INC | GA |
| WPEC695 | PW | WEST HAVERSTRAW, VILLAGE O | NY |
| WPEC754 | IG | PFISTER AND VOGEL TANNING C | WI |
| WPEC831 | IG | OCEAN SPRAY CRANBERRIES INC | MA |
| WPED217 | IG | SPECTAGUARD INC | MA |
| WPED255 | IG | SOKAOGON GAMING ENTERPRIS | WI |
| WPED282 | IG | LENMAR INC | MD |
| WPED673 | IG | BORDEN CHEMICAL INC | MN |
| WPED706 | IG | AERO TECH UNITED | AR |
| WPED715 | IG | CAMIONES BLINDADOS INC | PR |
| WPED899 | IG | BMC WEST CORP | ID |
| WPEE573 | IG | STRONG LITE | IL |
| WPEE903 | IG | COLONIAL PENN INS CO | PA |
| WPEE957 | IG | SMITHKLINE BEECHAM PHARMAC | PA |
| WPEF238 | IG | B & H TRANSPORTATION INC | RI |
| WPEF316 | IG | SPEAKING ROCK CASINO ENTER | TX |
| WPEF346 | IG | CALLANAN INDUSTRIES INC | NY |
| WPEF633 | IG | REBECCA RESIDENCE FOR PROT | PA |
| WPEG466 | IG | MILLER, KENNETH D | IL |
| WPEG704 | IG | RINDELS, ROBERT | IA |
| WPEG820 | IG | D BAR CHALMERS | TX |
| WPEG836 | IG | COMMUNICATIONS INTERNATION | FL |
| WPEG896 | IG | HOST MARRIOT | NE |
| WPEG979 | IG | CALLANAN INDUSTRIES INC | NY |
| WPEH225 | IG | TOWER SITES INC | CT |
| WPEH390 | IG | STEPHENS, BARRY M | FL |
| WPEH494 | IG | CECIL COMMUNITY COLLEGE | MD |
| WPEH920 | IG | EATON SR, RUSH:EATON, GAYNE | CA |
| WPEH951 | IG | FALCON FIRE PROTECTION | MN |
| WPEI304 | IG | NOVA FABRICATIONS INC | MN |
| WPEI403 | IG | WELLMAN INC | SC |
| WPEI473 | IG | 1120 AVENUE OF THE AMERICAS | NY |
| WPEJ599 | IG | CIRCLE VALLEY PRODUCE | ID |
| WPEK212 | IG | ZOO MONTANA INC | MT |
| WPEK246 | IG | PALMROSE, FRANK E | OR |
| WPEX700 | IG | STACY, RICK A | OH |
| WPEX715 | IG | TOELLER, WILLIAM J | PA |
| WPEX919 | IG | CHECKERS | NC |
| WPEY557 | IG | DEBUF RANCH | MT |
| WPEZ245 | IG | MARYLAND PIG SERVICES | MD |
| WPEZ453 | IG | SIME CONSTRUCTION | MT |
| WPEZ639 | IG | TITAN PLANT PROTECTION INC | NE |
| WPEZ816 | IG | ROYSTER CLARK INC | SC |
| WPFA996 | IG | SUNGARD RECOVERY SERVICES | GA |
| WPFB381 | IG | SOUTHEX EXHIBITIONS | CA |
| WPFB388 | IG | JRB TRANSPORTATION INC | NH |
| WPFB858 | IG | THOMSON, CLAIRE L | AK |
| WPFC210 | IG | CIRRUS LOGIC INC | CA |
| WPFC280 | IG | T W FONDREN COMPANY | TN |
| WPFC293 | IG | ROUND HILL CLUB INC | CT |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPEP487 | IG | ALAMO RENT A CAR INC | FL |
| WPEP488 | IG | ALAMO RENT A CAR INC | FL |
| WPEP492 | IG | ALAMO RENT A CAR INC | FL |
| WPEP969 | IG | TRW VEHICLE SAFETY SYSTEMS | MI |
| WPEQ280 | IG | REEDS INDUSTRIES INC | MA |
| WPEQ286 | IG | ARVADA, CITY OF | CO |
| WPEQ296 | IG | FISHER MINING INC | PA |
| WPEQ311 | IG | ALAMO RENT A CAR INC | FL |
| WPEQ539 | IG | BELOIT CORPORATION | IL |
| WPEQ599 | IG | HON COMPANY | SC |
| WPEQ992 | IG | SAFE LINK CORP | TX |
| WPER417 | IG | MONARCH LIVERY SERVICES INC | MD |
| WPER582 | IG | NORTHSHORE CINEMA | WI |
| WPER610 | IG | POLNICKS HOME QUALITY FOODS | MN |
| WPER853 | IG | Invista Inc. | DE |
| WPES479 | IG | FASTER MESSENGER SERVICE | IL |
| WPES770 | IG | AMERICAN INTEGRATED TECHNOL | NJ |
| WPES831 | IG | ALAMO RENT A CAR INC | FL |
| WPET259 | IG | ALAMO RENT A CAR INC | FL |
| WPET464 | IG | STRATTON, DAVID W | WI |
| WPET734 | IG | T & M CONSTRUCTION INC | AK |
| WPEU368 | IG | ALAMO RENT A CAR INC | FL |
| WPEU401 | IG | STARTER CORP | TN |
| WPEU589 | IG | SUPERVALU INC | PA |
| WPEU905 | IG | 100 COAST HOA | CA |
| WPEV232 | IG | MAIN WATER ENTERPRISES | SC |
| WPEV607 | IG | TRANS STATE AIRLINES | NY |
| WPEV650 | IG | MECHANICAL SERVICES INC | MO |
| WPEV757 | IG | WENDYS 306 | WV |
| WPEV811 | IG | CENTENNIAL STATE PAVING | CO |
| WPEV941 | IG | KADERLI, STEVEN | TX |
| WPEW258 | IG | COPENHAVER PRODUCE | PA |
| WPEW284 | IG | FAFCO INC | CA |
| WPEW666 | IG | ALAMO RENT A CAR INC | FL |
| WPEW920 | IG | CONTINENTAL COFFEE PRODUCTS | TX |
| WPEX260 | IG | CABRERA, ENAFAEL Z | TX |
| WPEX278 | IG | GARDETTOS | WI |
| WPEX313 | IG | ST LUKES MEDICAL CENTER | OH |
| WPEX330 | IG | MOODYS MARKET INC | ID |
| WPFJ635 | PW | SUNLAND PARK, CITY OF | NM |
| WPFJ684 | IG | Greater Cincinnati Transportation Com | OH |
| WPFJ793 | PW | OKLAHOMA, STATE OF | OK |
| WPFM314 | IG | CONTAINER COMPANY OF CAROLI | NC |
| WPFQ448 | IG | ROB HIN INC DBA BURGER KING | TX |
| WPFQ450 | IG | PRECISION SURVEYS INC | NM |
| WPFR996 | PW | CENTRAL ARIZONA MEDICAL CENT | AZ |
| WPFS262 | IG | ROSE HULMAN INSTITUTE OF TECI | IN |
| WPFS289 | IG | VF Imagewear , Inc. | VA |
| WPFS294 | IG | EXCALIBER TUBULAR CORP | WV |
| WPFS330 | IG | SEDONA PHOTO TOURS | AZ |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPFC299 | IG | WAMPLER LONGACRE INC | PA |
| WPFC300 | IG | MAJIC CORRUGATED INC | IN |
| WPFC335 | IG | CHARLES JOHNS FARMS | AR |
| WPFC410 | IG | WENDYS 310 | WV |
| WPFC496 | IG | CONTINENTAL COFFEE | TX |
| WPFC553 | IG | GLOBAL TRANSLATION SERVICES | CO |
| WPFC578 | IG | CREST AT PANTHER VALLEY CON | NJ |
| WPFC623 | IG | MC CARTHY, KEVIN | MN |
| WPFC627 | IG | KEN GRIFFIN LANDSCAPE CONTR | FL |
| WPFC910 | IG | HULSEBUS, MICHAEL | SD |
| WPFC932 | IG | HOTT, FOREST:HOTT, WANDA DE | CA |
| WPFD370 | IG | FOOD WORLD | IL |
| WPFD481 | IG | 3M STILLWATER | MN |
| WPFD484 | IG | ARCTIC AIRE OF CHICO | CA |
| WPFD986 | IG | COMMUNICATIONS INTERNATION | FL |
| WPFE222 | IG | TRUETRAK TECHNOLOGIES INC | MD |
| WPFE577 | PW | WASHINGTON, COUNTY OF | FL |
| WPFE681 | PW | TIPTON, COUNTY OF | TN |
| WPFE704 | IG | SYCAMORE COMMUNITY SCHOO | IA |
| WPFE781 | IG | SAFE LINK CORP | TX |
| WPFE805 | IG | CROSSLEY FUELS INC | NJ |
| WPFE856 | IG | NORDHUES, JOE:NORDHUES, DO | NE |
| WPFE883 | IG | CALGON CORPORATION | PA |
| WPFF982 | IG | RICHARDS ADVANTAGE INC | IL |
| WPFG351 | IG | V I P PRODUCTS INC | OH |
| WPFG355 | IG | MAHORNEY, KEITH | CO |
| WPFG356 | IG | ILLIANA MOTOR SPEEDWAY INC | IN |
| WPFG515 | PW | SCOTT COUNTY RESCUE SQUAD | TN |
| WPFG919 | IG | ROCKWELL INTERNATIONAL | CA |
| WPFG941 | IG | MIDDLEBURG PACKING CO INC | VT |
| WPFH738 | IG | SYMBOL TECHNOLOGIES INC | NY |
| WPFI346 | IG | PRAIRIE TECHNICAL SERVICE CO | IA |
| WPFI409 | IG | FAIRWAY FOODS | MI |
| WPFI899 | IG | VALLIVUE SCHOOL DISTRICT 193 | ID |
| WPFJ211 | IG | A O SMITH CORP | WI |
| WPFJ220 | IG | ROCKY MOUNTAIN PROTECTIVE | CO |
| WPFJ261 | IG | OCEAN SPRAY CRANBERRIES IN | NV |
| WPFJ293 | IG | WENDYS REST WE611 | AZ |
| WPFJ295 | IG | FALLETTIS FOODS | CA |
| WPGE918 | IG | GENEVA PHARMACEUTICALS INC | TN |
| WPGF940 | IG | NORTH MINING INC | CO |
| WPGG357 | IG | KENTUCKY FRIED CHICKEN KX74 | TX |
| WPGG784 | IG | WIRELESS CONNECTION OUTLET | DC |
| WPGG999 | IG | PACIFIC RESOURCES MANAGEME | WA |
| WPGH489 | IG | CANOVANAS AUXILIARY POLICE A | PR |
| WPGH519 | IG | RYDER STUDENT TRANSPORTAT | IL |
| WPGH619 | IG | RAINIER PALLET | WA |
| WPGH748 | IG | NASHVILLE MEMORIAL HOSPITAL | TN |
| WPGH867 | IG | COLUMBUS CHRISTIAN CENTER | OH |
| WPGI635 | PW | OKLAHOMA, STATE OF | OK |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPFS629 | IG | CENTRAL ARIZONA MEDICAL CENT | AZ |
| WPFT804 | IG | TRANS HAWAIIAN MAUI | HI |
| WPFT807 | IG | LARSON, THAYNE | KS |
| WPFU207 | IG | DESHUTES READY MIX | OR |
| WPFU265 | IG | FARMINGTON VALLEY MALL | CT |
| WPFU395 | IG | FAIRLIE GIN AND SEED INC | TX |
| WPFU448 | PW | RUSTON HOUSING AUTHORITY | LA |
| WPFU748 | IG | ROGERS FARMS | OH |
| WPFU993 | IG | AMERICAN ENVIRONMENTAL TECH | CT |
| WPFV262 | IG | RADIO RENTAL SPECIALISTS | OK |
| WPFV286 | IG | TRANSKRIT | VA |
| WPFV764 | IG | TREES INCORPORATED | VT |
| WPFW647 | IG | APACHE COMMUNICATIONS | CA |
| WPFX678 | IG | TRANSCOASTAL MARINE SERVICE | LA |
| WPFX773 | IG | BROWNS RUN COUNTRY CLUB | OH |
| WPFX810 | IG | MAPCO INC | KY |
| WPFX837 | IG | RICHARDSON, BRUCE | CO |
| WPFY421 | IG | SAFE LINK CORP | TX |
| WPFY563 | IG | QUIET DELL PUBLIC SERVICE DIST | WV |
| WPFZ230 | IG | RUBATEX CORPORATION | VA |
| WPFZ326 | IG | LEACH, AL | OR |
| WPFZ506 | IG | NICHOLS, JERRY C | TX |
| WPFZ620 | IG | ARNOLD, EDWARD J | CO |
| WPFZ638 | IG | BURNS AND ROE SERVICES CORP | NY |
| WPGA421 | IG | CECIL COMMUNITY COLLEGE | MD |
| WPGA720 | IG | PMA REALTY DBA CAPITAL COMME | CA |
| WPGA963 | IG | HUDSON SCENIC STUDIO INC | NY |
| WPGB308 | IG | RUBATEX CORPORATION | VA |
| WPGB556 | IG | PARK PLACE | CA |
| WPGB599 | IG | COSTCO WHOLESALE | NJ |
| WPGB608 | IG | MC DONALDS REST MC 14701 | VA |
| WPGC756 | IG | CAROLINA MILLS | NC |
| WPGC947 | IG | STEPHENS, ED | IL |
| WPGD219 | IG | WOODWARD, ALLEN C | MT |
| WPGD903 | PW | OSAGE COVE FIRE DISTRICT ASSC | OK |
| WPGE229 | IG | THERMALKEM INC | SC |
| WPGE292 | IG | SOPRIS VILLAGE HOME OWNERS A | CO |
| WPGE575 | IG | SOUTHERN COMFORT MEDICAL TR | FL |
| WPGE648 | PW | MOUNTAIN VIEW MEDICAL TRANSP | VA |
| WPGE715 | IG | MID FLA LAWN CARE & LANDSCAP | FL |
| WPGE808 | IG | MAGNET DELIVERY SERVICE | IL |
| WPGE862 | IG | MOULTON EQUIPMENT CO INC | IL |
| WPGE882 | IG | METL SPAN I LTD | TX |
| WPHE996 | IG | GALINDO, SERGIO | TX |
| WPHG220 | IG | ST THOMAS UNIVERSITY | FL |
| WPHG270 | IG | GAIL & RICE PRODUCTIONS | MI |
| WPHG326 | PW | PULASKI GILES CO RESCUE SQUA | TN |
| WPHG633 | IG | WILLIAM DANDY MIDDLE SHCOOL | FL |
| WPHG645 | IG | WRIGHT, PAUL E | OH |
| WPHG667 | PW | CPJ HOLDING COMPANY INC DBA V | NJ |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPGI819 | IG | EVANSVILLE TRUCK EQUIPMENT | IN |
| WPGJ568 | IG | CHAUVIN NURSERY INC | MI |
| WPGJ595 | PW | MEDNET AMBULANCE SERVICE | NM |
| WPGM973 | IG | ENGINEERING INC | CA |
| WPGN773 | IG | MOTHER LODE DEPOT | SD |
| WPGN929 | IG | WESTERN MOBILE NEW MEXICO | NM |
| WPGN980 | IG | MAN APPALACHIAN REGIONAL HC | WV |
| WPGP514 | IG | FAB2 LTD | MD |
| WPGP724 | IG | COMMUNICATIONS GROUP | CA |
| WPGP817 | IG | PINE LAKE COUNTRY CLUB | NC |
| WPGP820 | IG | QUALITY CAB COMPANY | TX |
| WPGQ749 | IG | R M PAYNE EXCAVATING | WI |
| WPGR304 | IG | COMMUNICATIONS GROUP INC | FL |
| WPGR488 | IG | DOSWELL BARK PRODUCTS LTD | VA |
| WPGS218 | PW | LUCAS, COUNTY OF | OH |
| WPGS341 | IG | ROB HIN INC DBA BURGER KING | TX |
| WPGS572 | IG | BRICOL N V | CO |
| WPGS602 | IG | SAFE LINK CORP | TX |
| WPGS795 | IG | CITY CAB COMPANY OF CAMDEN | SC |
| WPGS796 | IG | CANNELTON INDUSTRIES | WV |
| WPGS811 | IG | CASTLE CAB INC | PA |
| WPGS922 | IG | J D LUMBER CO | MT |
| WPGS981 | IG | NEOSHO BOX | MO |
| WPGT290 | IG | BERGEN COMPANY DBA BERGEN | OH |
| WPGT337 | IG | TACO BELL 3371 | NY |
| WPGT736 | IG | SPENCER, ROBERT G | MO |
| WPGT796 | IG | HYDE, FRANKIE | MS |
| WPGT926 | IG | WALTER HOLMES ELECTRIC INC | NC |
| WPGU529 | IG | ROB HIN INC DBA BURGER KING | TX |
| WPGV255 | IG | CENTER OF SCIENCE & INDUSTR | OH |
| WPGW729 | IG | L M ANIMAL FARMS INC | OH |
| WPGX392 | IG | STANAWAY FOOD CENTER INC | CA |
| WPGX983 | IG | JETSUN AVIATION CENTRE | IA |
| WPGY615 | IG | ARTECH PRINTING INC | WI |
| WPGY924 | IG | SPONHOLZ, ROBERT K | ID |
| WPGZ322 | IG | WENDYS | IL |
| WPGZ366 | PW | WILLIAMSBURG COUNTY TRANSI | SC |
| WPGZ798 | IG | CIRCUT CITY DIST | WA |
| WPHA325 | IG | PALOMAR CHRISTIAN CONFEREN | CA |
| WPHA337 | IG | SURVEYING AND MAPPING INC | TX |
| WPHC351 | IG | TIDEWATER MANAGEMENT GROU | VA |
| WPHC367 | IG | MARYLAND CASUALTY COMPANY | MD |
| WPHD653 | IG | LOWE, LEWIS L | CO |
| WPIW725 | IG | MICHAEL WITLIN ASSOCIATES | CA |
| WPIW745 | IG | WHIRLPOOL CORPORATION | OH |
| WPIY373 | IG | HERITAGE CLUB LTD | OH |
| WPIY714 | IG | ARGENBRIGHT SECURITY INC | GA |
| WPIY933 | IG | RESIDENCE INN BY MARRIOTT | OH |
| WPIY959 | PW | AMERICAN SEARCH DOGS INC | UT |
| WPJH500 | IG | COLORADO RIVER INDIAN TRIBES | AZ |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPHH971 | IG | EARTH TECH OPERATION SERVICE | MI |
| WPHI318 | IG | UNIVERSITY OF CENTRAL FLORIDA | FL |
| WPHJ801 | IG | INSIGNIA ESG AAF TAXTER PARK A | NY |
| WPHJ931 | IG | CATHOLIC HEALTHCARE W SO CA | CA |
| WPHK328 | IG | HILLSBOROUGH COUNTY SCHOOL | FL |
| WPHK668 | IG | CASTER, MAURICE | KS |
| WPHK672 | IG | FWA DRILLING CO INC | TX |
| WPHM781 | IG | WEBER, GURN | PA |
| WPHN462 | IG | HAMPTON VILLAGE LP | TX |
| WPHN578 | IG | WENDYS MANAGEMENT GROUP | OH |
| WPHN580 | IG | WENDYS MANAGEMENT GROUP | OH |
| WPHP563 | IG | RISCOMP INDUSTRIES INC | FL |
| WPHP588 | IG | ZOELLNER, ARTHUR | SD |
| WPHP667 | IG | PINKERTON SECURITY SERVICE IN | CO |
| WPHR691 | IG | EAST PINE KNOT COMMUNITY WAT | KY |
| WPHR984 | IG | OVERCAST, ALLAN W | MT |
| WPHS683 | IG | WORTHINGTON HOMES OF LEXING | FL |
| WPHU828 | IG | NETWORK CABLING INC | WI |
| WPHV313 | IG | NAPA GENUINE AUTO PARTS COM | NY |
| WPHW22( | IG | BUSINESS CLASS TRANSPORTATI | NY |
| WPHW58 | IG | MOTIVACTION | MN |
| WPHY663 | IG | DON SCHUMACHER AND ASSOCIA | OH |
| WPHZ707 | IG | BIG TREE WINE DISTRIBUTOR INC | CA |
| WPHZ851 | IG | IMPERIAL CONSTRUCTION COMPA | MS |
| WPIA304 | PW | ERWIN EMERGENCY AND RESCUE | TN |
| WPIC574 | PW | OLATHE, TOWN OF | CO |
| WPIC948 | IG | SOUTHEASTERN MEATS | AL |
| WPIE273 | IG | GOODYEAR TIRE & RUBBER CO | NE |
| WPIF209 | IG | ROHM, KEITH | IL |
| WPIF513 | IG | ACE PARKING | OR |
| WPIG475 | IG | POST DISTRIBUTION INC | WA |
| WPIH762 | IG | OPTIVA CORPORATION | WA |
| WPIJ472 | IG | CORPORATE EXPRESS DELIVERY | AZ |
| WPIK256 | IG | CTI CUSTOMIZED TRANSPORTATI | GA |
| WPIK435 | IG | KENTUCKY FRIED CHICKEN KW15 | TX |
| WPIK769 | IG | DOUBLE D INCORPORATED | MT |
| WPIM858 | IG | NORTH WOODS FOODS DBA WEN | AK |
| WPIM860 | IG | NORTH WEND FOODS DBA WENDY | AK |
| WPIN230 | IG | D & B REFUSE SERVICE INC | IL |
| WPIN787 | IG | FOREST VIEW ACRES WATER DIST | CO |
| WPIN880 | IG | ASHLAND EQUITIES INC DBA BURG | KY |
| WPIQ748 | IG | SETCHELL, BRUCE C | IL |
| WPIR612 | IG | PINKERTON SECURITY & INVESTIG | CA |
| WPIR904 | IG | CLOVER BEND FARMS | AR |
| WPIS531 | IG | CONFERENCE OF OLYMPUS INC D | TX |
| WPIV415 | IG | COPLEY PHARMACEUTICAL INC | MA |
| WPIW477 | IG | ZELMAN, RICK B | AZ |
| WPKR339 | IG | Nucentrix Spectrum Resources, Inc. | TX |
| WPKR521 | IG | LOLLYTOGS LTD | NJ |
| WPKR778 | IG | ACCUFLEET | NJ |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPJI359 | IG | ACM INC | WV |
| WPJI490 | IG | TOYOTA MOTOR SALES USA | CA |
| WPJK531 | IG | ENVIRONMENTAL CONTRACTORS | MT |
| WPJK948 | IG | KENTUCKY FRIED CHICKEN KC18 | OK |
| WPJK953 | IG | C S R MASOLITE | IN |
| WPJN530 | IG | DUN BER FARMS INC | IA |
| WPJN606 | IG | ATCHINSON RWD 4 | KS |
| WPJQ827 | IG | BUTLER MILL SERVICE | IN |
| WPJQ835 | IG | THERMAL CONTROL SOLUTIONS | IA |
| WPJS220 | IG | River's Bend East Office & Technolo | VA |
| WPJS789 | IG | ROSKOVENSKY FARMS | IN |
| WPJT786 | IG | ROARING FORK WATER AND SAN | CO |
| WPJU450 | IG | WASHINGTON COURIER INC | DC |
| WPJU677 | IG | KIRKSVILLE R III SCHOOL DISTRIC | MO |
| WPJV982 | IG | SMITH COUNTY BOARD OF EDUC | TN |
| WPJW356 | PW | ROCKPORT FIRE DEPARTMENT | AR |
| WPJW716 | IG | WELL TECH INC | MI |
| WPJY646 | IG | BAY COUNTY SCHOOL BOARD | FL |
| WPJZ745 | IG | MILLER, STEVEN L | TX |
| WPJZ896 | IG | COUNCIL OF CITIZENS ON PATRO | MD |
| WPKA229 | PW | OST RURAL WATER SUPPLY SYS | SD |
| WPKA821 | IG | HERBALIFE INTERNATIONAL OF A | CA |
| WPKB614 | IG | SHERWOOD POOL SERVICE | NJ |
| WPKB964 | IG | TERRA | AR |
| WPKC393 | IG | BOLIVAR WATER SUPPLY CORP | TX |
| WPKC557 | IG | MORRISON MAIERLE INC | MT |
| WPKC563 | IG | BOLIVAR WATER SUPPLY CORP | TX |
| WPKC564 | IG | BOLIVAR WATER SUPPLY CORP | TX |
| WPKC578 | IG | J H KELLY INC | OK |
| WPKC666 | IG | Sperry Marine, a business unit of Nor | DC |
| WPKC945 | IG | AMERICAN RED CROSS DALLAS A | TX |
| WPKD333 | IG | G N DISTRIBUTING COMPANY | OH |
| WPKD334 | IG | G N DISTRIBUTING COMPANY | OH |
| WPKE356 | IG | DELAWARE COMMUNICATIONS & | DE |
| WPKE994 | IG | HUDSON COUNTRY CLUB | WI |
| WPKG641 | IG | LIGHTNER PROPERTY GROUP IN | CA |
| WPKG736 | PW | PRENTISS, COUNTY OF | MS |
| WPKH244 | IG | JEFFERSON COUNTY RWD 11 | KS |
| WPKH717 | IG | Comcast of Montana/Indiana/Kentucl | NY |
| WPKH913 | IG | NORTH HILLS INC | NC |
| WPKI300 | IG | NATIONAL SEMICONDUCTOR | ME |
| WPKI864 | IG | CB HAMPSHIRE | CT |
| WPKK314 | IG | BORDEN GLOBAL PACKAGING | TX |
| WPKM783 | IG | SCOTTSDALE NIGHTHAWK ASSC | IL |
| WPKP402 | IG | TISHMAN SPEYER PROPERTIES I | NY |
| WPKP752 | IG | TAYLOR & MATHIS INC | GA |
| WPKQ328 | IG | CAPSYS CORPERATION | NY |
| WPLZ523 | IG | RADIO RENTALS INC | OH |
| WPMA537 | IG | PIKEVILLE, CITY OF | KY |
| WPMC845 | IG | E.I. Dupont de Nemours and Compa | DE |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPKR955 | IG | LONG POND WATER DISTRICT | ME |
| WPKS434 | PW | VERNON, CITY OF | WA |
| WPKS622 | IG | Greentree Communications Co | WA |
| WPKT359 | IG | AUDIO VISUAL INC | IL |
| WPKU277 | IG | LEWIS, MARC | TX |
| WPKU483 | IG | Comcast of Montana/Indiana/Kentucky | NY |
| WPKV439 | IG | OX BODIES INC | SC |
| WPKV442 | PW | CARLISLE, CITY OF | AR |
| WPKV572 | PW | HICKMAN, CITY OF | KY |
| WPKV998 | IG | HOME PROPERTIES VILLAGE GREE | NY |
| WPKY529 | PW | SUTHERLIN, CITY OF | OR |
| WPKY530 | PW | SUTHERLIN, CITY OF | OR |
| WPKY531 | PW | SUTHERLIN, CITY OF | OR |
| WPKY848 | IG | JOHNSON, RICK | OH |
| WPKY880 | IG | Signature Wireless Group, Inc. | NC |
| WPKZ726 | PW | BRINDLE RIDGE VOLUNTEER FIRE | KY |
| WPKZ839 | IG | WEST WINDSOR BOARD OF EDUC/ | NJ |
| WPLD500 | IG | ALLERGHAN PHARMACEUTICALS | CA |
| WPLD699 | IG | BOISE CASCADE OFFICE PRODUC | OH |
| WPLD717 | IG | PROGRESSIVE RAIL INCORPORATI | MN |
| WPLE526 | IG | CULLIP, ANDY | VA |
| WPLF432 | IG | WARNER, KRIS | OH |
| WPLF799 | IG | RANCHO MESQUITE LLC DBA RAN | NV |
| WPLF800 | IG | RANCHO MESQUITE LLC DBA RAN | NV |
| WPLF816 | IG | RANCHO MESQUITE LLC DBA RAN | NV |
| WPLF817 | IG | RANCHO MESQUITE LLC DBA RAN | NV |
| WPLF835 | IG | CHOHON, MARK | NE |
| WPLG593 | IG | ROCKWELL AUTOMATION | VA |
| WPLH785 | IG | ROSE HULMAN INSTITUTE OF TEC | IN |
| WPLH820 | IG | Tower Automobile Enterprises | WI |
| WPLI471 | IG | Kaiser Foundation Health Plan, Inc. | CA |
| WPLI589 | IG | LASLEY, JERRY | TX |
| WPLI835 | IG | KENTUCKY FRIED CHICKEN #KK40 | MI |
| WPLI940 | IG | WHIPP, JAMES K. | UT |
| WPLK201 | IG | AUSTIN VETERINARY CLINIC | MN |
| WPLP716 | IG | PLAZA ON DEWITT CONDO ASSOC | IL |
| WPLP846 | IG | Vika, Inc. | MD |
| WPLQ297 | IG | FILA SPORTS INC | MD |
| WPLQ484 | IG | CONSUMERS IL WATER COMPANY | IL |
| WPLQ517 | PW | HENDERSONVILLE RURAL FIRE DE | SC |
| WPLQ787 | IG | SALISH FIREWORKS | WA |
| WPLR887 | PW | COTOPAXI, TOWN OF | CO |
| WPLS845 | IG | BRIARWOOD FARMS | WA |
| WPLT456 | IG | GENERAL INSTRUMENT CORPORA | PA |
| WPLT671 | PW | HARRISBURG-RALEIGH AIRPORT | IL |
| WPLU873 | PW | BOSTON MEDFLIGHT | MA |
| WPLV509 | IG | CONDEA VISTA LAKE CHARLES CH | LA |
| WPLW494 | IG | MISSOURI FIBRE CORP | MO |
| WPLW814 | IG | DICKINSON, BECTON | NE |
| WPLW957 | PW | TALBERT HOUSE COMMUNITY COF | OH |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPMD620 | IG | AGRI-ENERGY LLC | MN |
| WPMF335 | IG | Rockwell Automation | VA |
| WPMF593 | IG | LENTINI COMMUNICATIONS | NY |
| WPMG873 | IG | UNIVERSITY OF NORTH TEXAS | TX |
| WPMG879 | IG | WILLIAMS, MARK:WILLIAMS, J L | AR |
| WPMH319 | IG | JAMES L OLSON FARMS INC | NE |
| WPMH350 | PW | JEFF DAVIS, COUNTY OF | GA |
| WPMH374 | IG | DAIRY QUEEN | IL |
| WPMH492 | IG | Iowa Chicago and Eastern Railroad C | IA |
| WPMH705 | IG | FREEZER SERVICES | KY |
| WPMJ298 | IG | CARBERT, RODGERS | AR |
| WPMK989 | IG | JRJ PAVING INC | TX |
| WPML237 | PW | SPRINGVILLE VOL FIRE DEPT | TN |
| WPMM903 | IG | ELECTRONIC SECURITY SERVICE | KY |
| WPMP435 | PW | CLEVELAND INDUSTRIES INC | TX |
| WPMP573 | IG | INTERNATIONAL PLAYTHINGS INC | NJ |
| WPMQ981 | IG | ZIRKLE FRUIT COMPANY | WA |
| WPMR430 | IG | SIGNAL COMMUNICATIONS SERV | CA |
| WPMT437 | IG | LEGO SYSTEMS INC | CT |
| WPMT461 | IG | HERGERT, C. DAVID | NE |
| WPMT602 | PW | IRVINE, CITY OF, CA | CA |
| WPMV535 | IG | TRIANGLE TOLEDO INC DBA KFC | OH |
| WPMV536 | IG | TRIANGLE TOLEDO INC DBA KFC | OH |
| WPMV567 | IG | GLOBAL COMMUNICATIONS | CA |
| WPMV580 | IG | AKRO-MILS | OH |
| WPMV681 | IG | AUTONATION | FL |
| WPMV682 | IG | AUTONATION | FL |
| WPMV683 | IG | POLAR AIR CARGO, INC. | CA |
| WPMV769 | IG | BELOIT CORPORATION | IL |
| WPMV829 | IG | A D HANDY CO INC | MA |
| WPMV847 | IG | SEQUA CHEMICAL - SEDGEFIELD | NC |
| WPMV894 | IG | SCHZOTZSKYS DELI | IL |
| WPMV903 | IG | EMPIRE STATE WASTE REMOVAL | NY |
| WPMV908 | IG | MHI SHIPBUILDING LLC | MA |
| WPMV913 | IG | LIFEWATCH MEDICAL SYSTEM | AR |
| WPMV947 | IG | SECOND NATURE THERAPY PRO | UT |
| WPMV962 | IG | COMMUNICATIONS ARTS | CA |
| WPMW236 | IG | SPIVEY UTILITY CONSTRUCTION | FL |
| WPMW278 | IG | LANE AUTOMOTIVE | MI |
| WPMW484 | IG | KARGES-FAULCONBRIDGE INC | MN |
| WPMW508 | IG | WATSONVILLE PRODUCE | CA |
| WPMW525 | IG | HERNANDEZ, TIM | IL |
| WPMW547 | IG | CREE MEADOWS COUNTRY CLUB | NM |
| WPMW557 | IG | AMERICAN PAD & PAPER DBA AM | PA |
| WPMW564 | IG | FLUOR DANIEL INC | CA |
| WPMW567 | IG | NORESCO | FL |
| WPMW575 | IG | CELLULAR DESIGN CORP | NY |
| WPMW594 | IG | BOND III, WILLIAM W:BOND, MATT | TN |
| WPMW648 | IG | OGDEN PUBLISHING CORPORATI | UT |
| WPMW763 | IG | SIDARI BRUCE P | NY |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPLW961 | IG | INLAND RESOURCES INC | UT |
| WPMW78 | IG | NOVELLUS | CA |
| WPMW78 | PW | NOXUBEE, COUNTY OF | MS |
| WPMW86 | IG | ALL-COMM TECHNOLOGIES INC | CT |
| WPMW92 | IG | CENTEX-ROONEY CONSTRUCTION | CA |
| WPMW93 | IG | RAINFOREST CAFE BURLINGTON M | MA |
| WPMW95 | PW | NOXUBEE, COUNTY OF | MS |
| WPMX203 | IG | VGS PROPANE LLC | VT |
| WPMX265 | IG | VALMONT INDUSTRIES DBA VALMC | OK |
| WPMX315 | IG | RILEY, OSCAR | MS |
| WPMX403 | IG | IMPACT CRUSHING CORP | NV |
| WPMX406 | IG | LEAVITT, DALE | OR |
| WPMX475 | PW | NOXUBEE, COUNTY OF | MS |
| WPMX483 | PW | KENTUCKY, COMMONWEALTH OF | KY |
| WPMX638 | IG | CLEAR MOUNTAIN SURVEYING INC | CO |
| WPMX702 | IG | DELOITTE & TOUCHE LLP | OK |
| WPMX724 | IG | RMS SAN FRANCISCO | CA |
| WPMX809 | IG | C Q TRON INC | TX |
| WPMX896 | IG | NORTECH GEOMATICS USA INC | TX |
| WPMX937 | IG | WASHINGTON STATE MAJOR LEAG | WA |
| WPMX988 | IG | PRECISION SURVEY & MAPPING IN | CO |
| WPMX992 | IG | HULT & ASSOCIATES INC | MN |
| WPMX995 | IG | COAL-MAC INC | KY |
| WPMY273 | PW | MED ONE PARAMEDIC SERVICE | AL |
| WPMY293 | IG | VIKASE CORP | OK |
| WPMY312 | IG | C Q TRON INC | TX |
| WPMY313 | IG | FRANCO INC DBA HARDEES | TN |
| WPMY379 | IG | WALKER CONCRETE COMPANY | GA |
| WPMY438 | IG | PMI FOOD EQUIPMENT GROUP | OH |
| WPMY482 | IG | BRANCH, DEREK R | MT |
| WPMY554 | IG | P & L TRANSPORTATION INC DBA L | MN |
| WPMY589 | IG | MASSACHUSETTS HEAVY INDUSTF | MA |
| WPMY665 | IG | CONTINENTAL CAB CO INC | NC |
| WPMY672 | IG | FRANKLIN MINT | PA |
| WPMY739 | IG | SHALOM PLAZA INC | MO |
| WPMY743 | IG | SITE BLAUVELT | NJ |
| WPMY747 | IG | DAVIS ENVIRONMENTAL INDUSTRI | TX |
| WPMY780 | IG | HORNOR, E T | AR |
| WPMY783 | IG | THE B F GOODRICH COMPANY | OH |
| WPMY826 | IG | CAM WEST LIMITED PARTNERSHIP | WY |
| WPMY836 | IG | MINYARD, JUDY | TX |
| WPMY875 | IG | HABTELUL GEDLU | WA |
| WPMY903 | YG | TROUP ELECTRONICS INC | MI |
| WPMZ219 | IG | PETRY, JEFF | WI |
| WPMZ319 | IG | CYGENUS ENTERPRISES INC DBA | NV |
| WPMZ338 | IG | CHAROEN POKLAND USA INC | AL |
| WPMZ415 | IG | BAXTER PHARMACEUTICAL PRODU | NJ |
| WPMZ498 | IG | EAST PENN SCHOOL DISTRICT | PA |
| WPMZ550 | IG | UNITED AGRI PRODUCTS | MT |
| WPMZ623 | IG | SUN MICROSYSTEMS INC | MA |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPMW769 | IG | LINKS GOLF COURSE | NV |
| WPMZ822 | IG | SELECTIVE TRUCKING INC | MI |
| WPMZ826 | IG | ARES CORPORATION | AL |
| WPMZ897 | IG | SAHARA PLAYA PALMS APARTME | AZ |
| WPMZ947 | IG | ACCESS AIR INC | IA |
| WPNP302 | IG | NEXCOMM | NY |
| WPNP337 | IG | BIG CITY RADIO-CHI, L.L.C | CA |
| WPNP344 | IG | HAUETER CONSTRUCTION CO | OH |
| WPNP353 | IG | POWER PARTS INC | PR |
| WPNP377 | IG | BA VANDEGRIFT INC | WA |
| WPNP480 | IG | ATLANTIC PACKAGING | NC |
| WPNP535 | IG | BEST SECURITY SERVICES INC | TX |
| WPNP557 | IG | ACCENT ELECTRONICS INC DBA | CA |
| WPNP650 | IG | PLAYA PHASE I COMMERCIAL LAI | CA |
| WPNP657 | IG | SAN JOSE HOSPITAL | CA |
| WPNP752 | IG | GREENHORNE AND O MARA INC | MD |
| WPNP778 | IG | RAINFOREST CAFE FRANKLIN MIL | PA |
| WPNP779 | IG | SSE MANUFACTURING INC | CA |
| WPNP787 | IG | NATIONAL CAR RENTAL | NY |
| WPNP854 | IG | SOBEL, PAUL J | MO |
| WPNQ277 | YG | WIRELESS ADVANCED COMMUNI | CO |
| WPNQ312 | IG | ROSS, WILLIAM A. | KY |
| WPNQ324 | IG | HAYDEN, JAMES R | CA |
| WPNQ332 | IG | COLUMBUS RECREATION & PARK | OH |
| WPNQ421 | IG | THREE WING-CORPORATION | CT |
| WPNQ501 | IG | GODWIN, JEFF | GA |
| WPNQ557 | IG | REDWOOD EMPIRE LIFE SUPPOR | CA |
| WPNQ580 | IG | SBIII MOTORSPORTS | NC |
| WPNQ630 | IG | FOSTER WHEELER CONSTRUCTC | TX |
| WPNQ650 | IG | RODRIGUEZ, ROBERTO | NY |
| WPNQ657 | IG | THE RESERVE | SC |
| WPNQ679 | IG | PIKEVILLE, CITY OF | KY |
| WPNQ718 | IG | NEW YORK STOCK EXCHANGE IN | NY |
| WPNQ743 | IG | INTELLIGENT SYSTEMS FOR RET | CA |
| WPNQ748 | IG | BOVIS CONSTRUCTION CORP | MD |
| WPNQ837 | IG | IRAM & ARNOLDO VARGAS DBA R | CA |
| WPNQ994 | IG | LOCKWOOD GREENE ENGINEERS | GA |
| WPNR372 | IG | ORI SERVICES CORPORATION | CA |
| WPNR384 | IG | EAGLE BROADCASTING NETWOR | KY |
| WPNR400 | IG | TAPP INFORMATION INC | FL |
| WPNR486 | IG | JWA-LAKE ELECTRIC MOTOR | WI |
| WPNR517 | IG | PARSONS ENERGY & CHEMICAL ( | DE |
| WPNR561 | IG | MARTIN LUTHER HOSPITAL | CA |
| WPNR664 | IG | SCOTT, MIKE | CA |
| WPNR665 | IG | UNIVERSITY OF CENTRAL FLORID | FL |
| WPNR706 | IG | CHERRYDALE FARMS INC | PA |
| WPNR780 | IG | DAIRY QUEEN | PA |
| WPNR786 | IG | DAIRY QUEEN | MD |
| WPNR824 | IG | G & T MEAT COMPANY | MI |
| WPNR906 | IG | HAWKINS SAWMILL INC | MN |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPMZ726 | IG | PACKAGING RESOURCES INC | MO |
| WPMZ735 | IG | SUN MICROSYSTEMS INC | MA |
| WPMZ753 | IG | OVERBY DESCAMPS ENGINEERIN | TX |
| WPMZ754 | IG | BALD MOUNTAIN MINE | NV |
| WPMZ803 | IG | GRAND AIRE INC | MI |
| WPNS240 | IG | FORESTER, SETH | CA |
| WPNS293 | IG | METROPOLITAN EMERG SVC OF D | LA |
| WPNS315 | IG | DOMINICKS FINER FOODS | IL |
| WPNS344 | IG | WAGNER, RICHARD | CA |
| WPNS394 | IG | PREMIER LIMOUSINE LLC | NY |
| WPNS407 | IG | GREATER PHILADELPHIA CHURCH | PA |
| WPNS424 | IG | F S T | OR |
| WPNS469 | IG | PARIBAS NORTH AMERICA INC | NY |
| WPNS472 | IG | WPG RUDD MANAGEMENT | NY |
| WPNS474 | IG | KOEPPEL MANAGEMENT CO LLC | NY |
| WPNS488 | IG | TURNER POPE CONSTRUCTION | WY |
| WPNS569 | IG | SCONSET GARDENER INC | SC |
| WPNS603 | IG | SCHMALBACH LUBECA INC | SC |
| WPNS731 | IG | BESCO BUILDING ELECTRICAL SYS | OK |
| WPNS740 | IG | BUTTERFLY PAVILION & INSECT CE | CO |
| WPNS747 | IG | HEWLETT PACKARD COMPANY | OR |
| WPNS794 | IG | MONET LANE PRODUCTIONS | NY |
| WPNT276 | IG | VOICENET RADIO COMMUNICATIO | MA |
| WPNT415 | IG | THE PARKING SPOT | OK |
| WPNT423 | IG | WIZARD S RESTAURANT & CASINO | WA |
| WPNT435 | IG | DENTON COUNTY ELECTRIC COOF | TX |
| WPNT436 | PW | LUCAS, COUNTY OF | OH |
| WPNT442 | IG | LSG/SKY CHEFS | CT |
| WPNT482 | IG | GOVERNORS CLUB | NC |
| WPNT633 | IG | CALVIN GIORDANO ASSOCIATES IN | FL |
| WPNT641 | IG | MOWERY, ANTHONY D | MI |
| WPNT690 | IG | DAIRY QUEEN | LA |
| WPNT711 | PW | UNITED LIFE CARE AMBULANCE SE | IL |
| WPNT733 | IG | WORLD BAZAARS INC | CA |
| WPNT755 | IG | REDDMANN, GARY | AR |
| WPNT893 | PW | CADDO BOSSIER PORT COMMISSIO | LA |
| WPNT961 | IG | KENTUCKY FRIED CHICKEN KY450 | CA |
| WPNU271 | IG | TERRA INDUSTRIES INC | MN |
| WPNU275 | IG | HARRAHS CHEROKEE SMOKY MOU | NC |
| WPNU331 | IG | BILLINGS BRICK & MASONRY SUPP | MT |
| WPNU406 | IG | SCHULTZ, SCOTT | KS |
| WPNU410 | IG | MIDWAY AIRLINES | NC |
| WPNU525 | PW | PHILIPSTOWN VOLUNTEER AMBUL | NY |
| WPNU529 | IG | PARKANS INTERNATIONAL LLC | TX |
| WPNU542 | IG | DAIRY QUEEN #13801 | TX |
| WPNU556 | IG | RICHARD, RON | OH |
| WPNU627 | IG | STANFORD, MICHAEL:STANFORD, | TX |
| WPNU680 | IG | GALVSTAR LP | WV |
| WPNU689 | IG | HELKENN, RYAN | SD |
| WPNU691 | IG | KENTUCKY FRIED CHICKEN KW750 | FL |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPNR909 | IG | HARVEY, CHARLES B:PENNINGTO | FL |
| WPNR917 | IG | HARBORVIEW HOTEL | MA |
| WPNR923 | IG | BUDGET RENT A CAR | CA |
| WPNR963 | IG | ARIZONA CHEMICAL | LA |
| WPNR992 | IG | BOWIE MEMORIAL HOSPITAL | TX |
| WPNU792 | IG | TRANS STATES AIRLINES DBA TR | NY |
| WPNU857 | IG | CHANDLER & ASSOCIATES LLC | CO |
| WPNU861 | IG | DEARBORN BROS CONSTRUCTIO | ME |
| WPNU928 | IG | COUNSELOR MATERIAL PROCES | OH |
| WPNV389 | IG | MDOI INC | TX |
| WPNV393 | IG | WRIGHT BROTHERS CONSTRUCT | NC |
| WPNV452 | IG | KENTUCKY FRIED CHICKEN KW75 | FL |
| WPNV476 | IG | CARBOLINE COMPANY | OH |
| WPNV525 | IG | DASMASH TRANSPORTATION CO | NJ |
| WPNV542 | IG | ABELL, DARRYL | IN |
| WPNV565 | IG | LASER CRAFT INC | CA |
| WPNV617 | IG | SRE SAN FRANCISCO RETAIL INC | CA |
| WPNV621 | IG | SWARTZLANDER, RICKY | AR |
| WPNV640 | IG | WESTBURY SCHOOL DISTRICT | NY |
| WPNV673 | IG | CELLULAR DESIGN CORP | NY |
| WPNV757 | IG | KENTUCKY FRIED CHICKEN | MT |
| WPNV759 | IG | TEMPO LIGHTING INC | CA |
| WPNV858 | IG | HUDSON GENERAL AVIATION SER | MA |
| WPNV863 | IG | POWDER RIVER COAL COMPANY | WY |
| WPNW316 | IG | NEW BOSTON COKE CORPORATI | OH |
| WPNW414 | IG | AMERISTEEL INC | NC |
| WPNW458 | PW | ONSLOW, COUNTY OF | NC |
| WPNW489 | IG | METEX INTERNATIONAL | TX |
| WPNW578 | IG | RMS SAN FRANCISCO | CA |
| WPNW646 | IG | ATCHLEY, RAY | LA |
| WPNW706 | IG | LEE, JAMES R:LEE, KAREN DBA J | MS |
| WPNW751 | IG | RIVER VALLEY RANCH GOLF CLU | CO |
| WPNW801 | IG | ROGERS GROUP | TN |
| WPNW802 | IG | FOOD LINER INC | TN |
| WPNW823 | IG | NORTH AMERICAN VAN LINES | CA |
| WPNW839 | YG | PROGRESSIVE COMMUNICATION | OH |
| WPNW858 | IG | VETERANS LIVERY | NJ |
| WPNW870 | IG | NOVELL INC | CA |
| WPNW920 | IG | GROWERS COOPERATIVE INC | IN |
| WPNW938 | IG | 320 E 21ST STREET PARTNERSHI | IL |
| WPNW950 | IG | PEPSI COLA OF GARNER | NC |
| WPNW953 | IG | ROBINSON, BARRY S | CA |
| WPNX224 | IG | SOUTHWEST LAUDERDALE WATI | MS |
| WPNX397 | IG | EXCLUSIVE LANDSCAPING AND P | AK |
| WPNX415 | IG | CALDWELL, JEFF | CO |
| WPNX474 | IG | PORT SAINT LUCIE UTILITY SYST | FL |
| WPNX588 | IG | RUARK, NICK | WA |
| WPNX649 | IG | WASHINGTON IRVING LLC | NC |
| WPNX710 | IG | DWOSKIN A J | VA |
| WPNX735 | IG | JCS ELECTRONIC INC | CA |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPNU692 | IG | KENTUCKY FRIED CHICKEN #KW75 | FL |
| WPNU693 | IG | PHILLIPS MONITORS RALEIGH | NC |
| WPNU706 | IG | FOLEY ASSOCIATES INC | CO |
| WPNU714 | IG | SITE CONSULTANTS INC | AZ |
| WPNU724 | IG | KENTUCKY FRIED CHICKEN KY064( | NJ |
| WPNU732 | IG | GRAY, GREG E | GA |
| WPNU744 | IG | POINT BREAK TOWING | PA |
| WPNU765 | IG | BADGETT, MARY | TX |
| WPNU776 | IG | KENTUCKY FRIED CHICKEN KW71( | GA |
| WPNY677 | IG | CITY AVENUE HOSPITAL | PA |
| WPNY793 | IG | DAIRY QUEEN #40527 | TN |
| WPNY839 | YG | ATLANTIC SALMON OF MAINE | ME |
| WPNY842 | IG | HANSEN AGGREGATES | CA |
| WPNY855 | IG | HOLLAND ROOFING OF CINCINNAT | KY |
| WPNY923 | IG | HUMACAO TAXI INC | PR |
| WPNY939 | IG | PURINA MILLS INC | GA |
| WPNY962 | IG | C T FARM & COUNTRY INC | MD |
| WPNZ203 | IG | DISNEY REGIONAL ENTERTAINMEN | CA |
| WPNZ253 | IG | HOAR CONSTRUCTION LLC | GA |
| WPNZ273 | IG | ATLANTIC IRRIGATION SPECIALIST | NY |
| WPNZ274 | IG | HIDDEN CREEK GOLF CLUB | FL |
| WPNZ348 | IG | DISPATCH MANAGEMENT SERVICE | MA |
| WPNZ430 | IG | GALLOP COURIERS INC | CA |
| WPNZ435 | IG | PX RANCH WORTHINGTON ENT DE | NV |
| WPNZ452 | IG | SUNDANCE CONSTRUCTION | ID |
| WPNZ455 | IG | LANGANS RED APPLE | WA |
| WPNZ501 | IG | BERKSHIRE BITES INC | MA |
| WPNZ550 | IG | XYLAN CORPORATION | CA |
| WPNZ553 | IG | GALLOP COURIERS INC | CA |
| WPNZ554 | IG | GALLOP COURIERS INC | CA |
| WPNZ555 | IG | GALLOP COURIERS INC | CA |
| WPNZ564 | IG | WEST SIDE HIGH SCHOOL | NY |
| WPNZ610 | IG | HERITAGE HOSPITAL | CA |
| WPNZ612 | IG | HERITAGE HOSPITAL | CA |
| WPNZ616 | IG | MBK CONSTRUCTION LTD | TX |
| WPNZ816 | IG | PRECISION ENERGY SERVICES | TN |
| WPNZ817 | IG | SERVICE MANAGEMENT SYSTEMS | NV |
| WPNZ840 | IG | CHELSEA GARDENS | NY |
| WPNZ882 | IG | AMS THORNTON MOTOR SPORTS | GA |
| WPNZ892 | IG | FIELDSTONE CABINETRY INC | IA |
| WPNZ899 | IG | HOPE CREEK L C | MI |
| WPNZ916 | IG | MERCER RACEWAY PARK LLC | PA |
| WPNZ927 | IG | PEARCE CATFISH FARM | AL |
| WPOA669 | IG | DORCHESTER GOLF COURSE | TN |
| WPOB969 | IG | MILFORD MARKET INC | CT |
| WPOB978 | IG | GREYHAWK RIDGE GOLF CLUB | GA |
| WPOB989 | IG | DELUXE FINANCIAL SERVICES | CO |
| WPOB997 | IG | LANGER, THOMAS | IL |
| WPOC211 | IG | DAYTONA ENTERTAINMENT INC DE | FL |
| WPOC219 | IG | DEL WEBB INC DBA ANTHEM COUN | NV |
| WPNX756 | IG | BRADLEY PLUMBING & HEATING | IN |
| WPNX836 | IG | JOHN S RESTAURANTS | CA |
| WPNX863 | IG | VICS AIR CONDITIONING | LA |
| WPNX916 | IG | NATIONAL CAR RENTAL | MN |
| WPNY351 | IG | PROGRESSIVE COMMUNICATION | OH |
| WPNY361 | IG | S L G CONSTRUCTION GROUP | PR |
| WPNY393 | IG | HOMEWOOD | MD |
| WPNY579 | IG | JSG & ASSOCIATES | AZ |
| WPNY586 | IG | CONTEC CO | FL |
| WPOC508 | IG | ORIENTAL FARMERS FOOD CORP | GA |
| WPOC509 | IG | CLARK BEFINING & MARKETING I | IL |
| WPOC517 | IG | PTG LOGISTICS | OH |
| WPOC535 | IG | ABUNDANT LIFE CHURCH DBA AE | IL |
| WPOC555 | IG | TACO BELL #188 | CA |
| WPOC556 | IG | WENDY S WE2088NJ | NJ |
| WPOC585 | IG | BANK OF AMERICA | CA |
| WPOC600 | IG | SHEA VINEYARDS INC | CT |
| WPOC623 | IG | LAMB WESTON 38928 | WA |
| WPOD243 | IG | CLARK METALS | OH |
| WPOD315 | IG | ADVANCE LOGISTICS LLC | TN |
| WPOD337 | IG | LIGHTHOUSE BAPTIST CHURCH | CA |
| WPOD340 | IG | D SQUARED INC | NE |
| WPOD355 | IG | 914 MAIN STREET CORP | TX |
| WPOD422 | IG | MIRROR LAKE | GA |
| WPOD423 | IG | BURGER KING #12 | FL |
| WPOD431 | IG | COMPUCOM INC | CA |
| WPOD446 | IG | AUTOMOTIVE SUPPLY CO | WI |
| WPOD465 | IG | KIRC LIMITED PARTNERSHIP | OH |
| WPOD468 | IG | TACO BELL | IL |
| WPOD469 | IG | TACO BELL | IL |
| WPOD470 | IG | TACO BELL | IL |
| WPOD493 | IG | GLOBE MANUFACTURING CORP | AL |
| WPOD497 | IG | MONTABELLO GOLF COURSE | CA |
| WPOD507 | IG | DAYS INN SOUTH | OH |
| WPOD552 | IG | MERCY MEDICAL CENTER | MD |
| WPOD582 | IG | MILES FARM SUPPLY INC | KY |
| WPOD610 | IG | BEHAVIORAL HEALTHCARE OF C | IN |
| WPOD627 | IG | MCDONALDS REST #07093 | SC |
| WPOD695 | IG | RIVER CITY RASCALS | MO |
| WPOD705 | IG | ATLANTIC IRRIGATION SPECIALIT | NY |
| WPOD744 | IG | WELSH INC DBA PETRO SHOPPIN | IN |
| WPOD756 | IG | EXXON | LA |
| WPOD779 | IG | KOEHLER, JOSEPH | WI |
| WPOD818 | IG | NEWSWEEK | NY |
| WPOD863 | IG | QUALITY ASPHALT REPAIR INC | ND |
| WPOD875 | IG | EVERGLADES ALLIGATOR FARM | FL |
| WPOD885 | IG | SYBRA INC DBA ARBYS | TX |
| WPOD934 | IG | BORDER FOODS DBA TACO BELL | MN |
| WPOD960 | IG | HAWKTREE INC | ND |
| WPOD961 | IG | OAKLAND GOLF PROPERTIES | TN |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPOC235 | IG | MOUNT ANTHONY UNION HIGH SCI | NY |
| WPOC237 | IG | BANK OF AMERICA NT&SA | CA |
| WPOC266 | IG | ELLIS TV & APPLIANCE | IL |
| WPOC273 | IG | SUNSOFT CORPORATION | NM |
| WPOC327 | IG | BACHTEL/PARSONS BRINCKERHOI | MA |
| WPOC330 | IG | DIMENSION ONE SPAS INC | CA |
| WPOC334 | IG | RALLY S RA109 | CA |
| WPOC343 | IG | CROWLEY AMERICAN TRANSPORT | PA |
| WPOC383 | IG | WESTERN DIGITAL CORPORATION | CA |
| WPOC400 | IG | VELAZQUEZ, JOSE | PA |
| WPOC429 | IG | FAIRCHILD ROSAN | CA |
| WPOC433 | IG | MILTON S CAR SERVICE INC | NY |
| WPOC478 | IG | SIGHTS & SOUNDS PRODUCTION S | MS |
| WPOE564 | IG | CANTON IGA | NY |
| WPOE579 | IG | TRI STAR THEME BUILDERS INC | NV |
| WPOE601 | IG | THE GAP INC | KY |
| WPOE636 | IG | WATERLEFE GOLF AND RIVER CLU | FL |
| WPOE642 | IG | ARCH CHEMICALS INC | LA |
| WPOG339 | IG | POINT INC | KS |
| WPOG359 | IG | ANSON RESTAURANT GROUP DBA | AL |
| WPOG368 | IG | RED ROBIN INTERNATIONAL INC D | WA |
| WPOG422 | IG | STRATEGIC SPORTS INC DBA PEV | VA |
| WPOG570 | IG | KAUFMAN, MARK H | WY |
| WPOG592 | IG | TCC CONTRACTING CO | MD |
| WPOG593 | IG | CRESTLIVE PLASTICS INC | MD |
| WPOX309 | IG | MISSOURI VALLEY STOCK CAR AS | ND |
| WPOX477 | IG | SPENCER MOTOR VENTURES INC | NC |
| WPOX517 | IG | FIVE TOWN TAXIS | NY |
| WPOX617 | PW | TEKEL INC | LA |
| WPOX904 | IG | RUTGERS ORGANIC CORP | GA |
| WPOX906 | IG | NORDSTROM INC #230 | IL |
| WPOX919 | IG | NORTH AMERICAN COAL CORPOR | TX |
| WPOY243 | IG | EAGLE AIR INC | MT |
| WPOY268 | IG | C T E INC | NY |
| WPOY308 | IG | BEARCOM LP | CA |
| WPOY343 | IG | KFC NATIONAL MANAGEMENT CON | CA |
| WPOY346 | IG | KROGER FOOD STORES | TX |
| WPOY600 | IG | HEWLETT PACKARD CO | MO |
| WPOY606 | IG | AMES DISTRIBUTION CENTER | NY |
| WPOY649 | IG | MAPP BEER CONSTRUCTION | LA |
| WPOY758 | IG | CORNING PAINTED POST SCHOOL | NY |
| WPOY786 | IG | CHEMETRON RAILROD PROD | PA |
| WPOY855 | IG | WINCHESTER PROPERTIES LLC DE | CA |
| WPOY892 | IG | ELECTROGLAS INC | CA |
| WPOY923 | IG | CACHE VALLEY ELECTRIC | NC |
| WPOY977 | IG | SCHUECK STEEL INC | NC |
| WPOZ229 | IG | SHOPCO GROUP EAST POINT MAL | MD |
| WPOZ245 | IG | STONEBROOK SUITES | OR |
| WPOZ272 | IG | Sprint Communications Company L.P. | KS |
| WPOZ358 | IG | VOICENET RADIO COMMUNICATIOI | MA |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPOD974 | IG | SAPPHIRE VALLEY | NC |
| WPOE224 | IG | MACTAC V INC DBA MCDONALDS | WV |
| WPOE252 | IG | THE WAVE PARTNERS LLC DBA T | CA |
| WPOE263 | IG | RED OAKS GOLF COURSE | MI |
| WPOE264 | IG | NORTHSTAR CONTAINERS | MN |
| WPOE286 | IG | REDDMAN, LAWRENCE G | AR |
| WPOE404 | IG | AWB RANCH INC | OK |
| WPOE424 | IG | THE GAP INC | KY |
| WPOE438 | IG | POWDER RIVER COAL COMPANY | WY |
| WPOE471 | IG | CALEDONIA GOLF & FISH CLUB | SC |
| WPOE532 | IG | STARGAS PROPANE INC | IN |
| WPOE550 | IG | SOUTH FORD INC | OR |
| WPOE551 | IG | SENTRY CUDAHY | WI |
| WPPA245 | IG | The River Course LLC | VA |
| WPPA277 | IG | HARBOR POINTE ENTERTAINMEN | MI |
| WPPA287 | YG | SPRINT COMMUNICATIONS CO LP | MS |
| WPPA368 | IG | CENTEX ROONEY CONSTRUCTIO | CA |
| WPPA384 | IG | LACHANCE, GLADYS | NY |
| WPPA390 | IG | VOICENET RADIO COMMUNICATIO | MA |
| WPPA393 | IG | VOICENET RADIO COMMUNICATIO | MA |
| WPPA402 | IG | LAST RESORT INC | CA |
| WPPA484 | IG | DAIRY QUEEN BULL MKT 19 | TN |
| WPPA526 | IG | BUFFALO PRAIRIE GANG CAMP | IL |
| WPPA528 | IG | VOICENET RADIO COMMUNICATIO | MA |
| WPPA600 | IG | ACCESS AIR INC | IA |
| WPPA602 | IG | H B INC DBA H B FUEL CO AND P | MA |
| WPPA641 | IG | ORMWOOD ENTERPRIZES INC DE | FL |
| WPPA757 | IG | MT OLIVET VILLAGE CORPORATIO | PA |
| WPPA788 | IG | WHITING TURNER CONTRACTING | MA |
| WPPA831 | IG | MILLENNIUM WIRELESS GROUP I | NY |
| WPPA874 | IG | MADAME TUSSAUDS LAS VEGAS | NV |
| WPPA883 | IG | STARCOM PUERTO RICO INC | PR |
| WPPA891 | IG | BRIDGESTONE FIRESTONE INC | PA |
| WPPA914 | IG | FISHER WAYLAND COOPER LEAD | DC |
| WPPA921 | IG | SAGEWALK OUTDOOR SCHOOL # | OR |
| WPPB223 | PW | JACKSONVILLE INDEPENDENT SC | TX |
| WPPB308 | IG | Sprint Communications Company L.P | KS |
| WPPB394 | PW | RAPIDES, PARISH OF | LA |
| WPPB410 | IG | WINCHESTER COUNTRY CLUB | VA |
| WPPB472 | IG | FRIDLEY, DAVID J. | TN |
| WPPB521 | IG | ARAMARK UNIFORM SERVICES | IA |
| WPPB524 | IG | HERAS CARLOS R DBA UC COLUM | NY |
| WPPB535 | IG | GLOBAL TECHNOLOGY ENTERPR | FL |
| WPPB543 | IG | LAKE CHELAN CAB CO INC | WA |
| WPPB552 | IG | RESORT MANAGEMENT SERVICE | FL |
| WPPB603 | IG | MESA AIRLINES INC | PA |
| WPPB622 | IG | WILD ROSE FURNITURE MANUFA | MS |
| WPPB656 | IG | Sprint Communications Company L.P | KS |
| WPPB684 | IG | R A WEBBER & SONS INC | ME |
| WPPB689 | IG | CHEROKEE CASINO ENTERPRISE | OK |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPOZ359 | IG | VOICENET RADIO COMMUNICATIOI | MA |
| WPOZ360 | IG | VOICENET RADIO COMMUNICATIOI | MA |
| WPOZ460 | IG | LASALLE PARTNERS MANAGEMEN | FL |
| WPOZ506 | IG | HOUSTONIAN GOLF LTD DBA HOUS | TX |
| WPOZ554 | IG | ARCRAFT SERVICES INTERNATION | FL |
| WPOZ570 | IG | SCHLESINGER, BARRY:MC MORRO | TX |
| WPOZ622 | IG | HOTEL PARTNERS MANAGEMENT | MN |
| WPOZ656 | IG | PHOENIX SPEEDWAY CORP DBA P | AZ |
| WPOZ658 | PW | MASHPEE, TOWN OF | MA |
| WPOZ717 | IG | WASTEMASTERS | OH |
| WPOZ738 | IG | Mirant Potrero, L.L.C. | CA |
| WPOZ769 | IG | LEGGETT & PLATT CO DBA BLAZOI | MS |
| WPOZ775 | IG | BROOKDALE LIVING COMMUNITIES | IL |
| WPOZ835 | IG | FIESTA DEVELOPMENT INC | CA |
| WPOZ967 | IG | ELEGANCE LIVERY & LIMO INC | NJ |
| WPPA201 | IG | TYDICO INC | WA |
| WPPA210 | IG | PINNELL, RALPH S | TX |
| WPPC615 | PW | WORCESTER, COUNTY OF | MA |
| WPPC640 | IG | GOLF CLUBS OF TEXAS | TX |
| WPPC641 | IG | SIERRA LAKES COUNTRY CLUB | CA |
| WPPC646 | IG | GOLF CLUB OF MICHIGAN | MI |
| WPPC785 | IG | CADIZ EXCAVATING | KY |
| WPPC846 | IG | PRECISION ENERGY SERVICES | TN |
| WPPC912 | YG | SPRINT COMMUNICATIONS CO LP | MS |
| WPPC979 | IG | Sprint Communications Company L.P. | KS |
| WPPD253 | IG | YAVAPAI SURVEYING INC | AZ |
| WPPD374 | IG | SHINER MOSELEY AND ASSOCIATE | TX |
| WPPD398 | IG | Sprint Communications Company L.P. | KS |
| WPPD399 | YG | US SPRINT COMMUNICATIONS CO | MS |
| WPPD423 | IG | WILT, KENNETH A | FL |
| WPPD504 | YG | CENTRAL COMMUNICATIONS INC | WA |
| WPPD533 | IG | WESTIN HOTELS & RESORTS DBA | TX |
| WPPD551 | IG | HIDDEN BROOK FARMS | NY |
| WPPD565 | IG | WESTERN DIGITAL CORPORATION | MN |
| WPPD631 | IG | TIDEWATER MANAGEMENT GROUI | VA |
| WPPD884 | IG | HANOVER MATERIALS INC | VA |
| WPPD899 | YG | RICE ELECTRONICS | TX |
| WPPD957 | IG | MCDONALDS RESTAURANT DBA M | CA |
| WPPD990 | IG | PRECISION WELL SERVICE | WY |
| WPPE268 | IG | PALOMAR HOTEL | CA |
| WPPE398 | IG | SW J FINANCIAL INC DBA BURGER | TX |
| WPPE400 | IG | PRIORITY PARKING | CA |
| WPPE403 | IG | JIT TRANSPORTATION INC | CA |
| WPPE541 | IG | VOICENET RADIO COMMUNICATIOI | MA |
| WPPE542 | IG | VOICENET RADIO COMMUNICATIOI | MA |
| WPPE876 | IG | VOICENET RADIO COMMUNICATIOI | MA |
| WPPE891 | IG | HERGERT MILLING INC | NE |
| WPPF356 | IG | WING INDUSTRIES INC | TX |
| WPPF410 | IG | TIDEWATER MANAGEMENT GROUI | VA |
| WPPF451 | IG | LOUIS BROMFIELD HIGH SCHOOL | OH |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPPB788 | YG | US SPRINT COMMUNICATIONS C( | MS |
| WPPB801 | IG | TRIGEN BIOPOWER INC DBA TRIC | NC |
| WPPB887 | YG | US SPRINT COMMUNICATIONS C( | MS |
| WPPB937 | IG | METRO WATER DISTRICT | CA |
| WPPB987 | IG | STEVE BROWN APARTMENTS | FL |
| WPPB995 | IG | VOICENET RADIO COMMUNICATIC | MA |
| WPPC242 | IG | LEHRER MC GOVERN BOVIS | NY |
| WPPC256 | IG | COOK INSTITUTE | MI |
| WPPC257 | IG | Invista Inc. | DE |
| WPPC324 | IG | SOUTHLAND SECURITY | CA |
| WPPC338 | IG | PRECISION PARTNERS INC | ND |
| WPPC369 | IG | RESCO PRODUCTS | OH |
| WPPC377 | IG | CRIMSON TECH | MA |
| WPPC408 | IG | WELLS ALUMINUM | OH |
| WPPC426 | IG | JUB ENGINEERS INC | ID |
| WPPC485 | IG | GOODWILL INDUSTRIES OF SAN A | TX |
| WPPC548 | IG | VINCENT COMPANY INC DBA STR | CO |
| WPPG833 | IG | KISS MANAGEMENT DBA CHECKE | FL |
| WPPG834 | IG | KISS MANAGEMENT DBA CHECKE | FL |
| WPPG897 | IG | Sprint Communications Company L.P. | KS |
| WPPH211 | IG | A TEICHERT AND SONS DBA TEIC | CA |
| WPPH235 | IG | AT T WIRELESS SERVICES DBA T | NV |
| WPPH315 | IG | RYAN, BRYAN T | IN |
| WPPH345 | IG | HYATT REGENCY CERROMAR BE | PR |
| WPPH348 | IG | LANDDESIGN INC | NC |
| WPPH455 | IG | DURHAM BEST CAB CO | NC |
| WPPH529 | IG | DAIRY MART | KY |
| WPPH600 | IG | WILD BASIN LODGE & RANCH | CO |
| WPPH636 | IG | PROYECTO HEADSTART | PR |
| WPPH640 | IG | PROYECTO HEADSTART | PR |
| WPPH661 | IG | Sprint Communications Company L.P. | KS |
| WPPH676 | IG | MCDONALDS RESTAURANT DBA I | IN |
| WPPH696 | IG | MC DONALDS RESTAURANT DBA | MI |
| WPPH698 | IG | EL RANCHO FOODS DBA TACO BI | NJ |
| WPPH699 | IG | MAC MANAGEMENT DBA MC DON | UT |
| WPPH721 | IG | VELAZQUEZ, JOSE | PA |
| WPPH770 | IG | WENDYS INTERNATIONAL DBA W | UT |
| WPPH775 | IG | BRE BUILDERS INC | CA |
| WPPH806 | IG | AMERICAN DISPOSAL | IN |
| WPPH829 | IG | CLEVELAND LUMBE JACKS HOCK | OH |
| WPPH985 | IG | HGCI INC | TX |
| WPPN775 | IG | BERRY, MICHAEL | NV |
| WPPN780 | IG | ARM MARKETING INC DBA ARM C | TX |
| WPPN829 | IG | NPC INTERNATIONAL INC DBA PIZ | OK |
| WPPN838 | IG | AVIATION CLEANING SERVICES L | VT |
| WPPN847 | IG | POPE, WILLIAM P | MO |
| WPPN868 | IG | INOVA HEALTH SYSTEM | VA |
| WPPN886 | IG | AMERICAN COATING TECHNOLOC | WI |
| WPPN893 | IG | SCHOOL SERVICES AND LEASINC | KS |
| WPPN929 | IG | BURGER KING CORPORATE DBA | FL |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPPF719 | IG | U S SPIRNT COMMUNICATIONS CO | MS |
| WPPF732 | IG | REAL ESTATE EQUITIES MANAGEM | MN |
| WPPF756 | IG | BOMBARDIER CAPITOL | CO |
| WPPF907 | YG | ZAPATA, HOMERO C | TX |
| WPPF927 | PW | ALCORN, COUNTY OF | MS |
| WPPG265 | IG | AMERISERVE | OK |
| WPPG344 | IG | ARS ENGINEERS INC | TX |
| WPPG362 | IG | JDB SYSTEMS INC DBA ARBYS RES | OH |
| WPPG399 | IG | POLELOWSKI, ADAM | NY |
| WPPG411 | IG | Sprint Communications Company L.P. | KS |
| WPPG419 | IG | STEVEN POTTER INC DBA RADIO E | MN |
| WPPG452 | IG | WESTERN RESERVE RESTAURANT | OH |
| WPPG494 | IG | GEORGIA PACIFIC CORP | WV |
| WPPG529 | IG | Sprint Communications Company L.P. | KS |
| WPPG531 | IG | HINEN, DARREN | WA |
| WPPG640 | IG | D-BEST FARMS INC | KS |
| WPPG653 | IG | JEWELL AGRI SERVICES INC | KS |
| WPPG654 | IG | HIDE OUT GOLF CLUB | FL |
| WPPG662 | IG | SOUTHWEST MED-TRANS INC | VA |
| WPPG670 | IG | PEPPERMILL PALMS GOLF COURS | AZ |
| WPPG731 | IG | VAUGHN LAND SURVEYING INC | AZ |
| WPPT526 | IG | HED INC DBA HARDEES RESTAURA | IA |
| WPPT527 | IG | HED INC DBA HARDEES RESTAURA | SC |
| WPPT529 | IG | HED INC DBA HARDEES RESTAURA | TN |
| WPPT530 | IG | HED INC DBA HARDEES | NC |
| WPPT534 | IG | PALO VERDE GOLF COURSE | AZ |
| WPPT590 | IG | CLEVELAND ELEMENTARY SCHOO | OH |
| WPPT826 | IG | CREEKS AT BEECHWOOD | TX |
| WPPT831 | IG | MARKS & MORGAN JEWELERS INC | GA |
| WPPT866 | IG | LORD LOGGING INC | FL |
| WPPT902 | IG | HIER, SCOTT | SD |
| WPPT960 | IG | BEARFOOT GOLD PROPERTIES LT | SC |
| WPPU296 | PW | PORTAGE HOSPITAL | MI |
| WPPU323 | IG | WENDELLS FERTILIZER INC | NE |
| WPPU408 | IG | BOULDER POINTE GOLF CLUB | MI |
| WPPU411 | IG | ATLAS INDUSTRIAL | OH |
| WPPU447 | IG | WESTERN RESOURCES | KS |
| WPPU527 | IG | HUDSON RIVER SHIPBUILDERS CO | NY |
| WPPU579 | IG | DAIRY QUEEN #40520 | AZ |
| WPPU622 | IG | LAKE CHARLES CANE COOPERATI | LA |
| WPPU776 | IG | MR. MIKE S | KS |
| WPPU874 | IG | Invista Inc. | DE |
| WPPU898 | IG | CUTHBERSON, LARRY | NC |
| WPPU903 | IG | Proactive Special Security | MD |
| WPPV213 | PW | BOONE, COUNTY OF | AR |
| WPPV223 | PW | SAN DEIGO, CITY OF | WY |
| WPPV235 | IG | MARTIN K EBY CONSTRUCTION CO | FL |
| WPPV422 | IG | BRIDGEMAN FOODS DBA WENDY S | KY |
| WPPV423 | IG | LORD & COOK VENTURES DBA TA | CA |
| WPPV427 | IG | BRIDGEMAN FOODS DBA WENDY S | KY |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPPN951 | IG | SINCLAIR COMMUNITY COLLEGE | OH |
| WPPN959 | IG | KRONFLI SPUNDALE MILLS INC | CA |
| WPPN968 | IG | TEAM CLEAN INC | HI |
| WPPN976 | IG | TUSCARAWAS AUTO PARTS | OH |
| WPPP223 | IG | MORSE, STEVEN | MO |
| WPPP239 | IG | HH OF NEVADA DBA C2K | NV |
| WPPS450 | IG | PFT INC DBA FERRAROS MARKET | NJ |
| WPPS575 | IG | COLORTEX FINISHING DBA NORT | NC |
| WPPS639 | IG | FAMILY EXTENDED CARE SARAS | FL |
| WPPS657 | IG | MIDWAY AIRLINES | CT |
| WPPT243 | IG | CARROLLS CORPORATION DBA B | NY |
| WPPT325 | IG | HASBRO INC | RI |
| WPPT331 | IG | DELUXE VIDEO SERVICES | CA |
| WPPT355 | IG | ADVANCED LOGISTICS DBA ADVA | MO |
| WPPT410 | IG | PILOT TRAVEL CENTERS DBA PIL | CA |
| WPPT421 | IG | LAS COLINAS COUNTRY CLUB | TX |
| WPPT424 | IG | CAPSTONE GOLF CLUB | AL |
| WPPT463 | IG | WMCR CORPORATION DBA KENT | WI |
| WPPT477 | IG | NPC INTERNATIONAL DBA PIZZA | TX |
| WPPT519 | IG | HARDEES RESTAURANT DBA HAR | GA |
| WPPT521 | IG | HARDEES RESTAURANT DBA HAR | NC |
| WPPX477 | IG | ACCURATE PLUMBING & HEATIN | WY |
| WPPX580 | IG | Sprint Communications Company L.P. | KS |
| WPPX784 | YG | PROGRESSIVE COMMUNICATION | OH |
| WPPX842 | IG | ASSIMAKOPOULOS, GEORGE | DC |
| WPPX983 | IG | ENERGY SAVING PRODUCTS INC | TN |
| WPPY264 | IG | PUBLIC WATER SUPPLY DISTRIC | MO |
| WPPY296 | IG | INTERNATIONAL PAPER | TN |
| WPPY366 | IG | TISHMAN SPEYER PROPERTIES D | CA |
| WPPY370 | IG | WENDYS OFFICE DBA WENDYS | NJ |
| WPPY404 | IG | HOGGARD EURE ASSOCIATES | VA |
| WPPY495 | IG | RACING RADIO INC | GA |
| WPPY515 | IG | CENTEX CONSTRUCTION CO INC | TX |
| WPPY615 | IG | QUALITY BLOCK SUPPLY INC | OH |
| WPPY623 | IG | SIGNATURE WIRELESS GROUP | CA |
| WPPY657 | IG | GINN COMPANY DBA HAMMOCK B | FL |
| WPPY735 | IG | Sprint Communications Company L.P. | KS |
| WPPY824 | IG | DUDDORF, PRESTON | OH |
| WPPY838 | IG | ACORDIS INDUSTRIAL FIBERS IN | AL |
| WPPY852 | IG | ENTERPRIZE PARK CORPORATIO | NC |
| WPPY901 | IG | Sprint Communications Company L.P. | KS |
| WPPY939 | IG | SHIVE HATTERY INC | IL |
| WPPZ228 | IG | QUALITY BLOCK AND SUPPLY IN | OH |
| WPPZ394 | IG | CUMBERLAND MOUNTAIN PAGIN | TN |
| WPPZ490 | IG | VERDANT BRANDS INC | MO |
| WPPZ553 | IG | AVON COMMUNITY SCHOOL DIST | IN |
| WPPZ591 | IG | MICROMINI ASSOCIATES INC | IN |
| WPPZ607 | IG | R&H FOOD SERVICES DBA LITTLE | TX |
| WPPZ832 | IG | QUALITY RESEARCH INC | VA |
| WPPZ936 | IG | NORTHEAST TOWING AND RECO | ME |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPPV434 | IG | WIRELESS COMMUNICATIONS TEC | MN |
| WPPV441 | IG | Sprint Communications Company L.P. | KS |
| WPPV583 | IG | GILLEY ENTERPRISES DBA MCDON | LA |
| WPPV626 | IG | SCHAEFER, KEVIN | MN |
| WPPV639 | IG | DEMAREE MEDIA INC | AR |
| WPPV754 | IG | SCHATZ, ETHAN | HI |
| WPPV899 | IG | INTERNATIONAL CLUB | SC |
| WPPV902 | IG | EMMES ASSET MANAGEMENT CO I | NY |
| WPPV959 | IG | TIN STAR RANCH | TX |
| WPPW220 | IG | AMERISTEEL INC | NC |
| WPPW228 | IG | AMERICAN DYNAMICS GROUP INC | GA |
| WPPW245 | IG | THE GAP INC | KY |
| WPPW284 | IG | AMERICAN PAVING INC | ID |
| WPPW294 | IG | STARBUCKS COFFEE CORPORATI | MA |
| WPPW337 | IG | GRANITE FALLS NORTH | AZ |
| WPPW345 | IG | WASTE SYSTEMS INTERNATIONAL | PA |
| WPPW643 | IG | AT T WIRELESS SERVICES | NV |
| WPPW675 | IG | G E POWER SYSTEMS | SC |
| WPPW721 | IG | EMERALD ESTATES | MD |
| WPPW747 | IG | PREMIER AUTO CAB INC | NJ |
| WPPW800 | IG | LINVILLE VOLUNTEER FIRE DEPAR | NC |
| WPPW833 | IG | Sprint Communications Company L.P. | KS |
| WPPW874 | IG | JONES G FINKE INC | TX |
| WPPX224 | IG | HOULE, SUSAN | MA |
| WPPX226 | PW | BOONE, COUNTY OF | WV |
| WPQC236 | IG | DEPENDABLE CAB COMPANY INC | NY |
| WPQC279 | IG | BERINGER WINE ESTATES DBA GR | CA |
| WPQC351 | IG | MRS GILES COUNTRY KITCHEN INC | VA |
| WPQC436 | IG | NEAL FLYING SERVICE | MS |
| WPQC482 | IG | STARBUCKS COFFEE DBA STARBU | MA |
| WPQC536 | IG | GULF SHORES GOLF CLUB | AL |
| WPQC569 | IG | ARCHER DANIELS MIDLAND DBA TI | TX |
| WPQC703 | IG | BEAUDRY RV TRAILERS | AZ |
| WPQC867 | IG | CAROLINA SUNROCK CORPORATI | NC |
| WPQC924 | IG | MERCON INC | AZ |
| WPQD309 | IG | ROUND ROBIN ENTERPRISES DBA | AL |
| WPQD399 | IG | FEDERAL RESERVE BANK OF ATLA | AL |
| WPQD461 | IG | ANITA SPRING WATER | KY |
| WPQD527 | IG | STARBUCK S COFFEE INC DBA STA | MA |
| WPQD589 | IG | GRANDE OAKS GOLF CLUB | FL |
| WPQD840 | IG | VULCAN MATERIALS CO | IN |
| WPQD852 | IG | PARSONS, RICHARD E | CA |
| WPQD895 | IG | MAINE INDEPENDENCE STATION | ME |
| WPQE221 | IG | Sprint Communications Company L.P. | KS |
| WPQE426 | IG | CAL TEX PROTECTIVE COATINGS I | TX |
| WPQE603 | IG | FOLEY, RALPH W | IL |
| WPQE895 | IG | KENTUCKY FRIED CHICKEN | CO |
| WPQE909 | PW | TIPTON COUNTY 911 BOARD | TN |
| WPQE997 | IG | ORION POWER MIDWEST LLC | PA |
| WPQF316 | IG | LONZA INC | TX |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPPZ943 | IG | GOSHEN COMPUTER ASSOCIATE | IN |
| WPPZ949 | IG | ALLIED PROTECTIVE SYSTEM | CA |
| WPPZ987 | IG | OROURKE, JAMES P | TN |
| WPQA339 | IG | WORLDWIDE LAND SURVEYS | CA |
| WPQA420 | IG | T L INDUSTRIES INC | AR |
| WPQA498 | IG | JETBLUE AIRWAYS CORP | NY |
| WPQA591 | IG | BOISE CASCADE | WA |
| WPQA666 | IG | C&P SALEBRA PARTNER DBA MC | CA |
| WPQA882 | IG | POWER TRANS DBA TECH INC | WY |
| WPQB201 | IG | BEACH BURGERS CORPORATION | NC |
| WPQB266 | IG | KMART CORPORATION | CA |
| WPQB269 | IG | CALPINE HIDALGO CENTER LP | TX |
| WPQB279 | IG | ALPINE RESTORATION | WY |
| WPQB313 | IG | DORRICOTT RACING | CA |
| WPQB335 | PW | METS | WV |
| WPQB385 | IG | Sprint Communications Company L.P. | KS |
| WPQB393 | IG | BARRAND INC DBA WHAT A BURG | TX |
| WPQB410 | IG | FUNK, CAMRON C | KS |
| WPQB425 | IG | MCDONALDS RESTAURANT #247 | CA |
| WPQB691 | IG | RIDGEFIELD CHRISTIAN SCHOOL | AR |
| WPQB767 | IG | WORLD BAZAARS INC | CA |
| WPQB854 | IG | DANA CORPORATION | OK |
| WPQB992 | IG | FIRST CHOICE TAXI | VT |
| WPQC217 | IG | SOUTH POINT ENTERPRISES DBA | SC |
| WPQC229 | PW | MEDIC ONE EMERGENCY MEDICA | VA |
| WPQJ639 | IG | FERNDALE SCHOOLS | MI |
| WPQJ830 | IG | TARA PRESERVE | FL |
| WPQJ855 | IG | DANLY MACHINE CORP | IL |
| WPQK264 | IG | BURGER KING CORP DBA BURGE | IL |
| WPQK287 | IG | COBBLESTONE CROSSING GOLF | IN |
| WPQK303 | IG | VANDERCOOK CO INC | NC |
| WPQK362 | IG | ASBURY, ADAM C | CA |
| WPQK391 | IG | PRECISION PREPARATION INC | CA |
| WPQK395 | IG | DEL TACO CORPORATION DBA DI | CA |
| WPQK444 | IG | IQUEST MOTOR SPORTS | IN |
| WPQK556 | IG | THE GAP INC | KY |
| WPQK570 | IG | FINE CAB CO | OK |
| WPQK660 | IG | Sprint Communications Company L.P. | KS |
| WPQK758 | IG | RELIANCE STEEL ALUMINUM CO | CA |
| WPQK839 | IG | BRIGHTON BEST SOCKET SCREW | TX |
| WPQK845 | IG | WINDROWS AT PRINCETON | NJ |
| WPQK892 | IG | M & H VALVE | MO |
| WPQK932 | IG | NOVELLUS | CA |
| WPRA207 | IG | TRUST BUILDING ASSOCIATES I P | NY |
| WPRA242 | IG | RHODES DESIGN DEVELOPMENT | NV |
| WPRA315 | IG | TRESMEX INC | CA |
| WPRA320 | IG | S J FINANCIAL INC DBA BURGER | TX |
| WPRA337 | IG | PCT INC | IA |
| WPRA356 | IG | FOUR SEASONS MARKET | IL |
| WPRA362 | IG | XTRA FOODS | MI |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPQF355 | IG | HED INC DBA HARDEES RESTAUR | NC |
| WPQF429 | IG | PHILA POLICE EXPLORERS | PA |
| WPQF549 | IG | CORNERSTONE PROPERTIES | MA |
| WPQF590 | IG | A FOXWORTH-GALBRAITH COMPA | CO |
| WPQF646 | IG | SHANNON RANCHES INC | CA |
| WPQF789 | IG | ORION POWER MIDWEST LLC | PA |
| WPQF891 | IG | PAPILLON HELICOPTERS | NV |
| WPQF958 | PW | WINNECONNE, VILLAGE OF | WI |
| WPQG283 | IG | COUSINS PROPERTIES INC | GA |
| WPQG363 | IG | TOWNSHIP TAXI | NJ |
| WPQG807 | IG | GUTIERREZ QUARRY | PR |
| WPQG812 | IG | MTE INC DBA BAYPORT PROPERTI | MN |
| WPQG843 | IG | SEA MACK CONSTRUCTION | TX |
| WPQG938 | IG | ALMONTE, HECTOR | PR |
| WPQG946 | IG | TELLURIDE GOLF COURSE | CO |
| WPQH202 | IG | AUTONATION | FL |
| WPQH723 | IG | RIM AVIATION INC DBA LIFE RESCU | AZ |
| WPQI255 | IG | GREAT WESTERN LUMBER COMPA | WA |
| WPQI307 | IG | BANK OF AMERICA | CA |
| WPQI337 | IG | DRUM HILL ASSOCIATES INC | NY |
| WPQI402 | IG | MANUFACTURERS SERVICES LIMIT | CA |
| WPQI421 | IG | DEPENDABLE CAB | GA |
| WPQI519 | IG | HALJOHN-SAN ANTONIO DBA MCD | TX |
| WPQI588 | IG | TAHOE TIMBERS TRAILS | CA |
| WPQI872 | IG | TELIGENT LICENSE COMPANY II LL | NJ |
| WPQJ225 | IG | RICH PEST CONTROL | CA |
| WPQJ246 | IG | PTS CORPORATION | NV |
| WPQJ335 | IG | WESTBROOK ENERGY CENTER | ME |
| WPQJ607 | IG | BOUCHER, JAMES D | OH |
| WPRG598 | IG | EQUITY OFFICE PROPERTIES | NM |
| WPRG720 | YG | NATIONWIDE ARENA | OH |
| WPRG790 | IG | MOLOAA BAY RANCH | HI |
| WPRG819 | IG | M W ZANDER INC | TX |
| WPRG851 | IG | NEW BEDFORD GOLF COURSE | MA |
| WPRG872 | IG | WENDY S | OH |
| WPRG908 | IG | BURGER KING | NH |
| WPRG978 | IG | HOTEL INTERCONTINENTAL | FL |
| WPRH261 | IG | ARCADIA TRANSIT INC | CA |
| WPRH396 | IG | BASF CORPORATION | SC |
| WPRH418 | PW | PERRY, COUNTY OF | IL |
| WPRH642 | IG | BURGER KING | NC |
| WPRH644 | IG | CREATIVE TRAVEL CONCEPTS INC | FL |
| WPRH704 | IG | SWINOMISH CASINO AND BINGO | WA |
| WPRH944 | IG | TIMBER MOUNTAIN HARDWOODS | CA |
| WPRH958 | IG | BOSTON COLLEGE | MA |
| WPRH970 | IG | FRONTIER ASPHALT INC | NY |
| WPRI354 | IG | BASIN OPERATING COMPANY | CO |
| WPRI410 | IG | ROACH, JB | MS |
| WPRI547 | IG | PURCELL, THOMAS | CT |
| WPRI593 | IG | HARRISON LAKE COUNTRY CLUB | IN |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPRA431 | IG | KENTUCKY FRIED CHICKEN | MI |
| WPRA505 | IG | RITZ CARLTON | PA |
| WPRA515 | IG | MARRIOTT MOUNTAINSIDE RESO | UT |
| WPRA737 | IG | JAEGER, DANIEL | CO |
| WPRA745 | IG | HARDEE S | NC |
| WPRA746 | IG | OCEAN PROPERTIES MANAGEME | FL |
| WPRA802 | IG | OIL CAPITAL SPRINKLER SERVICE | WY |
| WPRB305 | IG | KENTUCKY FRIED CHICKEN | MI |
| WPRB314 | IG | HARDEES | NC |
| WPRB346 | IG | VECTOR PRODUCT CENTER DBA | TX |
| WPRB476 | IG | CENTRAL MINNESOTA DELIVERY | MN |
| WPRB586 | IG | OAK VIEW TERRACE APARTMENT | IA |
| WPRF316 | IG | WESCOTT PLANTATION | SC |
| WPRF322 | IG | SPECTRUM WIRELESS | AK |
| WPRF326 | IG | BEARFOOT PRIVATE GOLD LLC | SC |
| WPRF371 | IG | VINTAGE PETROLEUM INC | OK |
| WPRF445 | IG | SHOPLINK COM | CT |
| WPRF450 | IG | EVERGREEN OPERATING CORP | CO |
| WPRF923 | IG | MCDONALD S | MO |
| WPRF997 | IG | AVERY DENNISON CLEVELAND FI | OH |
| WPRG311 | IG | CALIFORNIA STATE POLYTECHNI | CA |
| WPRG347 | IG | O A RICE MASONRY | UT |
| WPRG394 | IG | WOOD RODGERS INC | CA |
| WPRG427 | IG | ANTY TRUCKING | NJ |
| WPRG432 | IG | Sprint Communications Company L.P | KS |
| WPRG468 | IG | ARBYS | MI |
| WPRG529 | IG | MCDONALD S | MI |
| WPRG566 | IG | NATIONWIDE ARENA | OH |
| WPRG570 | IG | TOYS R US COM | PA |
| WPRS878 | YG | CHASE RESORTS INC DBA LODGE | MO |
| WPRS886 | IG | TTX COMPANY | CA |
| WPRS968 | IG | VISTA RIDGE MALL | TX |
| WPRT247 | IG | MARRIOTT S MOUNTAIN SIDE | UT |
| WPRT590 | IG | SENA ENTERPRISES INC | PA |
| WPRT667 | IG | BEAMS PAVEMENT MAINTENANC | SC |
| WPRT692 | IG | MARICOPA COMMUNITY COLLEGE | AZ |
| WPRT795 | IG | POLLO TROPICAL # 53 | FL |
| WPRT861 | IG | THE GLEN | IL |
| WPRT903 | IG | KELCO | TN |
| WPRU694 | IG | CALIFORNIA STATE POLYTECHNI | CA |
| WPRV723 | IG | Christensen, Irving H | CT |
| WPRV750 | IG | ROADRUNNER TRUCKING | AZ |
| WPRW382 | IG | M A ANGELIADES INC | NY |
| WPRW454 | IG | La Union Farms Inc | NM |
| WPRW617 | IG | WENDYS | CA |
| WPRX322 | IG | TJ SAMSON HOSPITAL | KY |
| WPRX526 | IG | SCHOOL OF ENVIRONMENTAL ED | TX |
| WPRX661 | IG | BRIERCREEK GOLF CLUB | NC |
| WPRY328 | IG | VULCAN NORTHWEST | WA |
| WPSD717 | PW | TOWN OF AHOSKIE | NC |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPRI623 | IG | CITIWEST STRUCTURES INC | WA |
| WPRI624 | IG | CITIWEST STRUCTURES INC | WA |
| WPRI685 | PW | BROXTON FIRE DEPARTMENT | OK |
| WPRI737 | IG | GALE FORCE HOLDINGS L P | NC |
| WPRI761 | IG | GRIFFITH ENERGY LLC | AZ |
| WPRI781 | IG | F W A DRILLING CO INC | TX |
| WPRI917 | IG | FAST BURGER | ID |
| WPRJ256 | IG | SCOTT HEAD GUILD | TX |
| WPRJ293 | IG | IOWA FALLS, CITY OF | IA |
| WPRJ350 | IG | OPERATIONAL ENERGY CORPORA | IN |
| WPRJ491 | IG | LYON OAKS GOLF COURSE | MI |
| WPRJ680 | IG | SUBMIT ORDER COM INC | OH |
| WPRJ922 | IG | CARLSBAD TECHNOLOGY INC | NM |
| WPRJ923 | IG | INTERNATIONAL UTILITY STRUCTU | AR |
| WPRK234 | IG | BUSINESS EXPRESS | NH |
| WPRK338 | IG | NAVISITE INC | CA |
| WPRK413 | IG | DAIRY QUEEN #40688 | FL |
| WPRK580 | IG | RCN ENTERPRISES INC DBA MCDC | CA |
| WPRK910 | IG | BURGER KING # 59 | TX |
| WPRL204 | IG | GT FOODS LLC | CA |
| WPRL220 | IG | CUSTODIO, MARTIN E | NY |
| WPRL386 | IG | THE JOSHUA GROUP RMP INC DBA | GA |
| WPRL597 | IG | CALIFORNIA STATE POLYTECHNIC | CA |
| WPRL621 | IG | LINK AT WINDY KNOLL | OH |
| WPRL787 | IG | PALLET SOLUTIONS INC | IN |
| WPRL862 | IG | WILLOUGHBY CAB COMPANY | OH |
| WPRM202 | IG | OAKLAND PARK, CITY OF | FL |
| WPRM237 | IG | LITHONIA LIGHTING | TX |
| WPRM289 | IG | DAIRY QUEEN #40591 | CA |
| WPRM390 | IG | FAN NW LTD INC | WA |
| WPRM618 | IG | CITIWEST STRUCTURES INC | WA |
| WPRM622 | IG | TOSHIBA AMERICA BUSINESS SOL | TN |
| WPRR675 | IG | OAK CREEK ENERGY SYSTEMS IN | CA |
| WRB632 | IG | LEA LUMBER & PLYWOOD LLC | NC |
| WRD850 | PW | CAMDEN, TOWNSHIP OF | MN |
| WRE255 | PW | SCHOOL SERVICES AND LEASING | TX |
| WRG475 | IG | RAYE VEST EXCAVATING INC | MD |
| WRJ247 | IG | MORRIS JR, B F | NC |
| WRN296 | IG | CONSTRUCTION MACHINERY INC | AK |
| WRT816 | IG | LA FARGE CORPORATION | MO |
| WRX704 | PW | WEST MIFFLIN, BOROUGH OF | PA |
| WRX887 | IG | CITY OF INDUSTRY SECURITY CO I | CA |
| WSA592 | IG | TRI CITIES INDUSTRIAL BUILDERS | VA |
| WSC401 | IG | BROGDEN, ROY | NC |
| WSD966 | IG | DAVIS, LARRY E | OK |
| WSH702 | IG | CALEXICO TAXI | CA |
| WSJ399 | IG | CHIMAS MARKET | CA |
| WSL591 | PW | BEVERLY POLICE DEPARTMENT | OH |
| WSN303 | IG | JOHNSONIUS & SONS INC | TN |
| WSO483 | IG | MCC Iowa LLC | NY |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WPSE451 | IG | TUCKER, DAVID | GA |
| WPSE557 | IG | Star Hardees DBA Hardees | OH |
| WPSE803 | IG | Star Hardees DBA Hardees | TN |
| WPSE833 | IG | ISLAND DUNES COUNTRY CLUB | FL |
| WPSF582 | IG | DIXON TICONDEROGA PENCIL CO | MO |
| WPSF742 | IG | KENS TOWING | PA |
| WPSG944 | IG | Cottonwood Golf Course | AZ |
| WPSH314 | IG | VERONICA GAMBOA DBA CQ BEE | TX |
| WPSH402 | IG | HOFFMAN TRANSPORTATION | IL |
| WPSH660 | IG | POPEYES 5336 | GA |
| WPSI580 | IG | Valet Parking Service LP | CA |
| WPSI590 | IG | BASELL USA INC | LA |
| WPSI875 | IG | CitiWest Structure Inc | WA |
| WPSJ233 | IG | NORTH WEND FOODS LLC DBA W | WI |
| WPSJ524 | IG | OAKCRAFT INC | AZ |
| WPSJ738 | IG | J & D MANAGEMENT CORPORATI | FL |
| WPSJ790 | IG | MISSION BELLS DBA TACO BELL | OR |
| WPSK389 | IG | Plateau Electrical Constructors Inc | AZ |
| WPSK763 | IG | TNT FARMS | MS |
| WQG364 | IG | LATIN CAB CORPORATION | FL |
| WQI304 | IG | INDIANA & OHIO RAILROAD | OH |
| WQJ739 | IG | H & H RAMSEY TOWING CO | CA |
| WQK301 | IG | SCHOOL SERVICES AND LEASING | KS |
| WQK927 | PW | DU SAN COMMUNITY AMBULANCE | PA |
| WQM650 | PW | CASTLE ROCK, TOWN OF | CO |
| WQR275 | PW | SUTTER AMADOR HOSPITAL | CA |
| WQS389 | IG | CALCOTE, BILL | TX |
| WQV355 | IG | JIMCO ENTERPRISES INC | TX |
| WQW238 | IG | W C SPRATT INC | VA |
| WRA285 | IG | FRIENDSHIP CENTER OF PETASK | MI |
| WRA548 | IG | MADISON, CITY OF | IN |
| WRB478 | PW | MONTICELLO, CITY OF | MN |
| WRB579 | PW | AUSTIN, COUNTY OF | TX |
| WZU874 | IG | BLAKNEY CONSTRUCTION INC | TX |
| WZV851 | IG | PROMENADE MALL | CA |
| WZV858 | IG | CACHE VALLEY BUILDERS SUPPL | UT |
| WZX433 | PW | PINEDALE, CITY OF | WY |
| WZZ334 | IG | STRUBE, LARRY | TX |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|
| WSQ907 | IG | LOWER FARM | KS |
| WSU440 | IG | PIKE MAUGANS AVE INC | MD |
| WSV476 | IG | DATACOM INC | NY |
| WSY700 | IG | FELIX INDUSTRIES INC | NY |
| WWA318 | IG | PONCE TAXICABS INC | PR |
| WWA835 | PW | PUERTO RICO, COMMONWEALTH ( | PR |
| WWX86 | PW | PUERTO RICO, COMMONWEALTH ( | PR |
| WXD962 | IG | KUESTER IMPLEMENT CO | OH |
| WXJ762 | PW | TENNESSEE, STATE OF | TN |
| WXM691 | PW | DEL NORTE, COUNTY OF | CA |
| WXR508 | IG | BIBB COUNTY HOSPITAL | AL |
| WXU468 | IG | PIONEER VALLEY HEATING COMPA | MA |
| WXX260 | IG | STARLINER CAB CO | NC |
| WYE528 | IG | UNIVERSAL INVESTIGATION INC | TX |
| WYG300 | PW | MENOMINEE COUNTY INTERMEDIA | MI |
| WYG944 | IG | ASHBROOK FUEL OIL CO | NJ |
| WYJ982 | IG | CAMPBELL, DAVONA M | NE |
| WYL533 | IG | COPIAH COUNTY SCHOOLS | MS |
| WYU485 | IG | ROLAND P MENNELLA LANDSCAPI | NY |
| WYU726 | IG | LEGO SYSTEMS INC | CT |
| WYU751 | IG | HOMESTEAD TRACTOR & IMPLEME | AR |
| WYU964 | IG | SHAPLEY, CHARLES P | MO |
| WYU965 | IG | SHAPLEY, CHARLES P | MO |
| WYW525 | IG | JONES, TOM | FL |
| WYY540 | IG | ROGERS TOWING & RECOVERY SE | FL |
| WYY721 | IG | BARBER & TEDDER INC | GA |
| WYZ403 | PW | WASHINGTON, COUNTY OF | FL |
| WZB354 | IG | LUNCEFORD, SCOTT | UT |
| WZC533 | PW | HOT SPRINGS, VILLAGE OF | AR |
| WZC598 | PW | KENTUCKY, COMMONWEALTH OF | KY |
| WZE345 | IG | MONTAGUE TV SERVICE | NY |
| WZE616 | IG | SHAKLEE CORP | OK |
| WZH639 | IG | SCHULER, GERALD | IL |
| WZN219 | PW | BIBB, COUNTY OF | AL |
| WZN656 | IG | KOONTZ SERVICES | IL |
| WZQ844 | IG | PAOLANGELI, FRANCIS | NY |
| WZR766 | IG | TRANS CARGO INC | DE |

| Callsign | Radio Service | Licensee | State |
|---|---|---|---|

[FR Doc. 04–3972 Filed 2–23–04; 8:45 am]
**BILLING CODE 6712–01–C**

## FEDERAL HOUSING FINANCE BOARD

**[No. 2004–N–04]**

### Submission for OMB Review; Comment Request

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Notice.

**SUMMARY:** In accordance with the requirements of the Paperwork Reduction Act of 1995, the Federal Housing Finance Board (Finance Board) has submitted the information collection entitled ''Federal Home Loan Bank Acquired Member Assets, Core Mission Activities, Investments and Advances'' to the Office of Management and Budget (OMB) for review and approval of a three-year extension of the OMB control number, which is due to expire on February 29, 2004.

**DATES:** Interested persons may submit comments on or before March 25, 2004.

**ADDRESSES:** Submit comments to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Housing Finance Board, Washington, DC 20503.

**FOR FURTHER INFORMATION OR COPIES OF THE INFORMATION COLLECTION CONTACT:** David Roderer, Financial Analyst, Risk Monitoring Division, Office of Supervision, by e-mail at *rodererd@fhfb.gov*, by telephone at 202/408–2540, or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

**SUPPLEMENTARY INFORMATION:**

### A. Need For and Use of the Information Collection

The Finance Board has authorized the Federal Home Loan Banks (FHLBanks) to acquire mortgage loans and other assets from their members or housing

associates under certain circumstances. 12 CFR part 955. The regulation refers to these assets as acquired member assets or AMA. As part of this regulatory authorization, each FHLBank that acquires residential mortgage loans must provide to the Finance Board certain loan-level data elements on a quarterly basis. While the FHLBanks provide this data directly to the Finance Board, each FHLBank initially must collect the information from the private-sector member or housing associate from which the FHLBank acquires the mortgage loan.

Many FHLBank members and housing associates already collect the majority of the data elements the Finance Board rule requires as part of their customary and usual business practices. They must collect this data in order to do business with the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) under regulatory requirements issued by the Department of Housing and Urban Development (HUD) and pursuant to the information collection requirements under the Home Mortgage Disclosure Act (HMDA). While the information collection imposes only a minor incremental additional burden on most FHLBank members and housing associates, the burden estimate in Section B reflects the total annual burden of the entire information collection, not just the additional Finance Board specific data elements.

The primary duty of the Finance Board is to ensure that the FHLBanks operate in a safe and sound manner. 12 U.S.C. 1422a(a)(3)(A). To the extent consistent with the safety and soundness charge, the Finance Board also ensures that the FHLBanks carry out their housing finance mission. 12 U.S.C. 1422a(a)(3)(B). The Finance Board believes that the information collection is essential in order to monitor the safety and soundness of the FHLBanks. The Finance Board also believes that the information collection is necessary to monitor the extent to which the FHLBanks are fulfilling their statutory housing finance mission through their acquired member asset programs.

The OMB number for the information collection is 3069–0058. The OMB clearance for the information collection expires on February 29, 2004.

The likely respondents are institutions that sell AMA assets to FHLBanks.

**B. Burden Estimate**

The Finance Board estimates the total annual average number of respondents at 600, with 4 responses per respondent. The estimate for the average hours per response is 24 hours. The estimate for the total annual hour burden is 57,600 hours (600 respondents × 4 responses per respondent × 24 hours). While the first notice correctly reflected the total annual burden at 57,600 hours, it inadvertently misstated the number of responses per respondent at 12 not 4, and the average hours per response at 8 not 24.

**C. Comment Request**

In accordance with the requirements of 5 CFR 1320.8(d), the Finance Board published a request for public comments regarding this information collection in the **Federal Register** on December 12, 2003. *See* 68 FR 69405 (Dec. 12, 2003). The 60-day comment period closed on February 10, 2004. The Finance Board received two public comments, one each from an FHLBank and a member. The comments are available on the Finance Board Web site at *http://www.fhfb.gov/pressroom/pressroom_regs.htm.*

Both commenters state that certain data elements are difficult to collect and one commenter questions whether all data elements are necessary for the Finance Board to perform its functions. The Finance Board continues to believe that each data element is necessary to perform its safety and soundness and housing mission functions. However, the Finance Board presently is reviewing the data elements it collects as part of a review of the AMA regulation and will take the commenters views into consideration as part of that review.

The member commenter states that the Finance Board underestimates the level of effort for members to produce the information requested and does not include the cost of the operational processes and systems programming necessary to collect the data and create the data files. The Finance Board prepared its estimate with input from an FHLBank based on the FHLBanks' experience with hundreds of members. While the commenter's burden may vary from the average reported by the FHLBank, the Finance Board believes that the burden estimate remains, on average, valid for the 600 members that sell loans to FHLBanks.

Written comments are requested on: (1) Whether the collection of information is necessary for the proper performance of Finance Board functions, including whether the information has practical utility; (2) the accuracy of the Finance Board's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility and clarity of the information collected; and (4) 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 may be submitted to OMB in writing at the address listed above.

Dated: February 18, 2004.

By the Federal Housing Finance Board.

**Donald Demitros,**

*Chief Information Officer.*

[FR Doc. 04–3878 Filed 2–23–04; 8:45 am]

**BILLING CODE 6725–01–P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 010806–007.

*Title:* Management Agreement, Port Agreement No. 95–160.

*Parties:* The Port of Portland and SSA Containers, Inc.

*Synopsis:* The amendment makes cost saving modifications to reflect the downturn in breakbulk shipments.

*Agreement No.:* 011421–032.

*Title:* East Coast of South America Discussion Agreement.

*Parties:* Alianca Navegacao e Logistica Ltda.; A.P. Moller-Maersk A/S; Compania Sud Americana de Vapores, S.A.; Hamburg-Süd KG; APL Co. Pte Ltd.; Lykes Lines Limited, LLC; Mediterranean Shipping Company, S.A.; Evergreen Marine Corporation (Taiwan) Limited; Companhia Libra de Navegacao; Montemar Maritima, S.A.; CMA CGM, S.A.; P&O Nedlloyd B.V.; and P&O Nedlloyd Limited.

*Synopsis:* The amendment deletes Maersk Sealand and Safmarine as parties to the agreement.

*Agreement No.:* 011733–010.

*Title:* Common Ocean Carrier Platform Agreement.

*Parties:* A.P. Moller Maersk Sealand, P&O Nedlloyd Limited, Hamburg-Süd, Mediterranean Shipping Company S.A., CMA CGM S.A., Hapag Lloyd Container Linie GmbH, and United Arab Shipping Company (SAG), as shareholder parties,

and Alianca Navegacao e Logistica Ltda., Safmarine Container Lines N.V., Nippon Yusen Kaisha, CP Ship Limited, Tasman Orient Line C.V., and Mitsui O.S.K. lines, Ltd., and Lykes Lines Limited, LLC as non-shareholder parties.

*Synopsis:* The amendment adds Lykes Lines Limited, LLC as a non-shareholder party to the agreement.

By Order of the Federal Maritime Commission.

Dated: February 19, 2004.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 04–4015 Filed 2–23–04; 8:45 am]

**BILLING CODE 6730–01–P**

## FEDERAL TRADE COMMISSION

### Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

| Trans # | Acquiring | Acquired | Entities |
|---|---|---|---|
| **Transactions Granted Early Termination—12/22/2003** | | | |
| 20040186 | General Electric Company | HPSC, Inc | General Electric Company, HPSC, Inc. |
| 20040201 | Transocean Inc | ConocoPhillips Company | ConocoPhillips Company, Deepwater Drilling L.L.C., Transocean Inc. |
| 20040205 | Arlington Capital Partners, L.P | Science & Engineering Associates, Inc. | Arlington Capital Partners, L.P., Science & Engineering Associates, Inc. |
| 20040215 | The St. Paul Companies, Inc | Travelers Property Casualty Corp | The St. Paul Companies, Inc, Travelers Property Casualty Corp. |
| 20040223 | Koch Industries, Inc | The Williams Companies, Inc | Koch Industries, Inc., The Williams Companies, Inc., Williams Alaska Petroleum, Inc., Williams Alaska Pipeline Company, L.L.C., Williams Energy Services, L.L.C. |
| 20040226 | E. Merlin Jones Living Trust | Bunge Limited | Bunge Foods Corporation Bakery Division, Bunge Limited, E. Marlin Jones Living Trust. |
| 20040232 | Societe des Participations du Commissariat. | ALSTOM | ALSTOM, ALSTOM T&D Inc., Societe des Participations du Commissariat. |
| 20040234 | Marmon Holdings, Inc | Rockwood Holding Company | Marmon Holdings, Inc., Rockwood Holding Company. |
| 20040250 | TSO Holding Corporation | Lowe's Companies, Inc | Lowe's Companies, Inc. The Contractor yard, Inc., TSO Holding Corporation. |
| 20040253 | Eugene Reed, Jr | Jardine Matheson Holdings Limited | Eugene Reed, Jr, Jardine Matheson Holdings Limited, Sig's Auto Body & Paint, Inc., TheoDavies Euromotors, Ltd., TheoDavies Hilo Motors, Ltd., TheoDavies Kona Motors, Ltd. |
| 20040254 | Fletcher Jones, Jr | Jardine Matheson Holdings Limited | Fletcher Jones, Jr., Jardine Matheson Holdings Limited, Sig's Auto Body & Paint, Inc., TheoDavies Euromotors, Ltd., TheoDavies Hilo Motors, Ltd., TheoDavies Kona Motors, Ltd. |
| 20040267 | Allied Capital Corporation | Mercury Air Group, Inc | Allied Capital Corporation, Mercury Air Centers, Inc., Mercury Air Group, Inc. |
| 20040286 | AT&T Wireless Services, Inc | Telephone and data Systems, Inc. Voting Trust. | AT&T Wireless Services, Inc, Telephone and data Systems, Inc. Voting Trust, Texas #20 Rural Cellular, Inc., USCOC of Corpus Christi, Inc., Victoria Cellular Corporation. |
| **Transactions Granted Early Termination—12/23/2003** | | | |
| 20040235 | Mr. Sumner M. Redstone | Midway Games, Inc | Midway Games, Inc., Mr. Sumner M. Redstone. |

| Trans # | Acquiring | Acquired | Entities |
|---|---|---|---|
| 20040262 | Jardine Lloyd Thompson Group plc .. | HCC Insurance Holdings, Inc | HCC Insurance Holdings, Inc., Jardine Lloyd Thompson Group plc. |
| 20040278 | The Kattegat Trust | Forrest Binkley & Brown Venture Co | Crosman Acquisition Corporation, Forrest Binkley & Brown Venture Co., The Kattegat Trust. |
| 20040279 | The Home Depot, Inc | Steven A. Lyman | Creative Touch Interiors, Inc., Steven A. Lyman, The Home Depot, Inc. |
| **Transactions Granted Early Termination—12/29/2003** | | | |
| 20040239 | Eastman Kodak Company | Scitex Corporation Ltd | Eastman Kodak Company, Scitex Corporation Ltd., Scitex Digital Printing, Inc. |
| 20040257 | Merck & Co., Inc | Neurogen Corporation | Merck & Co., Inc., Neurogen Corporation. |
| **Transactions Granted Early Termination—12/30/2003** | | | |
| 20040264 | The Resolute Fund L.P | The Techs | The Resolute Fund L.P., The Techs. |
| 20040280 | NCO Group, Inc | RMH Teleservices, Inc | NCO Group, Inc., RMH Teleservices, Inc. |
| 20040282 | Lehman Brothers Holdings Inc | Unilever N.V. | Conopco, Inc., Lehman Brothers Holdings Inc., Unilever N.V. |
| 20040283 | Code Hennessy & Simmons IV, L.P | H Group Holding, Inc | Baker Tanks, Inc., Code Hennessy & Simmons IV, L.P., H Group Holding, Inc. |
| 20040299 | Kforce Inc | Hall, Kinion & Associates, Inc | Hall, Kinion & Associates, Inc., Kforce Inc. |
| 20040305 | United States Steel Corporation | Rouge Industries, Inc., Debtor-in-Possession. | Rouge Industries, Inc., Debtor-in-Possession, United States Steel Corporation. |
| 20040306 | Calpine Corporation | Aquila, Inc | Aquila, Inc., Calpine Corporation, MEP Investments, LLC, MEP Pleasant Hill, LLC. |
| 20040307 | Dominion Resources, Inc | Alliant Energy Corporation | Alliant Energy Corporation, Dominion Resources, Inc., Wisconsin Power and Light Company. |
| 20040308 | Dominion Resources, Inc | WPS Resources Corporation | Dominion Resources, Inc., Wisconsin Public Service Corporation, WPS Resources Corporation. |
| 20040310 | Danaher Corporation | Dentsply International Inc | Donaher Corporation, Dentsply International Inc. |
| 20040314 | Telephone and Data Systems, Inc. Voting Trust. | Telephone and Data Systems, Inc. Voting Trust. | Telephone and Data Systems, Inc. Voting Trust, United States Cellular Telephone of Greater Tulsa, L.L.C. |
| 20040316 | Affiliated Computer Services, Inc | Patent Accounting Service Center, L.L.C.. | Affiliated Computer Services, Inc., Patient Accounting Service Center, L.L.C. |
| **Transactions Granted Early Termination—01/02/2004** | | | |
| 20040325 | Liberte Investors, Inc | USAuto Holdings, Inc | Liberte Investors, Inc., USAuto Holdings, Inc. |
| **Transactions Granted Early Termination—01/060/2004** | | | |
| 20040295 | Parthenon Investors II, L.P | James B. A. Tracey, II | DCS Business Services, Inc., James B.A. Tracey, II, Parthenon Investors II, L.P. |
| 20040301 | SunGard Data Systems Inc | Systems & Computer Technology Corporation. | SunGard Data Systems Inc., Systems & Computer Technology Corporation. |
| **Transactions Granted Early Termination—01/07/2004** | | | |
| 20040300 | Project Hampshire Limited | The Davis Service Group plc | HSS Hire Service Group plc, Project Hampshire Limited, The Davis Service Group plc. |
| 20040302 | EMC Corporation | VMware, Inc | EMC Corporation, VMware, Inc. |
| 20040319 | Silver Lake Partners, L.P | WorldCom, Inc | Silver Lake Partners, L.P., WorldCom, Inc. |
| 20040320 | MatlinPatterson Global Opportunities Partners L.P. | WorldCom, Inc | MatlinPatterson Global Opportunities, Partners L.P., WorldCom, Inc. |

| Trans # | Acquiring | Acquired | Entities |
|---|---|---|---|
| 20040321 | MatlinPatterson Global Opportunities Partners (Bermuda) L.P. | WorldCom, Inc | MatlinPatterson Global Opportunities, Partners (Bermuda) L.P., WorldCom, Inc. |
| 20040329 | Bain Capital Fund VII, L.P | Worldcom, Inc | Bain Capital Fund VII, L.P., WorldCom, Inc. |
| 20040303 | SunGard Data Systems, Inc | Warburg Pincus Investors Liquidating Trust. | FAME Information Services, Inc., SunGard Data Systems, Inc., Warburg Pincus Investors Liquidating Trust. |
| 20040312 | SI International, Inc | MATCOm International Corp | MATCOM International Corp., SI International, Inc. |
| **Transactions Granted Early Termination—01/09/2004** | | | |
| 20040277 | Electronic Data Systems Corporation | Feld Partners Investments, L.P | Electronic Data Systems Corporation, Feld Partners Investments, L.P., The Feld Group, Inc. |
| **Transactions Granted Early Termination—01/12/2004** | | | |
| 20040293 | Eli Lilly and Company | Applied Molecular Evolution, Inc | Applied Molecular Evolution, Inc., Eli Lilly and Company. |
| 20040317 | Henkel KGaA | The Dial Corporation | Henkel KGaA, The Dial Corporation. |
| 20040322 | JLL Partners Fund IV, L.P | Linsalata Capital Partners Fund IV, L.P. | JLL Partners Fund IV, L.P., Linsalata Capital Partners Fund IV, L.P., PGT Holdings Company. |
| 20040327 | Schneider Electric S.A | MGE Finances SAS | MGE Finances SAS, Schneider Electric S.A. |
| 20040338 | Verisity Ltd | Axis Systems, Inc | Axis Systems, Inc., Verisity Ltd. |
| 20040339 | Cumulus Media Inc | Southern Minnesota Broadcasting Co. | Cumulus Media Inc., Southern Minnesota Broadcasting Co. |
| 20040340 | Snyder Associated Companies, Inc | Sylvan Inc | Snyder Associated Companies, Inc., Sylvan Inc. |
| 20040341 | Rhone Capital LLC | Alcoa Inc | Alcoa ACC Industrial Chemicals Ltd., Alcoa Chemicals Japan Limited, Alcoa Chemie GmbH, Alcoa Chemie Nederland B.V., Aloca Inc., Alcoa World Alumina LLC, Australian Fused Materials Pty Ltd., Discovery Aluminas, Inc., Qingdao Alcoa Co., Ltd., Qingdao Alcoa Trading Co., Ltd., Rhone Capital LLC. |
| 20040344 | Citrix Systems, Inc | Expertcity.com.Inc | Citrix Systems, Inc., Expertcity.com.Inc. |
| 20040350 | The News Corporation Limited | The News Corporation Limited | Sunshine Network, The News Corporation Limited. |
| 20040353 | Compass Partners European Equity Fund (Bermuda) L.P. | Kenneth R. Thomson | Compass Partners European Equity Fund (Bermuda) L.P., DBM Group S.A., Drake Beam Morin do Brasil Commercial Ltda., Drake Beam Morin, Inc., Kenneth R. Thomson. |
| 20040357 | Stephen E. Jackson | Stephen J. Heyman | American Central Eastern Texas Gas Company, Ltd Partnership Stephen E. Jackson, Stephen J. Heyman. |
| 20040358 | Stephen J. Heyman | Stephen E. Jackson | American Central Eastern Texas Gas Co., Ltd. Partnership, Stephen E. Jackson, Stephen J. Heyman. |
| 20040360 | Atlas Pipeline Partners, L.P | SEMCO Energy, Inc | Alaska Pipeline Company, LLC, Atlas Pipeline Partners, L.P., SEMCO Energy, Inc. |
| 20040362 | New Mountain Partners, L.P | National Medical Health Card Systems, Inc. | National Medical Health Card Systems, Inc., New Mountain Partners, L.P. |
| 20040365 | The Edward W. Scripps Trust | Summit America Television, Inc | Summit America Television, Inc., The Edward W. Scripps Trust. |
| 20040368 | Marsh & McLennan Companies, Inc | Synhrgy HR Technologies, Inc | Marsh & McLennan Companies, Inc., Synhrgy HR Technologies, Inc. |
| 20040370 | Gannett Co., Inc | Jobson Publishing L.L.C | Gannett Co., Inc., Jobson Publishing L.L.C. |

| Trans # | Acquiring | Acquired | Entities |
|---|---|---|---|
| **Transactions Granted Early Termination—01/14/2004** | | | |
| 20040324 | Gas-Mart USA, Inc | ConocoPhillips | ConocoPhillips, ConocoPhillips Company, Gas-Mart USA, Inc. |
| 20040337 | Zurich Financial Services | Roger Johnson | IES Manufacturing Company, ITCI, Kele & Associates, Inc., Roger Johnson, Wentech, Incorporated, Zurich Financial Services. |
| 20040355 | The Sage Group plc | Computer Associates International, Inc. | ACCPAC International, Inc., Computer Associates International, Inc., The Sage Group plc. |
| 20040366 | R2 Investments, LDC | Carl Icahn | Carl Icahn, R2 Investments, LDC, XO Communications, Inc. |
| **Transactions Granted Early Termination—01/15/2004** | | | |
| 20040304 | Dearborn Holdings Corporation | Martin J. Maslonka | Dearborn Holdings Corporation, Martin J. Maslonka, Maslonka & Associates, Inc. |
| 20040333 | Vestar Capital Partners IV, L.P | Solo Holdings LLC | Solo Holdings LLC, Solo Investment Corp., Vestar Capital Partners IV, L.P. |
| 20040336 | Freudenberg & Co. Kommanditgesellschaft. | Foseco (Jersey) Ltd | Chem-Trend Holding, Inc., Foseco (Jersey) Ltd., Freudenberg & Co. Kommanditgesellschaft. |
| 20040348 | Julie N. Brown | Joe Balous | Joe Balous, Julie N. Brown, LDM Technologies, Inc. |
| 20040349 | Julie N. Brown | Richard J. Nash | Julie N. Brown, LDM Technologies, Inc., Richard J. Nash. |
| **Transactions Granted Early Termination—01/16/2004** | | | |
| 20040228 | Teva Pharmaceutical Industries Limited. | SICOR Inc | SICOR Inc., Teva Pharmaceutical Industries Limited. |
| **Transactions Granted Early Termination—01/20/2004** | | | |
| 20040369 | Henkel KGaA | Amitee Cosmetics, Inc | Amitee Cosmetics, Inc., Henkel KGaA |
| 20040374 | Comcast Corporation | Stephen E. Myers | Comcast Corporation, Stephen E. Myers, US Cable of Coastal-Texas L.P. |
| 20040375 | Harvest Partners IV, L.P | BellSouth Corporation | BellSouth Corporation, Harvest Partners IV, L.P., NFIL Holdings Corp. |
| 20040376 | Caxton Global Investments Limited .. | Nortek Holdings, Inc | Caxton Global Investments Limited, Nortek Holdings, Inc., Ply Gem Industries, Inc. |
| 20040378 | James Dimon | Bank One Corporation | Bank One Corporation, James Dimon. |
| 20040382 | Kellwood Company | Russell and Kimora Lee Simmons .... | Kellwood Company, Phat Fashions, LLC and Phat Licensing, LLC, Russell and Kimora Lee Simmons. |
| 20040386 | Harvest Partners IV, L.P | Transit Holdings, Inc | Harvest Partners IV, L.P., Transit Holdings, Inc. |
| 20040387 | Code Hennessy & Simmons IV, L.P | Gundle/SLT Environmental, Inc | Code Hennessy & Simmons IV, L.P., Gundle/SLT Environmental, Inc. |
| **Transactions Granted Early Termination—01/22/2004** | | | |
| 20040335 | VeriSign, Inc | Guardent, Inc | Guardent, Inc., VeriSign, Inc. |
| 20040343 | Canfor Corporation | Slocan Forest Products Ltd | Canfor Corporation, Slocan Forest Products Ltd. |
| 200403381 | Royal Bank of Canada | William R. Hough & Co., Inc | Royal Bank of Canada, William R. Hough & Co., Inc. |
| 20040383 | Humana Inc | Ochsner Clinic Foundation | Humana Inc., Ochsner Clinic Foundation, Ochsner Health Plan Interests Inc. |

**FOR FURTHER INFORMATION CONTACT:** Sandra M. Peay, Contact Representative or Renee Hallman, Legal Technician, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H–303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 04–3977 Filed 2–23–04; 8:45 am]

**BILLING CODE 6750–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### Findings of Scientific Misconduct

**AGENCY:** Office of the Secretary, HHS.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Office of Research Integrity (ORI) and the Acting Assistant Secretary for Health have taken final action in the following case:

*Bernd Hoffmann, Ph.D., University of Medicine and Dentistry of New Jersey:* Based on two inquiry/investigation reports from the University of Medicine and Dentistry of New Jersey (UMDNJ) and additional analysis conducted by ORI in its oversight review, the U.S. Public Health Service (PHS) found that Bernd Hoffmann, Ph.D., former Postdoctoral Fellow and Adjunct Assistant Professor, Department of Pharmacology at UMDNJ, engaged in scientific misconduct in research supported by National Institutes of Health (NIH) grant 2 R01 GM052309–05.

PHS found that Dr. Hoffmann engaged in scientific misconduct by falsifying and fabricating research data in a manuscript entitled ''LIS1/NUDF and CLIP–170 are required for dynein-mediated vesicle transport on microtubules'' that had been submitted to the *Journal of Cell Biology* (JCB), but was withdrawn before publication. Specifically, Respondent:

- Falsified data values on the second line from the bottom of Table IV; for example, the correct number under ''Bound'' in the first column was only one-third of that shown (325) in the manuscript;
- falsified data by erasing a band of approximate molecular weight 15KD from Figure 5A in the manuscript; and
- falsified a related movie film available on the Internet by altering the movement of the vesicles.

PHS also found that Dr. Hoffmann engaged in scientific misconduct by falsifying and fabricating research data in a published paper entitled ''The LIS1-related Protein NUDF of *Aspergillus nidulans* and its Interaction Partner NUDE Bind Directly to Specific Subunits of Dynein and Dynactin and to Alpha- and Gamma-Tubulin'' that had been published in the *Journal of Biological Chemistry* (JBC) at 276:38877–38884, 2001. Specifically, Respondent:

- Falsified Figure 5A left, Western blot with the alpha tubulin antibody for incubated proteins (+E+gamma+alpha); the lower right band was reused twice in Figure 2A. In Figure 5A, it was used as gamma tubulin band for the coprecipitation experiment with NUDF-Prot.S and as NUDE for the coprecipitation experiments with NUDG (CDLC)-Flag;
- falsified Figure 5A left, NUDF Western blot with the alpha tubulin antibody for incubated proteins (+E+gamma+alpha); the lower left band was reused in Figure 2A as alpha tubulin in the coprecipitation experiment with NUDF-Prot.S; and
- falsified Figure 4A left, NUDF and for the interaction between the two proteins NUDA and NUDF, pulled out with NUDA-FLAG-agarose, had been used at several other places such as Figure 5A left, left gamma tubulin band, Figure 5B left, NUDE band for the interaction E + alpha, and Figure 5B right, NUDE band for the interaction E + K (ARP1).

Dr. Hoffmann has entered into a Voluntary Exclusion Agreement (Agreement ) in which he has voluntarily agreed for a period of three (3) years, beginning on January 30, 2004:

(1) To exclude himself from any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States Government referred to as ''covered transactions'' as defined in the debarment regulations at 45 CFR part 76;

(2) to exclude himself from serving in any advisory capacity to PHS including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant; and

(3) to draft a letter of retraction and send it to ORI along with the signed Agreement. The draft letter requested the retraction of the JBC paper published at 276:38877–38884, 2001 and stated that he falsified and fabricated data in Figures 2A, 4A, 5A, and 5B. Upon ORI approval of the draft letter, Respondent agreed to send the final retraction letter to the Editor of JBC.

**FOR FURTHER INFORMATION CONTACT:** Director, Division of Investigative Oversight, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (301) 443–5330.

**Chris B. Pascal,**

*Director, Office of Research Integrity.*

[FR Doc. 04–3865 Filed 2–23–04; 8:45 am]

**BILLING CODE 4150–31–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* National Directory of New Hires.

*OMB No.:* 0970–0166.

*Description:* Public Law 10–193, the ''Personal Responsibility and Work Opportunity Reconciliation Act of 1996,'' requires the Office of Child Support Enforcement (OCSE) to operate a National Directory of New Hires (NDNH) to improve the ability of state child support enforcement agencies to locate noncustodial parents and collect child support across state lines. The law requires employers to report newly hired employees to states. States are then required to periodically transmit new hire data received from employers to the NDNH, and to transmit wage and unemployment compensation claims data to the NDNH on a quarterly basis. Federal agencies are required to report new hires and quarterly wage data directly to the NDNH. All data is transmitted to the NDNH electronically.

*Respondents:* Employers, State Child Support Enforcement Agencies, State Employment Security Agencies, Federal Agencies.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| New Hire: Employers Reporting Manually | 5,166,000 | 3.484 | 0.417 hours (2.5 minutes) | 750,531 |
| New Hire: Employers Reporting Electronically | 1,134,000 | 37.037 | 0.0028 hours (1 second) | 11,760 |
| New Hire: States | 54 | 83.333 | 266.668 hours | 1,200,001 |

ANNUAL BURDEN ESTIMATES—Continued

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| Quarterly Wage and Unemployment Compensation | 54 | 8 | 0.033 hours (2 minutes) | 14 |
| Multistate Employers' Notification Form | 2,508 | 1 | 0.050 hours (3 minutes) | 125 |
| Estimated total annual burden hours | | | | 1,962,431 |

**SUPPLEMENTARY INFORMATION:** Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *rsargis@acf.hhs.gov*.

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF, E-mail address: *katherine_t._astrich@omb.eop.gov*.

Dated: February 19, 2004.

**Robert Sargis,**

*Reports Clearance Office.*

[FR Doc. 04–3948 Filed 2–23–04; 8:45 am]

**BILLING CODE 4184–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2004N–0046]**

### Agency Information Collection Activities; Proposed Collection; Comment Request; Orphan Drugs

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on orphan drugs.

**DATES:** Submit written or electronic comments on the collection of information by April 26, 2004.

**ADDRESSES:** Submit electronic comments on the collection of information to: *http://www.fda.gov/dockets/ecomments*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** JonnaLynn P. Capezzuto, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Orphan Drugs—21 CFR Part 316 (OMB Control Number 0910–0167)**

Sections 525 through 528 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360aa through 360dd) give FDA statutory authority to: (1) Provide recommendations on investigations required for approval of marketing applications for orphan drugs, (2) designate eligible drugs as orphan drugs, (3) set forth conditions under which a sponsor of an approved orphan drug obtains exclusive approval, and (4) encourage sponsors to make orphan drugs available for treatment on an ''open protocol'' basis before the drug has been approved for general marketing. The implementing regulations for these statutory requirements have been codified under part 316 (21 CFR part 316) and specify procedures that sponsors of orphan drugs use in availing themselves of the incentives provided for orphan drugs in the act and sets forth procedures FDA will use in administering the act with regard to orphan drugs. Section 316.10 specifies the content and format of a request for written recommendations concerning the nonclinical laboratory studies and clinical investigations necessary for approval of marketing applications. Section 316.12 provides that, before providing such recommendations, FDA may require results of studies to be submitted for review. Section 316.14 contains provisions permitting FDA to refuse to provide written recommendations under certain circumstances. Within 90 days of any refusal, a sponsor may submit additional information specified by FDA. Section 316.20 specifies the content and format of an orphan drug application, which includes requirements than an applicant document that the disease is rare (affects fewer than 200,000 persons in the United States annually) or that the

sponsor of the drug has no reasonable expectation of recovering costs of research and development of the drug. Section 316.26 allows an applicant to amend the application under certain circumstances. Section 316.30 requires submission of annual reports, including progress reports on studies, a description of the investigational plan, and a discussion of changes that may affect orphan status. The information requested will provide the basis for an FDA determination that the drug is for a rare disease or condition and satisfies the requirements for obtaining orphan drug status. Secondly, the information will describe the medical and regulatory history of the drug. The respondents to this collection of information are biotechnology firms, drug companies, and academic clinical researchers.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

| 21 CFR Section | No. of Respondents | Annual Frequency per Response | Total Annual Responses | Hours per Response | Total Hours |
|---|---|---|---|---|---|
| 316.10, 316.12, and 316.14 | 3 | 1 | 3 | 130 | 390 |
| 316.20, 316.21, and 316.26 | 138 | 2.0 | 276 | 130 | 35,880 |
| 316.22 | 22 | 1 | 22 | 2 | 44 |
| 316.27 | 5 | 1 | 5 | 4 | 20 |
| 316.30 | 500 | 1 | 500 | 2 | 1,000 |
| 316.36 | .2 | 3 | .6 | 15 | 9 |
| Total | | | | | 37,343 |

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The information requested from respondents represents, for the most part, an accounting of information already in possession of the applicant. It is estimated, based on the frequency of requests over the past 13 years, that 138 persons or organizations per year will request orphan drug designation and that no requests for recommendations on design of preclinical or clinical studies will be received. Based upon FDA experience over the last decade, FDA estimates that the effort required to prepare applications to receive consideration for sections 525 and 526 of the act (§§ 316.10, 316.12, 316.20, and 316.21) is generally similar and is estimated to require an average of 95 hours of professional staff time and 30 hours of support staff time per application. Estimates of annual activity and burden for foreign sponsor nomination of a resident, agent, change in ownership or designation, and inadequate supplies of drug in exclusivity, are based on total experience by FDA with such requests since 1983.

Dated: February 13, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 04–3860 Filed 2–23–04; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2003N–0198]**

### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Requirements for Medicated Feed Mill License

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Requirements for Medicated Feed Mill License'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:** Denver Presley, Office of Management Programs (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of August 8, 2003 (68 FR 47331), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0337. The approval expires on December 31, 2006. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: February 13, 2004.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. 04–3861 Filed 2–23–04; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301) 443–1129.

**Proposed Project: Evaluation of the Implementation and Outcomes of the Maternal and Child Health Bureau's National Healthy Start Program—NEW**

HRSA's Maternal and Child Health Bureau is planning to conduct a survey to collect information concerning Healthy Start, a community-based initiative, to understand how Healthy Start services are expected to change local health care systems and service delivery and ultimately affect maternal and child health outcomes. The purpose of the survey is to collect consistent and comprehensive information across current grantees about their Healthy Start program, its organizational configuration, community context, and the extent to which the program components address service needs and contribute to grantees meeting their Healthy Start goals. A two-part survey consisting of a mail component followed by a telephone follow-up is proposed. The mail survey will focus on obtaining descriptive and quantitative data that is currently not available. The phone survey will be used to obtain grantee assessments of program achievements, factors that facilitated their achievements, and challenges that they faced.

Data collection will cover information on the five service components (case management, health education, outreach, perinatal depression screening, and interconceptional care), and the four systems-building components (consortium, collaboration with Title V, local health systems action plan, and sustainability plan) that comprise the Healthy Start program. Data gathered from the survey will be used to provide HRSA the information necessary to assess the grantees' achievement of three core Healthy Start program goals: (1) Reduced racial and ethnic disparities in access to and utilization of health services; (2) improved local health care system; and (3) increased consumer or community voice in health care decisions. The survey will provide information that is currently unavailable from the service delivery and performance measure data. Based on the data collected in this survey, the National Evaluator will conduct cross-site analyses.

The estimated burden on respondents is as follows:

| Respondents | Number of respondents | Hours per respondent | Total hour burden |
|---|---|---|---|
| Grantees | 96 | 3 | 288 |

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Desk Officer, Health Resources and Services Administration, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: February 13, 2004.

**Tina M. Cheatham,**

*Director, Division of Policy Review and Coordination.*

[FR Doc. 04–3862 Filed 2–23–04; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Advisory Committee on Infant Mortality; 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 Infant Mortality (ACIM).

*Dates and Times:* March 30, 2004, 9 a.m.–5 p.m.; March 31, 2004, 8:30 a.m.–3 p.m.

*Place:* Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814, (301) 897–9400.

*Status:* The meeting is open to the public.

*Purpose:* The Committee provides advice and recommendations to the Secretary of Health and Human Services on the following: Department programs that are directed at reducing infant mortality and improving the health status of pregnant women and infants; factors affecting the continuum of care with respect to maternal and child health care, including outcomes following childbirth; strategies to coordinate the variety of Federal, State, local and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start initiative and *Healthy People 2010* infant mortality objectives.

*Agenda:* Topics that will be discussed include the following: Disparities in Infant Mortality, Low Birth Weight, and The Healthy Start Program and Evaluation. Agenda items are subject to change as priorities are further determined.

*For Further Information Contact:* Anyone requiring information regarding the Committee should contact Peter C. van Dyck, M.D., M.P.H., Executive Secretary, ACIM, Health Resources and Services Administration (HRSA), Room 18–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, telephone: (301) 443–2170.

Individuals who are interested in attending any portion of the meeting or who have questions regarding the meeting should contact Ann M. Koontz, C.N.M., Dr.P.H., HRSA, Maternal and Child Health Bureau, telephone: (301) 443–6327.

Dated: February 13, 2004.

**Tina Cheatham,**

*Director, Division of Policy Review and Coordination.*

[FR Doc. 04–3863 Filed 2–23–04; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### National Vaccine Injury Compensation Program; List of Petitions Received

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (''the Program''), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

**FOR FURTHER INFORMATION CONTACT:** For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, NW., Washington, DC 20005, (202) 219–9657. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 16C–17, Rockville, MD 20857; (301) 443–6593.

**SUPPLEMENTARY INFORMATION:** The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested after the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a list of petitions received by HRSA on July 1, 2003, through September 30, 2003.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

(a) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by'' one of the vaccines referred to in the Table, or

(b) ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Vaccine Injury Compensation Program, Special Programs Bureau, 5600 Fishers Lane, Room 16C–17, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission.

Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

**List of Petitions**

1. Veronica Hagopian on behalf of Gohar Hagopian, Dallas, Texas, Court of Federal Claims Number 03–1619V
2. Shirley and Robert Marcum on behalf of Andrew Marcum, Dallas, Texas, Court of Federal Claims Number 03–1620V
3. Christa and Rich Corley on behalf of Chase Corley, Dallas, Texas, Court of Federal Claims Number 03–1621V
4. Bobbie and Jonathan Walls on behalf of Jessica Nicole Walls, Dallas, Texas, Court of Federal Claims Number 03–1622V
5. Tina and Jerry Stewart on behalf of Saadi Stewart, Deceased, Pensacola, Florida, Court of Federal Claims Number 03–1626V
6. Louise and Andrew Nawrocki on behalf of Matthew James Nawrocki, Hoffman Estates, Illinois, Court of Federal Claims Number 03–1628V
7. Melinda and Robert Needs on behalf of Jacob Riley Needs, Dallas, Texas, Court of Federal Claims Number 03–1629V
8. Dorothy and Kevin Lind on behalf of Nelson Lind, Dallas, Texas, Court of Federal Claims Number 03–1630V
9. Shanna and Mark Patterson on behalf of Kristan Shay Patterson, Dallas, Texas, Court of Federal Claims Number 03–1631V
10. Winona and Robert Leonards on behalf of Matthew Thomas Leonards, Salisbury, North Carolina, Court of Federal Claims Number 03–1632V
11. Lisa Zehl on behalf of Matthew Zehl, Cliffwood Beach, New Jersey, Court of Federal Claims Number 03–1633V
12. Suzanne and Julius Schwartz on behalf of Tristan Schwartz, Great Neck, New York, Court of Federal Claims Number 03–1634V
13. Kimberly A. Parker on behalf of Quenton Foster, Houston, Texas, Court of Federal Claims Number 03–1635V
14. Patricia Solorzano and Steve Deharo on behalf of Andrew Deharo, Houston, Texas, Court of Federal Claims Number 03–1636V
15. Randy Nunez on behalf of Jason Daniel Nunez, Houston, Texas, Court of Federal Claims Number 03–1637V
16. Sarah and Greg Swindell on behalf of Dawson Swindell, Houston, Texas, Court of Federal Claims Number 03–1638V
17. Linda Swarny on behalf of Stephen Swarny, Houston, Texas, Court of Federal Claims Number 03–1639V
18. Kristine and Gary Miller on behalf of John W. Miller, Houston, Texas, Court of Federal Claims Number 03–1640V
19. April Awkward on behalf of Jamia Awkward, Towson, Maryland, Court of Federal Claims Number 03–1641V
20. Jennifer and Trevor Stephens on behalf of Travis Stephens, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1642V
21. Melanie and Richard Demmler on behalf of Rebecca N. Demmler, Melbourne, Florida, Court of Federal Claims Number 03–1643V
22. Allison Seaman on behalf of Matthew Seaman, Miami, Florida, Court of Federal Claims Number 03–1644V
23. Stacy McClelland on behalf of Denay O. McClelland, Miami, Florida, Court of Federal Claims Number 03–1645V
24. Carol and Joseph Buckley on behalf of Savannah E. Buckley, Miami, Florida, Court of Federal Claims Number 03–1646V
25. Rita Parry on behalf of Robert J. Parry, Miami, Florida, Court of Federal Claims Number 03–1647V
26. Jody and Gregory Mortimer on behalf of Alexander Mortimer, Miami, Florida, Court of Federal Claims Number 03–1648V
27. Jan and Kevin Crump on behalf of Nicholas Crump, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1649V

28. Zaira Valdes on behalf of Jamie Valdes, Miami, Florida, Court of Federal Claims Number 03–1650V
29. Zaira Valdes on behalf of Odalys Valdes, Miami, Florida, Court of Federal Claims Number 03–1651V
30. Denise Thomas on behalf of Isaac Thomas, Miami, Florida, Court of Federal Claims Number 03–1652V
31. Patricia Anastasia Richard and Dean Preston Element on behalf of Jackson Element, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1654V
32. Matthew Lawler on behalf of Michael Lawlor, Freemont, California, Court of Federal Claims Number 03–1655V
33. Kari Lambert on behalf of Conor Lambert, Chicago, Illinois, Court of Federal Claims Number 03–1657V
34. Tatjana and Dragan Radulovic on behalf of Peter Radulovic, Miami, Florida, Court of Federal Claims Number 03–1658V
35. Tatjana and Dragan Radulovic on behalf of Mark Radulovic, Miami, Florida, Court of Federal Claims Number 03–1659V
36. Avigail and Robert Posner on behalf of Eden Posner, Miami, Florida, Court of Federal Claims Number 03–1660V
37. Paulette and Dennis Kelly on behalf of Tyler Kelly, Miami, Florida, Court of Federal Claims Number 03–1661V
38. Kerry and Kevin Connor on behalf of Chase Thomas Connor, Miami, Florida, Court of Federal Claims Number 03–1662V
39. Paulette Rozier on behalf of Mesha Rozier, Miami, Florida, Court of Federal Claims Number 03–1663V
40. Tina and Kenji Kerns on behalf of Cearle Victoria Regan Kerns, Saint Augustine, Florida, Court of Federal Claims Number 03–1664V
41. Billie Jo Rasmussen on behalf of Joshua Rasmussen, Miami, Florida, Court of Federal Claims Number 03–1666V
42. Billie Jo Rasmussen on behalf of Adam Rasmussen, Miami, Florida, Court of Federal Claims Number 03–1667V
43. Shannon and James Winch on behalf of David Winch, Miami, Florida, Court of Federal Claims Number 03–1668V
44. Natalie Murphy on behalf of Joshua T. Murphy, North Augusta, South Carolina, Court of Federal Claims Number 03–1669V
45. Patti and Paul Moss on behalf of Trevor Ian Moss, Richmond, Virginia, Court of Federal Claims Number 03–1670V
46. Arnold Barton on behalf of Bonney Barton, Boston, Massachusetts, Court of Federal Claims Number 03–1672V
47. Catherine and Michael Burns on behalf of Brett Burns, Bala Cynwyd, Pennsylvania, Court of Federal Claims Number 03–1674V
48. Sophia Praskala on behalf of Jacob Praskala, Bala Cynwyd, Pennsylvania, Court of Federal Claims Number 03–1675V
49. Laura and James Purcell on behalf of Adam James Purcell, Bala Cynwyd, Pennsylvania, Court of Federal Claims Number 03–1676V
50. Linda and Frank Kuepper on behalf of Michael Kuepper, Bala Cynwyd, Pennsylvania, Court of Federal Claims Number 03–1679V
51. Beth and John Andrew Stokes on behalf of Kristen April Stokes, Norfolk, Virginia, Court of Federal Claims Number 03–1680V
52. Jennifer and James Magner on behalf of Jeffrey B. Magner, Virginia Beach, Virginia, Court of Federal Claims Number 03–1681V
53. Tammy Cooper on behalf of Mason Cheeks, Alexandria, Virginia, Court of Federal Claims Number 03–1682V
54. Nichol Riley on behalf of Darius Riley, Alexandria, Virginia, Court of Federal Claims Number 03–1683V
55. Lena and Cecil Wilkerson on behalf of Michaelah Wilkerson, Jacksonville, Florida, Court of Federal Claims Number 03–1685V
56. Jill and William Layton on behalf of Matthew Layton, Jacksonville, Florida, Court of Federal Claims Number 03–1686V
57. Virginia and Michael Downs on behalf of Kayla Downs, Jacksonville, Florida, Court of Federal Claims Number 03–1687V
58. Amy and Donald Beliakoff on behalf of David Michael Beliakoff, Jacksonville, Florida, Court of Federal Claims Number 03–1688V
59. Kimberli Kae Mohling and Hugh Grant Mohling on behalf of Izaak Xavier Mohling, Cape Girardeau, Missouri, Court of Federal Claims Number 03–1689V
60. Margaret and Jon Molvie on behalf of George Thomas Molvie, Cape Girardeau, Missouri, Court of Federal Claims Number 03–1690V
61. Rita and Arnie Shreffler on behalf of Andrew Cave Shreffler, Cape Girardeau, Missouri, Court of Federal Claims Number 03–1691V
62. Jeannie Urban on behalf of Dustin Wayne Adams, Cape Giraudeau, Missouri, Court of Federal Claims Number 03–1692V
63. Rita and Arnie Shreffler on behalf of Mary Kathryn Shreffler, Cape Girardeau, Missouri, Court of Federal Claims Number 03–1693V
64. Barbara and John Meister on behalf of Joshua Martin Meister, Cape Girardeau, Missouri, Court of Federal Claims Number 03–1694V
65. Jennifer Kozlowski on behalf of Travis Kozlowski, Boston, Massachusetts, Court of Federal Claims Number 03–1695V
66. Enrique Paradoa on behalf of Matthew Paradoa, Boston, Massachusetts, Court of Federal Claims Number 03–1696V
67. Kory McKnight on behalf of Kameron McKnight, Boston, Massachusetts, Court of Federal Claims Number 03–1697V
68. Amy Koring on behalf of Aric Koring, Boston, Massachusetts, Court of Federal Claims Number 03–1698V
69. George Jones on behalf of Ryan Jones, Boston, Massachusetts, Court of Federal Claims Number 03–1699V
70. George Jones on behalf of Hiro Jones, Boston, Massachusetts, Court of Federal Claims Number 03–1700V
71. Jeannie Wilkinson on behalf of Branden Wilkinson, Boston, Massachusetts, Court of Federal Claims Number 03–1701V
72. Jeannie Wilkinson on behalf of Julia Wilkinson, Boston, Massachusetts, Court of Federal Claims Number 03–1702V
73. Shelly Belanger on behalf of Devan Belanger, Boston, Massachusetts, Court of Federal Claims Number 03–1703V
74. Marlene Marshall on behalf of Rashad C. Marshall, Alexandria, Virginia, Court of Federal Claims Number 03–1704V
75. Alicia and Raul Sanchez on behalf of Marcos Raul Sanchez, Temecula, California, Court of Federal Claims Number 03–1705V
76. Barbara Tacoronte and Edward Pineiro on behalf of Allen Michael Pineiro, Sarasota, Florida, Court of Federal Claims Number 03–1706V
77. Laurie Staz-Schelich on behalf of Issac Schelich, Boston, Massachusetts, Court of Federal Claims Number 03–1707V
78. Judy Peters on behalf of Taylor Alsheimer, Bainbridge Island, Washington, Court of Federal Claims Number 03–1708V
79. Annie and M.A. Samuel on behalf of Frank Samuel, Plantation, Florida, Court of Federal Claims Number 03–1709V
80. Kellie Wycoff on behalf of Nicole Wykoff, Portland, Oregon, Court of Federal Claims Number 03–1710V
81. Leanne Weaver on behalf of Gabrielle Weaver, Portland, Oregon, Court of Federal Claims Number 03–1711V
82. Catherine Hickman on behalf of Scott Hickman, Portland, Oregon, Court of Federal Claims Number 03–1712V

83. Rita Stone on behalf of Tyrozz Fields, Portland, Oregon, Court of Federal Claims Number 03–1713V
84. Tresea Meinung on behalf of Tristan Meinung, Portland, Oregon, Court of Federal Claims Number 03–1714V
85. Corrine and James Sexton on behalf of James Sexton, Lockport, Illinois, Court of Federal Claims Number 03–1715V
86. Dianne Benedict on behalf of David Benedict, Jr., Dover, New Hampshire, Court of Federal Claims Number 03–1716V
87. Deborah and Michael Rosenblatt on behalf of Samuel Rosenblatt, Miami, Florida, Court of Federal Claims Number 03–1717V
88. Kimberly Dawn Lee and Thomas E. Lee on behalf of Caleb Michael Lee, Fishers, Indiana, Court of Federal Claims Number 03–1718V
89. Teresa Dennis Stuart on behalf of Coby Lee Bunn-Stuart, Deceased, Griffin, Georgia, Court of Federal Claims Number 03–1719V
90. Jenine and Karl Jackson on behalf of Karl Chez Elisha Jackson, Jacksonville, Florida, Court of Federal Claims Number 03–1722V
91. Cindy and Dale Stelbasky on behalf of Ryan Stelbasky, Strongsville, Ohio, Court of Federal Claims Number 03–1723V
92. Stephanie Lay on behalf of Bryce Lay, Alexandria, Virginia, Court of Federal Claims Number 03–1725V
93. Matthew Thomas on behalf of Henry Nathaniel Thomas, Somers Point, New Jersey, Court of Federal Claims Number 03–1726V
94. Roberta Cruz on behalf of Gerardo R. Cruz, Somers Point, New Jersey, Court of Federal Claims Number 03–1727V
95. Deborah Carey on behalf of James Robert Carey, Salisbury, North Carolina, Court of Federal Claims Number 03–1728V
96. Ann and Brian Pysher on behalf of Brian Pysher, Melbourne, Florida, Court of Federal Claims Number 03–1729V
97. Donna and Jeff Arnold on behalf of Kevin Leo Arnold, Salisbury, North Carolina, Court of Federal Claims Number 03–1730V
98. Yvette and Harry Strickland on behalf of Alena Denise Strickland, Salisbury, North Carolina, Court of Federal Claims Number 03–1731V
99. Jodi and Eric Neuhof on behalf of Jacob Neuhof, Miami, Florida, Court of Federal Claims Number 03–1732V
100. Crystal and Colin Walker on behalf of Colin Walker, Miami, Florida, Court of Federal Claims Number 03–1733V
101. April and Ted Schroeders on behalf of Daniel Schroeders, Miami, Florida, Court of Federal Claims Number 03–1734V
102. Lynda and Feliberto Vega on behalf of Anthony Vega, Miami, Florida, Court of Federal Claims Number 03–1735V
103. Laura Miller on behalf of Sarah Miller, Miami, Florida, Court of Federal Claims Number 03–1736V
104. Leshia and Sergio Marcos on behalf of Andrew Marcos, Miami, Florida, Court of Federal Claims Number 03–1737V
105. Charlotte and Tony Doran on behalf of Lake Doran, Miami, Florida, Court of Federal Claims Number 03–1738V
106. Cynthia and Richard Irving on behalf of Aaron Irving, Miami, Florida, Court of Federal Claims Number 03–1739V
107. Jodi and Eric Neuhof on behalf of Joshua Neuhof, Miami, Florida, Court of Federal Claims Number 03–1740V
108. Ingrid and Kenneth Lane on behalf of Brandon Lane, Miami, Florida, Court of Federal Claims Number 03–1741V
109. Candace and Cary Bauer on behalf of Christian Alexander Bauer, Rockville, Tennessee, Court of Federal Claims Number 03–1742V
110. Lisa Thompson on behalf of William Thompson, Boston, Massachusetts, Court of Federal Claims Number 03–1744V
111. Leonid Norsworthy on behalf of Paul Norsworthy, Boston, Massachusetts, Court of Federal Claims Number 03–1745V
112. Darla Birchall on behalf of Hannah Birchall, Boston, Massachusetts, Court of Federal Claims Number 03–1746V
113. Janice Davis on behalf of George Davis, Boston, Massachusetts, Court of Federal Claims Number 03–1747V
114. Alesia Morris on behalf of Scott Morris, IV, Boston, Massachusetts, Court of Federal Claims Number 03–1748V
115. Elias Hassan on behalf of Emil Hassan, Boston, Massachusetts, Court of Federal Claims Number 03–1749V
116. Shannon and James Winch on behalf of Ryan Winch, Miami, Florida, Court of Federal Claims Number 03–1752V
117. Nancy and Tim Hokkanen on behalf of Andrew Hokkanen, Minneapolis, Minnesota, Court of Federal Claims Number 03–1753V
118. Nancy Hatfield, Dallas, Texas, Court of Federal Claims Number 03–1754V
119. Estelle and Stephen Doyle on behalf of Alexa Michelle Doyle, New York, New York, Court of Federal Claims Number 03–1756V
120. Estelle and Stephen Doyle on behalf of Grace Juliann Doyle, New York, New York, Court of Federal Claims Number 03–1757V
121. Nancy and Guiseppe Defazio on behalf of Gina Defazio, Wichita, Kansas, Court of Federal Claims Number 03–1758V
122. Monica Silverio on behalf of David Silverio, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1762V
123. Ellen Slysh on behalf of Matthew Slysh, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1763V
124. Sunday Ezechukwu on behalf of Kennedy Chima Ezechukwu, Temecula, California, Court of Federal Claims Number 03–1764V
125. Cheryl and Patrick Cleary behalf of John Andrew Cleary, Hackensack, New Jersey, Court of Federal Claims Number 03–1768V
126. Barbara and Mark Decker on behalf of Benjamin Decker, Anchorage, Alaska, Court of Federal Claims Number 03–1769V
127. Robin and Thomas Pott on behalf of Elliott Brown-Pott, Phoenix, California, Court of Federal Claims Number 03–1770V
128. Elizabeth Espurvoa on behalf of Gabriella Marie Espurvoa, Houston, Texas, Court of Federal Claims Number 03–1771V
129. Jennifer and Richard Mullen on behalf of Sean Patrick Mullen, Fall River, Massachusetts, Court of Federal Claims Number 03–1772V
130. Debra Lynn Collins on behalf of Dallas Gene Collins, Mount Pleasant, Tennessee, Court of Federal Claims Number 03–1773V
131. Terry Terry on behalf of Zariel Lenee Terry, Reno, Nevada, Court of Federal Claims Number 03–1774V
132. Darlene and Nicholas Downes on behalf of Alannah Mary Downes, Englewood, New Jersey, Court of Federal Claims Number 03–1775V
133. Tamara Kay Bosco and Michael Jeffrey Bosco on behalf of Zachary Taylor Bosco, Van Nuys, California, Court of Federal Claims Number 03–1776V
134. Ruben Maldonado on behalf of Marisa Maldonado, Lansing, Michigan, Court of Federal Claims Number 03–1777V
135. Scott Sanderson on behalf of Drake Sanderson, Houston, Texas, Court of Federal Claims Number 03–1778V
136. Scott Sanderson on behalf of Drew Sanderson, Houston, Texas, Court of Federal Claims Number 03–1779V
137. David Stillman on behalf of Mauricio Stillman, Houston, Texas, Court of Federal Claims Number 03–1780V
138. Kim and Gary Stone on behalf of Austin L. Stone, Houston, Texas,

Court of Federal Claims Number 03–1781V
139. Eric Torres on behalf of Timaree Torres, Houston, Texas, Court of Federal Claims Number 03–1782V
140. Tracy Vann on behalf of Mason Vann, Houston, Texas, Court of Federal Claims Number 03–1783V
141. Joe Weiser on behalf of Gina Weiser, Houston, Texas, Court of Federal Claims Number 03–1784V
142. Adaline and Clifton Yamamoto on behalf of Kyle Yamamoto, Houston, Texas, Court of Federal Claims Number 03–1785V
143. Linda and Stephen Bommarito on behalf of Joshua Bommarito, Houston, Texas, Court of Federal Claims Number 03–1786V
144. Garlyn and Paul Serame on behalf of Brendan Serame, Houston, Texas, Court of Federal Claims Number 03–1787V
145. Laura Weinberg on behalf of William J. Aronow, Houston, Texas, Court of Federal Claims Number 03–1788V
146. Diane and Scott Magers on behalf of Tanner R. Magers, Houston, Texas, Court of Federal Claims Number 03–1789V
147. Dena and Brandon Fogle on behalf of Hayden Fogle, Houston, Texas, Court of Federal Claims Number 03–1790V
148. Jeannette and Michael Chernoff on behalf of Michael Chernoff, II, Houston, Texas, Court of Federal Claims Number 03–1791V
149. Marilyn and Wason Carroll on behalf of Caleb Carroll, Houston, Texas, Court of Federal Claims Number 03–1792V
150. Audra and Donald Calloway on behalf of Donald Calloway, III, Houston, Texas, Court of Federal Claims Number 03–1793V
151. Anna and Paul LaMELA on behalf of Nicholas J. LaMELA, Melbourne, Florida, Court of Federal Claims Number 03–1794V
152. Janice Danley on behalf of Roxann Johnette Danley, Great Neck, New York, Court of Federal Claims Number 03–1795V
153. Selena and Daniel Burke on behalf of Nathan Lee Burke, Great Neck, New York, Court of Federal Claims Number 03–1796V
154. Donna Ross-Jones and David Jones on behalf of Nicholas Jones, Great Neck, New York, Court of Federal Claims Number 03–1797V
155. Judith Dennis and Robert Rittenburg on behalf of James Dennis Rittenburg, Atlanta, Georgia, Court of Federal Claims Number 03–1799V
156. Kathy Arena on behalf of Kayla J. Arena, Los Gatos, California, Court of Federal Claims Number 03–1800V
157. Sheila and Ronald Ealey on behalf of Temple L. Ealey, New Orleans, Louisiana, Court of Federal Claims Number 03–1801V
158. Esme Johnston Baglio and Michael Baglio on behalf of Eva Marie Baglio, Wayne, New Jersey, Court of Federal Claims Number 03–1803V
159. Joy LeBron on behalf of Tyler James Dill, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1804V
160. Laurie and Timothy Fredericks on behalf of Dustin Clay Fredericks, Cape Girardeau, Missouri, Court of Federal Claims Number 03–1805V
161. Kim and A. Bailey Dabney on behalf of Andrew B. Dabney, IV, Miami, Florida, Court of Federal Claims Number 03–1806V
162. John Vitale on behalf of Jarod Vitale, Boston, Massachusetts, Court of Federal Claims Number 03–1807V
163. Kristi Balgord on behalf of Brandon Balgord, Boston, Massachusetts, Court of Federal Claims Number 03–1808V
164. Barbara Roth on behalf of Mason Roth, Boston, Massachusetts, Court of Federal Claims Number 03–1809V
165. Angela Wiens on behalf of Alexander Wiens, Boston, Massachusetts, Court of Federal Claims Number 03–1810V
166. Joel Goloskie on behalf of Ethan Goloskie, Boston, Massachusetts, Court of Federal Claims Number 03–1811V
167. Rhonda and Leonard Quigley on behalf of Jason Quigley, Alexandria, Virginia, Court of Federal Claims Number 03–1814V
168. Brenda Johnson on behalf of Brett Tuers, Alexandria, Virginia, Court of Federal Claims Number 03–1815V
169. Cynthia and Richard Hoffman on behalf of Anthony Hoffman, Houston, Texas, Court of Federal Claims Number 03–1817V
170. Martha and Ricardo Sanchez on behalf of Fernando Sanchez, Vienna, Virginia, Court of Federal Claims Number 03–1819V
171. Donna and Lamile Christopher Hill on behalf of De'Joi C. Hill, Atlanta, Georgia, Court of Federal Claims Number 03–1824V
172. Mildey and Felix Gonzalez on behalf of Alejandro Jose Gonzalez, Melbourne, Florida, Court of Federal Claims Number 03–1826V
173. Linda and John Bean on behalf of Matthew Trevor Bean, Melbourne, Florida, Court of Federal Claims Number 03–1827V
174. Annette Roces on behalf of Mitchell Manning, Miami, Florida, Court of Federal Claims Number 03–1828V
175. Sabra and Patrick Champagne on behalf of Patrick Champagne, Jr., Miami, Florida, Court of Federal Claims Number 03–1829V
176. Darlene Mitnik, Pittsburgh, Pennsylvania, Court of Federal Claims Number 03–1830V
177. Virginia McKinley on behalf of Seth Hollis McKinley, Saraland, Alabama, Court of Federal Claims Number 03–1831V
178. Therese Cassidy on behalf of Michael Anthony Cassidy, Decatur, Texas, Court of Federal Claims Number 03–1833V
179. Adriana and Carlos Lopez on behalf of Carlos Eric Lopez, II, Decatur, Texas, Court of Federal Claims Number 03–1834V
180. Maria and Manuel Arnero on behalf of Azeret Arnero, Decatur, Texas, Court of Federal Claims Number 03–1835V
181. Jose M. Carmona on behalf of Jose M. Carmona, Jr., Decatur, Texas, Court of Federal Claims Number 03–1836V
182. Sandra and Eduardo Del Angel on behalf of Gabriel Del Angel, Decatur, Texas, Court of Federal Claims Number 03–1837V
183. Irene Escamilla on behalf of Carlos Favela, Decatur, Texas, Court of Federal Claims Number 03–1838V
184. Juanita and Ruben Gonzalez on behalf of Vanessa A. Gonzalez, Decatur, Texas, Court of Federal Claims Number 03–1839V
185. Thomasa and Alfonso Martinez on behalf of Andres Alberto Martinez, Decatur, Texas, Court of Federal Claims Number 03–1840V
186. Juan Meza on behalf of Juan Meza, III, Decatur, Texas, Court of Federal Claims Number 03–1841V
187. Michelle Reyes on behalf of Austin James Montez, Decatur, Texas, Court of Federal Claims Number 03–1842V
188. Maria and Jorge Rivera on behalf of Melissa Rivera, Decatur, Texas, Court of Federal Claims Number 03–1843V
189. Sonia Turgeon on behalf of Kevin Turgeon, Decatur, Texas, Court of Federal Claims Number 03–1844V
190. Manuela Jimenez and Edgar Villarreal on behalf of Edgar Mauricio Villarreal, Decatur, Texas, Court of Federal Claims Number 03–1845V
191. Maria E. Villasenor on behalf of Jesus Emmanuel Hernandez, Decatur, Texas, Court of Federal Claims Number 03–1846V
192. Rachel and Robert Wells on behalf of Dylon Wells, Decatur, Texas, Court of Federal Claims Number 03–1847V
193. Nora Linda and Luis Cavazos on behalf of Luis Daniel Cavazos, Decatur, Texas, Court of Federal Claims Number 03–1848V
194. Martha and Carlos Munoz on behalf of Daniel Munoz, Decatur, Texas, Court of Federal Claims Number 03–1849V

195. Sandra Muro on behalf of Ildelfonso Munoz, Decatur, Texas, Court of Federal Claims Number 03–1850V
196. Veronica Perez on behalf of Francisco Javier Perez, Decatur, Texas, Court of Federal Claims Number 03–1851V
197. Veronica Perez on behalf of Mario Alberto Perez, Decatur, Texas, Court of Federal Claims Number 03–1852V
198. Clarissa and Alfredo Perez on behalf of Luis Alfredo Perez, Decatur, Texas, Court of Federal Claims Number 03–1853V
199. Dulce MA. and Jorge Perez on behalf of Jorge Alejandro Perez, Decatur, Texas, Court of Federal Claims Number 03–1854V
200. Marlen and Fitzgerald Sanchez on behalf of Fitzgerald Antonio Sanchez, Decatur, Texas, Court of Federal Claims Number 03–1855V
201. Luis Valdez on behalf of Gabriel Valdez, Decatur, Texas, Court of Federal Claims Number 03–1856V
202. Brigido Alvarez on behalf of Alberto C. Alvarez, Decatur, Texas, Court of Federal Claims Number 03–1857V
203. Doris Arce on behalf of Christopher Arce, Decatur, Texas, Court of Federal Claims Number 03–1858V
204. Rolando Uvalle, Jr. on behalf of Gricelda Uvalle, Decatur, Texas, Court of Federal Claims Number 03–1859V
205. Maria and Antonio Villarreal on behalf of Antonio X. Villarreal, Decatur, Texas, Court of Federal Claims Number 03–1860V
206. Angela and George Meyer on behalf of Timothy Brown Meyer, Atlanta, Georgia, Court of Federal Claims Number 03–1866V
207. Robin Komyakevitch on behalf of Ivan Komyakevitch, Miami, Florida, Court of Federal Claims Number 03–1867V
208. Marilyn Caldiero-Martinucci and John Martinucci on behalf of Matthew John Martinucci, New York, New York, Court of Federal Claims Number 03–1876V
209. Thomas Stewart, Pemberton, New Jersey, Court of Federal Claims Number 03–1877V
210. Kelly Craig-Kennelly and Edward Kennelly on behalf of Hillary Kennelly, Eldersburg, Maryland, Court of Federal Claims Number 03–1878V
211. Janette Pedraza on behalf of Ariana Rivera, Boston, Massachusetts, Court of Federal Claims Number 03–1880V
212. Edie Maske on behalf of John West, Boston, Massachusetts, Court of Federal Claims Number 03–1881V
213. Arley Collins on behalf of Brandon Collins, Boston, Massachusetts, Court of Federal Claims Number 03–1882V
214. Andrea Abeyta on behalf of Antonio Abeyta, Boston, Massachusetts, Court of Federal Claims Number 03–1883V
215. Domenick Domanico on behalf of Luke Domanico, Boston, Massachusetts, Court of Federal Claims Number 03–1884V
216. Patricia Quint on behalf of Dylan Quint, Boston, Massachusetts, Court of Federal Claims Number 03–1885V
217. Eve Morales on behalf of Harrison Morales, Boston, Massachusetts, Court of Federal Claims Number 03–1886V
218. Christopher Malueg on behalf of William Henry Malueg, Boston, Massachusetts, Court of Federal Claims Number 03–1887V
219. Tami Mills on behalf of Sam Borgens, Boston, Massachusetts, Court of Federal Claims Number 03–1888V
220. Kimberly Hrycenko on behalf of Nicholas Hrycenko, Boston, Massachusetts, Court of Federal Claims Number 03–1889V
221. Caroline and Denis Troia on behalf of Taylor John Troia, Madison, Wisconsin, Court of Federal Claims Number 03–1890V
222. Sherry Conklin on behalf of Jason Conklin, Portland, Oregon, Court of Federal Claims Number 03–1892V
223. Patricia Wigney on behalf of Sophia Wigney, Portland, Oregon, Court of Federal Claims Number 03–1893V
224. Theresa Henry on behalf of Lauren Henry, Portland, Oregon, Court of Federal Claims Number 03–1894V
225. Edward M. Cioffi on behalf of Christopher D. Cioffi, Jacksonville, Florida, Court of Federal Claims Number 03–1895V
226. Amanda Roesch on behalf of Trevor R. Roesch, Melbourne, Florida, Court of Federal Claims Number 03–1896V
227. Carol and Greg Lauer on behalf of Samuel Lauer, Miami, Florida, Court of Federal Claims Number 03–1897V
228. Suzanne and Joseph Cerio on behalf of Halle Cerio, Syracuse, New York, Court of Federal Claims Number 03–1898V
229. Rachel and Perry Thomas on behalf of Perry Lee Thomas, Jr., Robinsdale, Michigan, Court of Federal Claims Number 03–1899V
230. Mark Myers on behalf of Daniel Justin Myers, Crystal Lake, Illinois, Court of Federal Claims Number 03–1900V
231. Antonio Lourenco on behalf of Louis Joseph Lourenco, Woodbury, New York, Court of Federal Claims Number 03–1901V
232. Genevieve Johnson on behalf of Nicholas Roel Wilburgh, Bronx, New York, Court of Federal Claims Number 03–1902V
233. Sylvia and Deverton Gilfillian on behalf of David Jonathan Gilfillian, White Plains, New York, Court of Federal Claims Number 03–1903V
234. Yolette and Mathias Atana on behalf of Mailry Atana, Eagan, Minnesota, Court of Federal Claims Number 03–1904V
235. Leslie and Robert Bradley on behalf of Lauren B. Bradley, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1908V
236. Leslie and Robert Bradley on behalf of Jackson B. Bradley, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1909V
237. Regina Santos-Larralde and John Larralde on behalf of Cristian J. Larralde, Miami, Florida, Court of Federal Claims Number 03–1912V
238. Audrey Blash on behalf of Helen Blash, Deceased, Winter Haven, Florida, Court of Federal Claims Number 03–1913V
239. Lisa and Gregory Macneir on behalf of Drew Morton Macneir, Memphis, Tennessee, Court of Federal Claims Number 03–1914V
240. Wendy and Joseph Alderman on behalf of Robert Alderman, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1918V
241. Dawn Aho, Waukesha, Wisconsin, Court of Federal Claims Number 03–1920V
242. Thomas Odom on behalf of William Austin Odom, Humbolt, Tennessee, Court of Federal Claims Number 03–1924V
243. Kimberly and Cory Chandler on behalf of Jackson Chandler, Houston, Texas, Court of Federal Claims Number 03–1925V
244. Lisa Scribner on behalf of Taylor Scribner, Houston, Texas, Court of Federal Claims Number 03–1926V
245. Juliet and Cecil Camara on behalf of Sarian Camara, Houston, Texas, Court of Federal Claims Number 03–1927V
246. Carolyn and Raymond Yount on behalf of Chandler Yount, Houston, Texas, Court of Federal Claims Number 03–1928V
247. Terry and Darryl Davidson on behalf of Scott Davidson, Houston, Texas, Court of Federal Claims Number 03–1929V
248. Jaime and Salvador Juarez on behalf of Dominic Juarez, Houston, Texas, Court of Federal Claims Number 03–1930V
249. Judy O'Connor on behalf of Joel Rohrer, Houston, Texas, Court of Federal Claims Number 03–1931V
250. Ileana Lopez on behalf of Corey Slater, Houston, Texas, Court of Federal Claims Number 03–1932V

251. Sheila Lovett on behalf of Megan Lovett, Houston, Texas, Court of Federal Claims Number 03–1933V
252. Barbara and Daniel Sparling on behalf of Benjamin Sparling, Houston, Texas, Court of Federal Claims Number 03–1934V
253. Debra and Jonathan Domingo on behalf of Joshua T. Domingo, Los Angeles, California, Court of Federal Claims Number 03–1935V
254. Nasinet Paulos on behalf of Matthew Semere, Santa Clara, California, Court of Federal Claims Number 03–1936V
255. Kerri and Sam Amato on behalf of Rylee Amato, Sioux Falls, South Dakota, Court of Federal Claims Number 03–1937V
256. Paula Earls on behalf of Jerrad Michael Earls, Corydon, Indiana, Court of Federal Claims Number 03–1938V
257. Suzanne and John Bahmer on behalf of Gino Romeo Defalco, Palm Beach, Florida, Court of Federal Claims Number 03–1939V,
258. Roberta and Linwood Bellamy on behalf of Kareem Bellamy, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–1940V
259. Janice and Frank Tuffy on behalf of Patrick Tuffy, Brandon, Florida, Court of Federal Claims Number 03–1941V
260. Laura Knapp on behalf of Jazmin Knapp, Jay, Oklahoma, Court of Federal Claims Number 03–1943V
261. Renee and Greg Lawrenz on behalf of Patrick Lawrenz, Dallas, Texas, Court of Federal Claims Number 03–1947V
262. Virginia McKinley on behalf of Seth Hollis McKinley, Saraland, Alabama, Court of Federal Claims Number 03–1948V
263. Cynthia and Anthony Rodriguez on behalf of Robert Rodriguez, San Diego, California, Court of Federal Claims Number 03–1949V
264. Lori Rindfleisch on behalf of Madison Rindfleisch, Boston, Massachusetts, Court of Federal Claims Number 03–1952V
265. Cheryl Edwards on behalf of Christian James Edwards, Richmond, Virginia, Court of Federal Claims Number 03–1954V
266. Emily Valentine on behalf of Thomas Valentine, Boston, Massachusetts, Court of Federal Claims Number 03–1957V
267. Carissa Evans on behalf of Logan Evans, Boston, Massachusetts, Court of Federal Claims Number 03–1958V
268. Kimberly Thompson on behalf of Spencer Thompson, Boston, Massachusetts, Court of Federal Claims Number 03–1959V
269. Melinda Franco on behalf of Matthew Franco, Boston, Massachusetts, Court of Federal Claims Number 03–1960V
270. Rachel Sabin on behalf of Thomas Sabin, Boston, Massachusetts, Court of Federal Claims Number 03–1961V
271. Kim and Raymond Nerswick on behalf of Sarah Nerswick, Indianapolis, Indiana, Court of Federal Claims Number 03–1963V
272. Chrisann Shoop on behalf of Harry Shoop, Alexandria, Virginia, Court of Federal Claims Number 03–1964V
273. Andrea and John Corner on behalf of John E. Corner, III, Alexandria, Virginia, Court of Federal Claims Number 03–1965V
274. Jana and John Marshall on behalf of Samuel A. Marshall, Alexandria, Virginia, Court of Federal Claims Number 03–1966V
275. Lien and Van Nguyen on behalf of Brandon Nguyen, Melbourne, Florida, Court of Federal Claims Number 03–1967V
276. Robin and Thomas Havens on behalf of Jacob Havens, Lake Success, New York, Court of Federal Claims Number 03–1968V
277. Jimmie F. Tucker on behalf of Chrisben T. Tucker, Alexandria, Virginia, Court of Federal Claims Number 03–1969V
278. Wanda and Richard Fisher on behalf of Gregg Thomas Fisher, Pelhan, Alabama, Court of Federal Claims Number 03–1970V
279. Traci and Lee Touchton on behalf of Cooper Derrold Touchton, Jacksonville, Florida, Court of Federal Claims Number 03–1971V
280. Lisa and Raymond Oakes on behalf of Conner Douglas Oakes, Melbourne, Florida, Court of Federal Claims Number 03–1972V
281. Deanna Kokoszka on behalf of John H. Kokoszka, Melbourne, Florida, Court of Federal Claims Number 03–1973V
282. Hope Fowler on behalf of Minah Fowler, Boston, Massachusetts, Court of Federal Claims Number 03–1974V
283. Tanya Phinney on behalf of Darron Balch, Boston, Massachusetts, Court of Federal Claims Number 03–1975V
284. Chad Davis on behalf of Drake Davis, Boston, Massachusetts, Court of Federal Claims Number 03–1976V
285. Susan Bassett on behalf of Iam Bassett, Boston, Massachusetts, Court of Federal Claims Number 03–1977V
286. Melissa Metcalf on behalf of Nicholas Metcalf, Boston, Massachusetts, Court of Federal Claims Number 03–1978V
287. Phuangjzin Teng on behalf of Dimiter Roussanov, Boston, Massachusetts, Court of Federal Claims Number 03–1979V
288. Barbara Kort on behalf of Jacob Kort, Boston, Massachusetts, Court of Federal Claims Number 03–1980V
289. Jamie Meidinger on behalf of Jourdan Meidinger, Boston, Massachusetts, Court of Federal Claims Number 03–1981V
290. Maria and Orlando Morales on behalf of Maria Morales, Garden City, New York, Court of Federal Claims Number 03–1982V
291. Kim and Hector Cisneros on behalf of Nathan Cisneros, Melbourne, Florida, Court of Federal Claims Number 03–1985V
292. Michele and Joey Sartain on behalf of Joey Kyle Sartain, Alexandria, Virginia, Court of Federal Claims Number 03–1989V
293. Rachella and Steven Bullard on behalf of Zachery Steven Bullard, Cleburne, Texas, Court of Federal Claims Number 03–1990V
294. Audrey and Mark Peterson on behalf of Montae Jahvaughn Peterson, Brooklyn, New York, Court of Federal Claims Number 03–1991V
295. Brianna Wyrick on behalf of Jordan Alexander Wyrick, Plano, Texas, Court of Federal Claims Number 03–1992V
296. Lisa Grier on behalf of Darien Walker, Columbus, Ohio, Court of Federal Claims Number 03–1993V
297. Jennifer and Gary Call on behalf of Madison Jayne Call, Columbus, Ohio, Court of Federal Claims Number 03–1994V
298. Dana and Robert Taylor on behalf of Robert Trey Taylor, Salisbury, North Carolina, Court of Federal Claims Number 03–1995V
299. Anett and Duke Romer on behalf of Seth C. Romer, Melbourne, Florida, Court of Federal Claims Number 03–1996V
300. Jennifer and Adam Smith on behalf of Austin S. Smith, Melbourne, Florida, Court of Federal Claims Number 03–1997V
301. Deborah Faust on behalf of Paul Faust, Dallas, Texas, Court of Federal Claims Number 03–1999V
302. Helene and Patrick Stant on behalf of Jason P. Stant, New Orleans, Louisiana, Court of Federal Claims Number 03–2000V
303. Laura and Kenneth Ulappa on behalf of Theodore Ulappa, Portland, Oregon, Court of Federal Claims Number 03–2001V
304. Kimberly and Lenos Baker on behalf of Kyle G. Baker, Miami, Florida, Court of Federal Claims Number 03–2003V
305. Leeann Lenoci on behalf of Luke Lenoci, Chicago, Illinois, Court of Federal Claims Number 03–2004V
306. Priscilla Richardson-Hudson on behalf of Townsend T. Connors,

Melbourne, Florida, Court of Federal Claims Number 03–2006V
307. Diane and Jeffrey Farmer on behalf of James Edward Farmer, Arlington, Virginia, Court of Federal Claims Number 03–2007V
308. Joy and Russell Zachary on behalf of Ruston Lee Zachary, Baton Rouge, Louisiana, Court of Federal Claims Number 03–2009V
309. Kemble and Lamont Johnson on behalf of Javon Johnson, Philadelphia, Pennsylvania, Court of Federal Claims Number 03–2010V
310. Jennifer and Gary Smallwood on behalf of Blake Smallwood, Sacramento, California, Court of Federal Claims Number 03–2011V
311. Sharon Smith on behalf of Dane Lousignont-Smith, Boston, Massachusetts, Court of Federal Claims Number 03–2012V
312. Amy Nations on behalf of Sarah Nations, Boston, Massachusetts, Court of Federal Claims Number 03–2013V
313. Carla and Craig Miller on behalf of Jacob Charles Miller, Dallas, Texas, Court of Federal Claims Number 03–2014V
314. Melissa and Michael Markovich on behalf of Ashlyn M. Markovich, Apple Valley, Minnesota, Court of Federal Claims Number 03–2015V
315. Claudia Carrera-Meza, Chula Vista, California, Court of Federal Claims Number 03–2016V
316. Vanieda Pruitt on behalf of Quinton A. Pruitt, Alexandria, Virginia, Court of Federal Claims Number 03–2018V
317. Mevalone Johnson on behalf of Vanessa Johnson, Alexandria, Virginia, Court of Federal Claims Number 03–2019V
318. Cherry and Chris Doyle on behalf of Alexander Rober Doyle, Atlanta, Georgia, Court of Federal Claims Number 03–2020V
319. Angelique and Shawn Payne on behalf of Jordan Payne, Atlanta, Georgia, Court of Federal Claims Number 03–2021V
320. Gretta and Jon Trebilcock on behalf of Connor Trebilcock, Atlanta, Georgia, Court of Federal Claims Number 03–2022V
321. Rachel and Larry Tyler on behalf of William Preston Tyler, Atlanta, Georgia, Court of Federal Claims Number 03–2023V
322. Teresa Spohn on behalf of Ethan Spohn, Atlanta, Georgia, Court of Federal Claims Number 03–2024V
323. Amy and James Bowers on behalf of Ethan Bowers, Atlanta, Georgia, Court of Federal Claims Number 03–2025V
324. Michelle and Gary Johnson on behalf of Chloe Johnson, Atlanta, Georgia, Court of Federal Claims Number 03–2026V
325. Melissa and Scott Rady on behalf of Sullivan D. Rady, Jacksonville, Florida, Court of Federal Claims Number 03–2027V
326. Jean and James Criswell on behalf of Michael Criswell, Lake Success, New York, Court of Federal Claims Number 03–2029V
327. Allie and Bill Seyler on behalf of Billie Seyler, Lake Success, New York, Court of Federal Claims Number 03–2030V
328. Norma and Raymond Custodio on behalf of Nathaniel A. Custodio, Seaside, California, Court of Federal Claims Number 03–2031V
329. Rosemarie Maestre on behalf of Jason Maestre, Jacksonville, Florida, Court of Federal Claims Number 03–2032V
330. N. Nicole Gamot and Mark Murray on behalf of Ethan P. Murray, Melbourne, Florida, Court of Federal Claims Number 03–2035V
331. Theresa and Norman Desselles on behalf of Abigail Desselles, Great Neck, New York, Court of Federal Claims Number 03–2036V
332. Janet Moneypenny on behalf of Mikalyn Moneypenny, Deceased, Tulsa, Oklahoma, Court of Federal Claims Number 03–2037V
333. Anna and Jose Amezcua on behalf of Jose Daniel Amezcua, Temecula, Florida, Court of Federal Claims Number 03–2039V
334. Judy and Tom Boyles on behalf of Hannah Rose Boyles, Temecula, Florida, Court of Federal Claims Number 03–2040V
335. Roxana and Keith Braun on behalf of Brandon Braun, Temecula, Florida, Court of Federal Claims Number 03–2041V
336. Kimberly K. Baccus, Tulsa, Oklahoma, Court of Federal Claims Number 03–2046V
337. Lilian Piper-Idris on behalf of Khaled Idris, Atlanta, Georgia, Court of Federal Claims Number 03–2048V
338. Katherine and Mark Zepp on behalf of Austin Zepp, Atlanta, Georgia, Court of Federal Claims Number 03–2049V
339. Che'Blackett Wilcox on behalf of Kitana Wilcox, Atlanta, Georgia, Court of Federal Claims Number 03–2050V
340. Stanley Lamar Williams on behalf of Stanley Lamar Williams, II, Atlanta, Georgia, Court of Federal Claims Number 03–2051V
341. Julianne and Charlie Prescott on behalf of Charlie D. Prescott, IV, Atlanta, Georgia, Court of Federal Claims Number 03–2052V
342. Joshua Bello on behalf of Isiah Bello, Atlanta, Georgia, Court of Federal Claims Number 03–2053V
343. Beverly and Alan Chung on behalf of Alan Chung, Atlanta, Georgia, Court of Federal Claims Number 03–2054V
344. Alice Bell on behalf of Sierra Bell, Atlanta, Georgia, Court of Federal Claims Number 03–2055V
345. Tabitha Barkley on behalf of Tony Williams, Atlanta, Georgia, Court of Federal Claims Number 03–2056V
346. Marlene and Rodney Hay on behalf of Austin Taylor Hay, Atlanta, Georgia, Court of Federal Claims Number 03–2057V
347. Kathaleen Preston on behalf of James Granger Preston, Atlanta, Georgia, Court of Federal Claims Number 03–2058V
348. Latanga Landers on behalf of Demetrius D. Landers, Atlanta, Georgia, Court of Federal Claims Number 03–2059V
349. Linda Curtis on behalf of Miguel Demone Broom, Atlanta, Georgia, Court of Federal Claims Number 03–2060V
350. Belinda and William Evans on behalf of Morgan Evans, Houston, Texas, Court of Federal Claims Number 03–2064V
351. Belinda and William Evans on behalf of Basil Evans, Houston, Texas, Court of Federal Claims Number 03–2065V
352. Amy and Kevin Collins on behalf of Amanda Grace Collins, Jacksonville, Florida, Court of Federal Claims Number 03–2066V
353. Evelyn Bennett on behalf of Lance Bennett, Jr., Decatur, Alabama, Court of Federal Claims Number 02–2067V
354. Cinnamon Boyle on behalf of Dylan Boyle, Dallas, Texas, Court of Federal Claims Number 03–2068V
355. Diane and Kevin Cantrell on behalf of Ashley Cantrell, Dallas, Texas, Court of Federal Claims Number 03–2069V
356. Diane and Kevin Cantrell on behalf of Ryan Cantrell, Dallas, Texas, Court of Federal Claims Number 03–2070V
357. Gwen Cheatham on behalf of Andrew Cheatham, Dallas, Texas, Court of Federal Claims Number 03–2071V
358. Cheryl and Bruce Dalrup on behalf of Mark Dalrup, Dallas, Texas, Court of Federal Claims Number 03–2072V
359. Stacey and Brent Dickey on behalf of Hunter Dickey, Dallas, Texas, Court of Federal Claims Number 03–2073V
360. Cindy and James Farmer on behalf of Avery Farmer, Dallas, Texas, Court of Federal Claims Number 03–2074V
361. Megan and William Fusselman on behalf of Joseph Fusselman, Dallas, Texas, Court of Federal Claims Number 03–2075V

362. Teresa and Jeffrey Guyot on behalf of Andrew Guyot, Dallas, Texas, Court of Federal Claims Number 03–2076V
363. Lisa Holt on behalf of James Holt, Dallas, Texas, Court of Federal Claims Number 03–2077V
364. Macy and Monty Humble on behalf of Crawford Humble, Dallas, Texas, Court of Federal Claims Number 03–2078V
365. Sonja and Rodney Kyle on behalf of Chandler Kyle, Dallas, Texas, Court of Federal Claims Number 03–2079V
366. Kimberly and John Lindberg on behalf of Courtney Lindberg, Dallas, Texas, Court of Federal Claims Number 03–2080V
367. Dawn and Jason Coulter on behalf of Logan Coulter, Dallas, Texas, Court of Federal Claims Number 03–2081V
368. Marla and Mark Long on behalf of Kenneth Long, Dallas, Texas, Court of Federal Claims Number 03–2082V
369. Lisa Meadors on behalf of Ryan Meadors, Dallas, Texas, Court of Federal Claims Number 03–2083V
370. Leighann Medcalf on behalf of Luke Medcalf, Dallas, Texas, Court of Federal Claims Number 03–2084V
371. Lisa and Christopher Miller on behalf of Christopher Miller, Dallas, Texas, Court of Federal Claims Number 03–2085V
372. Tracy Falco Myers on behalf of Michael Myers, Dallas, Texas, Court of Federal Claims Number 03–2086V
373. Lynda and Thomas Noland on behalf of Maxwell Noland, Dallas, Texas, Court of Federal Claims Number 03–2087V
374. Angelica Shore on behalf of Morgan Shore, Dallas, Texas, Court of Federal Claims Number 03–2088V
375. Sandra and Earl Shuemaker on behalf of Noah Shuemaker, Dallas, Texas, Court of Federal Claims Number 03–2089V
376. Laurie and Greg Snyder on behalf of Nicholas Snyder, Dallas, Texas, Court of Federal Claims Number 03–2090V
377. Anselma and Marcelino Vega on behalf of Marcelino Vega, Dallas, Texas, Court of Federal Claims Number 03–2091V
378. Mark Bradley on behalf of Patrick Veras-Bradley, Dallas, Texas, Court of Federal Claims Number 03–2092V
379. Debra and Clifford Walker on behalf of Clifford Walker, Dallas, Texas, Court of Federal Claims Number 03–2093V
380. Loretta and Roger Ward on behalf of Trent Ward, Dallas, Texas, Court of Federal Claims Number 03–2094V
381. Loretta and Roger Ward on behalf of Troy Ward, Dallas, Texas, Court of Federal Claims Number 03–2095V
382. Renee Whitaker on behalf of Dylan Whitaker, Dallas, Texas, Court of Federal Claims Number 03–2096V
383. Melissa Wood on behalf of Matthew Wood, Dallas, Texas, Court of Federal Claims Number 03–2097V
384. Lori and Raymond Zinar on behalf of Noah Zinar, Dallas, Texas, Court of Federal Claims Number 03–2098V
385. Jennifer and Justin McElrath on behalf of Shauna McElrath, Dallas, Texas, Court of Federal Claims Number 03–2099V
386. Amber Cornett on behalf of Megan McGuire, Dallas, Texas, Court of Federal Claims Number 03–2100V
387. Kim and Christopher Rosengren on behalf of Christopher Rosengren, Dallas, Texas, Court of Federal Claims Number 03–2101V
388. Cathy and Joseph Semens on behalf of Tyler Semens, Dallas, Texas, Court of Federal Claims Number 03–2102V
389. Wendy and David Frazier on behalf of Adam Stephens, Dallas, Texas, Court of Federal Claims Number 03–2103V
390. Lisa and Charles Dean on behalf of Savanna Dean, Chino, California, Court of Federal Claims Number 03–2104V
391. Nancy Herard-Brown and Gerard Brown on behalf of Gerard Brown, IV, Lake Success, New York, Court of Federal Claims Number 03–2105V
392. Tracey and Todd Pilger on behalf of Blake Pilger, Dallas, Texas, Court of Federal Claims Number 03–2107V
393. Susan and James Padrino on behalf of Carma Padrino, Dallas, Texas, Court of Federal Claims Number 03–2108V
394. Angie Ha Vo and Hoang Nguyen on behalf of Parker Nguyen, Dallas, Texas, Court of Federal Claims Number 03–2109V
395. Kristi and Robert Shinsato on behalf of Aaron Shinsato, Dallas, Texas, Court of Federal Claims Number 03–2110V
396. Ivy and Nathaniel Seeds on behalf of Evan Seeds, Dallas, Texas, Court of Federal Claims Number 03–2111V
397. Shara and Derek Martineau on behalf of Jordan Martineau, Dallas, Texas, Court of Federal Claims Number 03–2112V
398. Susan Langsjoen on behalf of Mikael Langsjoen, Dallas, Texas, Court of Federal Claims Number 03–2113V
399. Valerie and Michael Zielinski on behalf of Sutter Zielinski, Dallas, Texas, Court of Federal Claims Number 03–2114V
400. Angi and Kevin Queenan on behalf of John Taylor Queenan, Dallas, Texas, Court of Federal Claims Number 03–2115V
401. Judy and Richard Burns on behalf of Stewart Burns, Dallas, Texas, Court of Federal Claims Number 03–2116V
402. Robin and Mike Dooley on behalf of Nicholas Caleb Dooley, Dallas, Texas, Court of Federal Claims Number 03–2117V
403. Beth and Kenneth Mulholland on behalf of Conner Mulholland, Dallas, Texas, Court of Federal Claims Number 03–2118V
404. Lea and Ken Inouye on behalf of Matthew Inouye, Dallas, Texas, Court of Federal Claims Number 03–2119V
405. Amy and Stefan Hanson on behalf of Amory Hanson, Dallas, Texas, Court of Federal Claims Number 03–2120V
406. Mary and Edward Heller on behalf of Edward Ryan Heller, Dallas, Texas, Court of Federal Claims Number 03–2121V
407. Sharon and Mark Bafetti on behalf of Alex John Bafetti, Dallas, Texas, Court of Federal Claims Number 03–2122V
408. Robin Bailey on behalf of Blake Stephen Bailey, Dallas, Texas, Court of Federal Claims Number 03–2123V
409. Susan and Christopher Davis on behalf of Matthew Davis, Dallas, Texas, Court of Federal Claims Number 03–2124V
410. Kathy and Fernando Galeano on behalf of Daniel Galeano, Dallas, Texas, Court of Federal Claims Number 03–2125V
411. Karen and Peter Wolk on behalf of Patrick Wolk, Dallas, Texas, Court of Federal Claims Number 03–2126V
412. Susan and Michael Neighbors on behalf of Nicholas Neighbors, Dallas, Texas, Court of Federal Claims Number 03–2127V
413. Kim and Benjamin Ng on behalf of Samuel Ng, Dallas, Texas, Court of Federal Claims Number 03–2128V
414. Valerie and Michael Zielinski on behalf of Carson Zielinski, Dallas, Texas, Court of Federal Claims Number 03–2129V
415. Rick Jeansonne on behalf of Melissa Kaye Jeansonne, Tyler, Texas, Court of Federal Claims Number 03–2132V
416. Dawn Secord on behalf of Logan Secord, Boston, Massachusetts, Court of Federal Claims Number 03–2133V
417. Kimberly and Robert Sweet on behalf of Robert Dean Sweet, Montgomery, Ohio, Court of Federal Claims Number 03–2134V
418. Daphne and Maurice Wheeler on behalf of Maurice Dean Wheeler, Jr., Hampton, Virginia, Court of Federal Claims Number 03–2135V
419. Amy and Eric Tucker on behalf of Alex Tucker, Sidney, Ohio, Court of Federal Claims Number 03–2136V

420. Tonia and James Kelley on behalf of Jacob Andrew Kelley, Hamilton, Ohio, Court of Federal Claims Number 03–2137V
421. Karen and Mark Hunnicutt on behalf of Clinton James Hunnicutt, Riverside, California, Court of Federal Claims Number 03–2138V
422. Sharmin Turner on behalf of Makenzie Alexis Turner, Dayton, Ohio, Court of Federal Claims Number 03–2139V
423. Stacey Evans and Daven Broxton on behalf of Daven Jacob Vanwinkle, Tiffin, Ohio, Court of Federal Claims Number 03–2140V
424. Sherly and Jerry York on behalf of Destinee Joy York, Templeton, California, Court of Federal Claims Number 03–2141V
425. Sharon and Ronald Robinson on behalf of Trevor David Robinson, Blue Island, Illinois, Court of Federal Claims Number 03–2142V
426. Christy and Charles Daniels on behalf of Zachary Charles Daniels, Steubenville, Ohio, Court of Federal Claims Number 03–2143V
427. Constance and Kevin Brewer on behalf of Olivia Hensley, Centerville, Ohio, Court of Federal Claims Number 03–2144V
428. Janine and Timothy O'Neill on behalf of Mitchell Patrick O'Neill, Houston, Texas, Court of Federal Claims Number 03–2145V
429. Nancy and Darrell Kennedy on behalf of Schuyler Kennedy, Atlanta, Georgia, Court of Federal Claims Number 03–2146V
430. Latisha Dorsey on behalf of Enrica Dorsey, Atlanta, Georgia, Court of Federal Claims Number 03–2147V
431. Aliza and Jeopold Burton on behalf of Alea S. Burton, Atlanta, Georgia, Court of Federal Claims Number 03–2148V
432. Valencia Hicks on behalf of Kieran Woodruff, Atlanta, Georgia, Court of Federal Claims Number 03–2149V
433. Latoya Staples on behalf of Diante Staples, Atlanta, Georgia, Court of Federal Claims Number 03–2150V
434. Ocipare and Markus McKinley on behalf of Ca-Nefer Capira McKinley, Atlanta, Georgia, Court of Federal Claims Number 03–2151V
435. Victoria Lynn Oswalt-Hite on behalf of Esabella Oswalt, Deceased, Atlanta, Georgia, Court of Federal Claims Number 03–2153V
436. Stanley Haley, Frederick, Maryland, Court of Federal Claims Number 03–2155V
437. Jessa and Keith Freeman on behalf of Amy Freeman, Alexandria, Virginia, Court of Federal Claims Number 03–2156V
438. Deborah Parr on behalf of Nicholas Parr, Temple Hills, Maryland, Court of Federal Claims Number 03–2157V
439. Trinee Maddox Ross on behalf of Shcharansky Cooper, Atlanta, Georgia, Court of Federal Claims Number 03–2158V
440. John G. Holiman on behalf of Bradley R. Holiman, Atlanta, Georgia, Court of Federal Claims Number 03–2159V
441. Angel McConnell on behalf of Angelo M. McConnell, Atlanta, Georgia, Court of Federal Claims Number 03–2160V
442. Tammy Shelton on behalf of Alicia Cathreena Moreno, Atlanta, Georgia, Court of Federal Claims Number 03–2161V
443. Karen Robinson on behalf of Kapri' Al Hardwick, Atlanta, Georgia, Court of Federal Claims Number 03–2162V
444. Lauri Hearon, Tulsa, Oklahoma, Court of Federal Claims Number 03–2163V
445. Christina Eubank on behalf of Savannah Eubank, Vienna, Virginia, Court of Federal Claims Number 03–2165V
446. Virginia and Kevin Blevins on behalf of Matthew Blevins, Vienna, Virginia, Court of Federal Claims Number 03–2166V
447. Mary Stein on behalf of Andrew Stein, Houston, Texas, Court of Federal Claims Number 03–2167V
448. Jonell and Jaykada McFadden on behalf of Jonell McFadden III, Houston, Texas, Court of Federal Claims Number 03–2168V
449. Terry and Mark Kopec on behalf of Andrew Kopec, Houston, Texas, Court of Federal Claims Number 03–2169V
450. Shelly Hume on behalf of Sean Hume, Houston, Texas, Court of Federal Claims Number 03–2170V
451. Kelly and Peter Adams on behalf of Roman Adams, Houston, Texas, Court of Federal Claims Number 03–2171V
452. Ian Whimster on behalf of Flynn Whimster, Houston, Texas, Court of Federal Claims Number 03–2172V
453. Krista and David Okrzesik on behalf of Callan Dorothy Marie Okrzesik, Sturgis, Michigan, Court of Federal Claims Number 03–2177V
454. Elizabeth Jarvis on behalf of Shannon Joy Jarvis, Lima, Ohio, Court of Federal Claims Number 03–2178V
455. Alicia Brown on behalf of Aleka Brown, Houston, Texas, Court of Federal Claims Number 03–2179V
456. Kim and Derek Robinson on behalf of Derek Jordan Robinson, Bronx, New York, Court of Federal Claims Number 03–2180V
457. Allison Anderson on behalf of Gage Alan Hixon, Houston, Texas, Court of Federal Claims Number 03–2181V
458. Karen Long on behalf of Kelli Elaine Long, Tyler, Texas, Court of Federal Claims Number 03–2182V
459. Melissa Echegaray on behalf of Brooke Echegaray, Boston, Massachusetts, Court of Federal Claims Number 03–2183V
460. Robin Blake Smith and Gary Davison on behalf of Elijah Seth Davison, Deceased, Little Rock, Arkansas, Court of Federal Claims Number 03–2184V
461. Catherine Kim on behalf of Nicholas Kim, Boston, Massachusetts, Court of Federal Claims Number 03–2187V
462. Debra Dail on behalf of Jamisen Dail, Boston, Massachusetts, Court of Federal Claims Number 03–2188V
463. Dawn Campbell on behalf of Levi Campbell, Boston, Massachusetts, Court of Federal Claims Number 03–2189V
464. Alan Paulmino on behalf of Erika Paulmino, Jersey City, New Jersey, Court of Federal Claims Number 03–2190V
465. Veronica Ramirez on behalf of Jeremiah Ramirez, San Antonio, Texas, Court of Federal Claims Number 03–2191V
466. Sandra Ortega King on behalf of Orlando King, McKinney, Texas, Court of Federal Claims Number 03–2192V
467. Lori Reed on behalf of Ryan Reed, Weatherford, Texas, Court of Federal Claims Number 03–2193V
468. Terri Eck on behalf of Adam Eck, Dallas, Texas, Court of Federal Claims Number 03–2194V
469. Vickie and Joseph Kavosh on behalf of Eyal Kavosh, Richardson, Texas, Court of Federal Claims Number 03–2195V
470. Maria and Manuel Zepeda on behalf of Manuel Zepeda, Dallas, Texas, Court of Federal Claims Number 03–2196V
471. Maria and Manuel Zepeda on behalf of Marco Zepeda, Dallas, Texas, Court of Federal Claims Number 03–2197V
472. Jesus Salinas on behalf of Christian Salinas, McAllen, Texas, Court of Federal Claims Number 03–2198V
473. Amanda Saile on behalf of Elizabeth Saile, Lafayette, Louisiana, Court of Federal Claims Number 03–2199V
474. Joann and Guadalupe Vasquez on behalf of Guadalupe Vasquez, Jr., Laredo, Texas, Court of Federal Claims Number 03–2200V
475. Carol and James Fitzpatrick on behalf of Kyle Joseph Fitzpatrick, New York, New York, Court of Federal Claims Number 03–2203V
476. Konstanza and Ernest Walker on behalf of Tristan Walker, Atlanta,

Georgia, Court of Federal Claims Number 03–2204V
477. Amanda and James Tingle on behalf of Trevor Drake Tingle, Atlanta, Georgia, Court of Federal Claims Number 03–2205V
478. Dawn Tooker on behalf of Kaitlin Barnes, Bellingham, Washington, Court of Federal Claims Number 03–2207V
479. Dayna Leigh Scott, Wichita, Kansas, Court of Federal Claims Number 03–2211V
480. Lindsey and Frank Ipsen on behalf of Alisha Ipsen, Brigham City, Utah, Court of Federal Claims Number 03–2213V
481. Ellen Gourley on behalf of Adam Gourley, Boston, Massachusetts, Court of Federal Claims Number 03–2214V
482. Dana Woods on behalf of Jalen Birton, Boston, Massachusetts, Court of Federal Claims Number 03–2215V
483. Alicia Carter on behalf of Halie Carter, Boston, Massachusetts, Court of Federal Claims Number 03–2216V
484. Jennifer Robinson on behalf of Rachel Robinson, Boston, Massachusetts, Court of Federal Claims Number 03–2217V
485. Sherri and Robert Crohan on behalf of Robert J. Crohan, II, Lincoln, Rhode Island, Court of Federal Claims Number 03–2218V
486. William Morgan on behalf of Kyle Morgan, Dallas, Texas, Court of Federal Claims Number 03–2219V
487. Joell Williams on behalf of Caleb Williams, Boston, Massachusetts, Court of Federal Claims Number 03–2220V
488. Bonnie and Donald Murphy on behalf of Erin Shayleen Murphy, Olney, Maryland, Court of Federal Claims Number 03–2223V
489. Susan Walmsley, Bayshore, New York, Court of Federal Claims Number 03–2226V
490. Sheila Wendt on behalf of Howard Hunter Clark, Miami, Florida, Court of Federal Claims Number 03–2232V
491. Melanie Bash on behalf of Matthew Bash, Lake Success, New York, Court of Federal Claims Number 03–2233V
492. Tara and Richard Rogachefsky on behalf of Benjamin Rogachefsky, New York, New York, Court of Federal Claims Number 03–2234V
493. Pamela Melson-Abele on behalf of Jennifer Abele, Boston, Massachusetts, Court of Federal Claims Number 03–2235V
494. Pamela Melson-Abele on behalf of Melanie Abele, Boston, Massachusetts, Court of Federal Claims Number 03–2236V
495. Leslie Glaros on behalf of Andrea Glaros, Boston, Massachusetts, Court of Federal Claims Number 03–2237V
496. Janelle Robbins-Paiz on behalf of Maguire Paiz, Boston, Massachusetts, Court of Federal Claims Number 03–2238V
497. Vickie and Jerry Barber on behalf of Tyler Barber, Houston, Texas, Court of Federal Claims Number 03–2239V
498. Tonya Tippens on behalf of Ladai Dewan Tippens, Tyler, Texas, Court of Federal Claims Number 03–2240V
499. Tresina Everett on behalf of Matthew Preston Stuckey, Tyler, Texas, Court of Federal Claims Number 03–2241V
500. David Thames on behalf of Allen Ray Thames, Tyler, Texas, Court of Federal Claims Number 03–2242V
501. Trinda Shipp on behalf of Joshua David Shipp, Tyler, Texas, Court of Federal Claims Number 03–2246V
502. Jane and Louis Rosko on behalf of Ryan Patrick Rosko, Kennesaw, Georgia, Court of Federal Claims Number 03–2247V
503. Honah-Lee Banks on behalf of Michael Travele Banks, Cleveland, Ohio, Court of Federal Claims Number 03–2248V
504. Audrey and Richard Grant on behalf of Andrew Grant, Dallas, Texas, Court of Federal Claims Number 03–2249V
505. Sarita and Eulin Matthews on behalf of Coleman Matthews, Dallas, Texas, Court of Federal Claims Number 03–2250V
506. Karen and Wade Jameson on behalf of James Jameson, Alexandria, Virginia, Court of Federal Claims Number 03–2251V
507. Robert Veryzer, Pennsauken, New Jersey, Court of Federal Claims Number 03–2252V
508. Rick McGee on behalf of Ross McGee, Dallas, Texas, Court of Federal Claims Number 03–2253V
509. Shawna and Greg Strban on behalf of Raymond Garrett Strban, Washington, District of Columbia, Court of Federal Claims Number 03–2254V
510. Nancy Bank on behalf of Kristoffer Bank, Dallas, Texas, Court of Federal Claims Number 03–2255V
511. Denise Khan on behalf of Sarah Khan, Minneapolis, Minnesota, Court of Federal Claims Number 03–2256V
512. Trena Smoot on behalf of Kylan Smoot, Natchez, Mississippi, Court of Federal Claims Number 03–2257V
513. April Counts on behalf of Jenna Counts, Lima, Ohio, Court of Federal Claims Number 03–2259V
514. Angelica and Jorge Gomez on behalf of Adrienne Gomez, Dallas, Texas, Court of Federal Claims Number 03–2260V
515. Theresa and Joseph Counter on behalf of Joseph Alexander Counter, Carrollton, Texas, Court of Federal Claims Number 03–2261V
516. Catherine and Adam Bertrand on behalf of Benjamin Cole Bertrand, Glendale, Arizona, Court of Federal Claims Number 03–2271V

Dated: February 13, 2004.

**Elizabeth M. Duke,**

*Administrator.*

[FR Doc. 04–3864 Filed 2–23–04; 8:45 am]

BILLING CODE 4165–15–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Indian Health Service

### Proposed Information Collection: Request for Public Comment: 60-Day Notice

**AGENCY:** Indian Health Service, HHS.

**ACTION:** Request for public comment: 60-day proposed collection; IHS Scholarship Program Application.

**SUMMARY:** In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, to provide a 60-day advance opportunity for public comment on proposed information collection projects, the Indian Health Service (IHS) is publishing for comment a summary of a proposed information collection to be submitted to the Office of Management and Budget (OMB) for review.

Proposed Collection: *Title:* 0917–0006, ''IHS Scholarship Program Application.'' *Type of Information Collection Request:* 3-year extension, with change, additional forms required for application. *Form Number(s):* IHS–856, 856–2 through 8856–8, IHS–815, IHS–816, IHS–817, IHS–818, D–02, F–02, F–04, G–02, G–04, H–07, H–08, J–04, J–05, K–03, K–04, and L–03. Reporting formats are contained in an IHS Scholarship Program application booklet. *Need and Use of Information Collection:* The IHS Scholarship Branch needs this information for program administration and uses the information to solicit, process and award IHS Pre-graduate, Preparatory and/or Health Professions Scholarship grantees and monitor the academic performance of awardees, to place awardees at payback sites, and for awardees to request additional program. The IHS Scholarship Program is streamlining the application to reduce the time needed by applicants to complete and provide the information and plans for using information technology to make the application electronically available on the internet. *Affected Public:* Individuals, not-for-profit institutions

and State, local or Tribal Government. *Type of Respondents:* Students pursuing health care professions.

The table below provides: Types of data collection instruments, Estimated number of respondents, Number of responses per respondent, Annual number of responses, Average burden hour per response, and Total annual burden hour(s).

| Data collection instrument(s) | Number of respondents | Responses per respondent | Total annual response | Burden hour per response* | Annual burden hours |
|---|---|---|---|---|---|
| Scholarship Application (IHS–856) | 1,500 | 1 | 1,500 | 1.00 (60 min) | 1,500 |
| Checklist (856–2) | 1,500 | 1 | 1,500 | 0.13 (8 min) | 195 |
| Course Verification (856–3) | 1,500 | 1 | 1,500 | 0.70 (42 min) | 1,050 |
| Faculty/Employer Application (856–4) | 1,500 | 2 | 3,000 | 0.83 (50 min) | 2,490 |
| Justification (856–5) | 1,500 | 1 | 1,500 | 0.75 (45 min) | 1,125 |
| Federal Debt (856–6) | 1,500 | 1 | 1,500 | 0.13 (8 min) | 195 |
| MPH only (856–7) | 25 | 1 | 25 | 0.83 (50 min) | 21 |
| Accept/Decline (856–8) | 650 | 1 | 650 | 0.13 (8 min) | 84 |
| Receipt of Application (815) | 1,500 | 1 | 1,500 | 0.03 (2 min) | 45 |
| Address Change Notice (816) | 25 | 1 | 25 | 0.02 (1 min) | 25 |
| Scholarship Program Agreement (817) | 850 | 1 | 850 | 0.05 (3 min) | 43 |
| Stipend Checks (D–02) | 100 | 1 | 100 | 0.13 (8 min) | 13 |
| Enrollment (F–02) | 1,300 | 1 | 1,300 | 0.13 (8 min) | 169 |
| Academic Problem/Change (F–04) | 50 | 1 | 50 | 0.13 (8 min) | 6 |
| Request Assistance (G–02) | 217 | 1 | 217 | 0.13 (8 min) | 28 |
| Summer School (G–04) | 193 | 1 | 193 | 0.10 (6 min) | 19 |
| Health Professions Contract (818) | 850 | 1 | 850 | 0.05 (3 min) | 33 |
| Placement (H–07) | 250 | 1 | 250 | 0.18 (11 min) | 45 |
| Graduation (H–08) | 250 | 1 | 250 | 0.17 (10 min) | 43 |
| Site Preference (J–04) | 150 | 1 | 150 | 0.13 (8 min) | 20 |
| Travel Reimb (J–05) | 150 | 1 | 150 | 0.10 (6 min) | 15 |
| Status Report (K–03) | 250 | 1 | 250 | 0.25 (15 min) | 63 |
| Preferred Assignment (K–04) | 200 | 1 | 200 | 0.75 (45 min) | 150 |
| Request of Deferment (L–03) | 20 | 1 | 20 | 0.13 (8 min) | 3 |
| Total | 15,830 | | | | 7,380 |

* For ease of understanding, burden hours are also provided in actual minutes.

There are no Capital Costs, Operating Costs and/or Maintenance Costs to report.

*Request for Comments:* Your written comments and/or suggestions are invited on one or more of the following points: (a) Whether the information collection activity is necessary to carry out an agency function; (b) whether the agency processes the information collected in a useful and timely fashion; (c) the accuracy of public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information); (d) whether the methodology and assumptions used to determine the estimate are logical; (e) ways to enhance the quality, utility, and clarity of the information being collected; and (f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Send Comments and Requests For Further Information:* Send your written comments, requests for more information on the proposed collection, or requests to obtain a copy of the data collection instrument(s) and instructions to: Ms. Chris Ingersoll, IHS Reports Clearance Officer, 12300 Twinbrook Parkway, Suite 450, Rockville, MD 20852-1610: call non-toll free (301) 443–5938, send via facsimile to (301) 443–2316, or send your e-mail requests, comments and return address to: *cingerso@hqe.ihs.gov.*

*Comment Due Date:* Your comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: February 17, 2004.

**Michel Lincoln,**

*Deputy Director, Indian Health Service.*

[FR Doc. 04–3866 Filed 2–23–04; 8:45 am]

**BILLING CODE 4160–16–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Indian Health Service

**[CFDA Number: 93.933]**

### Native American Research Centers for Health; New Request for Application of Funds

*Key Dates:* Letter of Intent Deadline: May 1, 2004; Application Deadline: June 18, 2004.

**Overview**

The Indian Health Service (IHS), with the National Institute of General Medical Sciences (NIGMS) of the National Institutes of Health, and the Agency for Healthcare Research and Quality (AHRQ) announces an initiative to support the Native American Research Centers for Health (NARCH) grant. This funding mechanism will develop opportunities for conducting research and research training to meet the needs of American Indian/Alaska Native (AI/AN) communities. Competing grant applications for Fiscal Year (FY) 2005 will be accepted with a receipt date of June 18, 2004. There will be only one funding cycle for FY 2005. Awards will be subject to the availability of funds and grants will be administered in accordance with applicable Office of Management and Budget (OMB) Circulars, Department of Health and Human Services grant regulations at 45 CFR parts 74 and 92, the Public Health Service Grants Policy Statement, and other applicable Departmental, IHS, AHRQ and NIH policies and procedures such as the regulations governing protection of human subjects at 45 CFR part 46.

This initiative is described in the Catalog of Federal Domestic Assistance

Nos. 93.933 and 93–375. Sections 301(a) and 405 of the Public Health Service Act, as amended authorize these awards, and these are administered under PHS grants policies and Federal Regulations 42 CFR part 52c, 45 CFR part 74, and 45 CFR part 92. *See* also Senate Appropriations Committee Report, No. 92–316, July 29, 1971, Executive Order 12900, Educational Excellence for Hispanic Americans February 22, 1994, Executive Order 12876, Historically Black Colleges and Universities, November 1, 1993, and Executive Order 13021, October 21, 1996, and Outline of Work Plan, August 18, 1998, White House Initiative on Tribal Colleges and Universities. Applications are not subject to the intergovernmental review requirements of Executive Order 12372 or Health Systems Agency review.

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

**I. Funding Opportunity Description**

The NARCH initiative will support partnerships between AI/AN Tribes or Tribally-based organizations such as the National Indian Health Board and Area Health Boards, and institutions that conduct intensive academic-level biomedical, behavioral and health services research. These partnerships are called Native American Research Centers for Health (NARCH). The purposes of the NARCH initiative are:

1. To develop a cadre of AI/AN scientists and health professionals engaged in biomedical, clinical, behavioral and health services research who will be competitive in securing NIH and AHRQ funding;

2. To increase the capacity of both research-intensive institutions and AI/AN organizations to work in partnership to reduce distrust by AI/AN communities and people toward research; and

3. To encourage competitive research linked to the health priorities of the AI/AN organizations and to reducing health disparities.

These purposes will be achieved by supporting student development projects, faculty/researchers development projects, and research projects (including pilot projects) developed by each NARCH partnership.

**II. Award Information**

The estimated funds (total costs) available for the first year of support for the entire initiative is expected to be over $ 2.2 million in Fiscal Year 2005. The actual amount may vary, depending on the response to the RFA and availability of funds.

An application may request a project period not to exceed four years of support, and direct costs not to exceed $800,000 in the first year. Direct costs to the applicant include the entire cost of each subcontract—that is, each subcontract's direct cost plus the subcontract's appropriate Facilities and Administration (F&A) cost. Because it is anticipated that all budget requests will exceed $250,000, the modular grant requirements would not apply to this RFA. A minimum of 30 percent of the grant funds must remain with the applicant organization.

Awards under this initiative will be administered using the competing institutional grant mechanism of the IHS, and will be reviewed using the NIH S06 mechanism. The responsibility for planning, directing, and executing the program, as well as data acquisition and analysis and evaluation of the proposed program, lies solely with the applicant organization. The maximum grant period may not exceed four years, with the opportunity for a competing renewal at the end of that period.

**III. Eligibility Information**

The proposed NARCH must be a working partnership of the AI/AN organization and of the research-intensive institution. Applicants eligible to receive a NARCH award are the AI/AN organizations of the partnerships. As the grantee, the AI/AN organizations will define criteria and eligibility for participation in all aspects of the partnership, consistent with this announcement. A minimum of 30 percent of the grant funds must remain with that AI/AN organization, that is, no more than 70 percent may be subcontracted to other institutions or organizations.

*1. Eligible Applicants*

The AI/AN applicant must be one of the following:

A. A federally recognized Indian Tribe; or

B. A Tribally sanctioned non-profit Tribal organization; or

C. A non-profit national or area Indian health board; or

D. A consortium of two or more of those Tribes, Tribal organizations, or health boards.

Applicants are strongly encouraged to establish eligibility of their proposed applications prior to submission. Inquiries about eligibility should be addressed to Phillip L. Smith, M.D., M.P.H., at (301) 443–0222.

*2. Cost Sharing or Matching*

The proposed NARCH must have:

A. A Community and Scientific Advisory Council with more than 50 percent of its membership being appointed by the AI/AN applicant.

B. The proposed NARCH may include additional affiliated organizations, *e.g.*, Tribal colleges, additional colleges or universities, additional Tribes, or other Indian communities or organizations.

NARCH applicants are encouraged to have an affiliation with an applicable component of the IHS for technical and other in-kind support, such as linking data from IHS and others to understand better the health status of the involved Tribes or communities.

*3. Other (Required)*

A. *The Research-Intensive Partner must:* be an accredited public or private nonprofit university or other institution that has an established record of conducting research into the health problems of AI/AN; have demonstrated a commitment to enhancing the capability of AI/AN faculty/researchers, students, investigators, and communities to engage in biomedical, behavioral, clinical and health services research; and have demonstrated a commitment to mentoring AI/AN faculty/researchers, students, and investigators.

*B. Principal Investigator:* The Principal Investigator, the individual responsible for the administration (including fiscal management) of the overall project, must have his/her primary appointment with the AI/AN applicant organization. Special arrangements of employment, such as inter-organizational personnel agreements, are permissible. The Principal Investigator may be, but is not required to be, the NARCH Program Director or a Research Project Investigator.

*C. NARCH Program Director:* The NARCH Program Director is the individual responsible for the day-to-day leadership and management of the research and training programs within the proposed NARCH. The Program Director may be, but is not required to be, the Student and Faculty/Researcher Development Director or a Research Project Investigator.

*D. Student and Faculty/Researcher Development Director and Participants:* The NARCH initiative is an institutional developmental grant mechanism that places an emphasis on the continual development of students and faculty/researchers. In order to be included as the Student and Faculty Development Director, the prospective director must have a faculty/researcher appointment at the research-intensive institution or equivalent appointment at the AI/AN organization or other consortium partner, and must demonstrate that he/she has the knowledge, skills, and capabilities to mentor students and faculty/researchers and to generate and direct development and mentoring programs. The Student and Faculty Development Director may be the NARCH Program Director. Faculty/researchers and students should be supported in research education activities that improve their skills and abilities to be successful at the next stage of their professional development. To be included as a participant for faculty/researcher development in the proposed NARCH, the individual must have a faculty/researcher appointment at the research-intensive institution or equivalent appointment at the AI/AN organization or other consortium partner.

*E. Research Project Investigators:* The NARCH initiative is an institutional developmental grant mechanism that places an emphasis on continual improvement of the research competitiveness of the research investigators. In order to be included as a research project investigator in the proposed NARCH, a prospective investigator must have a faculty appointment at the research-intensive institution or equivalent appointment at the AI/AN organization or other consortium partner, and must show that he/she has the need, based on institutional, departmental, and professional development plans, to enhance his/her research knowledge, skills, and capabilities by engaging in the proposed research program and associated activities.

*F. Tribal Approval of the Application:* It is the policy of the IHS that all research involving AI/AN Tribes be approved by the Tribal governments with jurisdiction. Therefore, the following documentation is required as part of the application:

- For a *federally recognized Indian Tribe*—a resolution of support from the Tribal government must be part of the application. Applications that involve more than one Indian Tribe must include resolutions of support from all participating Tribes.
- For an *eligible consortium of Tribes*—a resolution of support from each Tribe of the consortium must be included.
- For a *Tribally sanctioned non-profit Tribal organization*—specific Tribal resolution(s) of support will not be required if the current Tribal resolution(s) under which the organization operates encompasses the proposed application. (A copy of the current operational resolution(s) must be submitted with the application.) An official signed resolution must be received by the Grants Management Branch, IHS, no later than June 18, 2004 at the Reyes Building, 801 Thompson Avenue, Rockville, MD 20852–1627. A grant will not be awarded unless the signed resolution is received by this date.
- For a *non-profit national or area Indian health board, or a consortium of those eligible Indian health boards*—a resolution is not required. However, the applicant organization must submit a letter of support signed by the executive director of each health board involved, specifically citing the research project proposed. Each AI/AN organization that derives benefit from the grant must also submit such a letter.

*G. Mechanism of Support:* Awards under this initiative will be administered using the competing institutional grant mechanism of the IHS, and will be reviewed using the NIH S06 mechanism. The responsibility for planning, directing, and executing the program, as well as data acquisition and analysis and evaluation of the proposed program, lies solely with the applicant organization. The maximum grant period may not exceed four years, with the opportunity for a competing renewal at the end of that period.

**IV. Application and Submission Information**

*1. Address To Request Application Package*

NARCH Program Director,
801 Reyes Building, TMP Suite 450,
Rockville, MD 20852.

*2. Content and Form of Application Submission*

A. The purposes of the NARCH initiative must include:

- To develop a cadre of AI/AN scientists and health professionals engaged in biomedical, clinical, behavioral and health services research that is competitive to NIH funding;
- To increase the capacity of both research-intensive institutions and AI/AN organizations to work in partnership to reduce distrust by AI/AN communities and people toward research; and
- To encourage competitive research linked to the health priorities of the AI/AN partner and to reducing health disparities.

B. A proposed NARCH, therefore, may include any or all of the following components: student development projects; faculty/researcher development projects; research projects (including pilot projects); and ''core'' administrative facility.

C. The content of the application should explain the components of the application, and how they help meet the purposes of the NARCH initiative.

- A description should be provided of the current state of the research and research training enterprise at the proposed NARCH and its institutional and community partners, including faculty/researcher and student profiles.
- A clear statement should be presented of the overall goals, specific measurable objectives, and anticipated milestones. These elements should be presented in the context of needed improvements in the partners' organizational infrastructure and environment for research.
- Documentation should be provided to establish that the research-intensive partner is an institution with a record of conducting research into the health of AI/ANs, and that it has a demonstrated commitment to the special encouragement of, and assistance to, AI/AN faculty/researchers, students, investigators, and communities for enhancing their capacity to engage in biomedical, behavioral and health services research.
- Documentation about the nature of the partnership itself should be included, such as: the process to develop the application and proposed NARCH itself, the past and future efforts to increase the capacity of the partners to improve their partnership, and to contribute to the success of the NARCH.
- A plan for assessment of the benefits of the activities by the proposed NARCH on specific, measurable outcomes identified in the application should be provided. IHS and NIGMS recognize that Tribes, Tribally-based organizations, and research-intensive institutions are diverse in their missions, their health and economic

statuses, and their cultures. Such an assessment could include a self-study by the proposed NARCH and its partners, which focuses on fact-finding, program evaluation, and recommendations for improvement in key areas.

- Strategies for determining the initial and ongoing success of their efforts for organizational development should also be presented. It is expected that each proposed NARCH will develop its own set of strategies that best match its circumstances.

Guidance and suggestions for program evaluation of a proposed NARCH can be obtained from *http://www.the-aps.org/education/promote/promote.html.*

Applicants are strongly urged to contact NARCH initiative staff at an early stage to request the specific supplementary instructions for the PHS 398 for the NARCH grants. Application kits and supplementary instructions may be obtained from the initiative contacts listed under VII. Agency Contacts.

- The PHS 398 (updated 9/09/03) research grant application instructions and forms at *http://grants.nih.gov/grants/funding/phs398/phs398.html* are to be used in applying for these grants. This version of the PHS 398 is available in an interactive, searchable, PDF format. The NIH will return applications that are not submitted in the 09/09/03 updated format. For further assistance contact Grants Info, telephone (301) 435–0714, e-mail: *GrantsInfo@nih.gov*.
- ''DUNS'' number

Applications must be prepared using the PHS 398 research grant application instructions and forms (updated 09/09/03). As of October 1, 2003, applications must have a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number as the Universal Identifier when applying for Federal grants or cooperative agreements. The DUNS number can be obtained by calling (866) 705–5711 or through the Web site at *http://www.dunandbradstreet.com/*. The DUNS number should be entered on line 11 of the face page of the PHS 398 form. The PHS 398 document is available at *http://grants.nih.gov/grants/funding/phs398/phs398.html* in an interactive format. For further assistance contact Grants Info, Telephone (301) 435–0714, e-mail: *GrantsInfo@nih.gov.*

Internet applications for a DUNS number can take up to 30 days and this could cause organizations to lose opportunities to apply, or delay them until the next round. It is significantly faster to obtain one by phone.

You will need the following information to request a DUNS number:

- Organization name
- Organization address
- Organization telephone number
- Name of CEO, Executive Director, President, etc. (The person in charge)
- Legal structure of the organization
- Year organization started
- Primary business (activity) line
- Total number of employees.

D. The RFA label available at *http://grants1.nih.gov/grants/funding/phs398/label-bk.pdf* in the PDF format, must be affixed to the bottom-face page of the application. Type this RFA number: ''NOT GM–04–107'' on the label. Failure to use this label could delay processing the application and it may not reach the review committee in time for review. In addition, the ''Native American Research Centers for Health'' and the RFA number must be typed on line 2 of the face page of the application form and the YES box must be marked.

E. *Student Development Projects:* If student development projects are proposed, the NARCH application should describe new programs, modifications, or additions, to existing programs of the partners that encourage and facilitate AI/AN students to enter, advance, and remain in research careers. Such projects might include, but are not limited to, providing employment as research assistants in research projects of research-active mentors with an explicit mentoring plan, providing other mentoring with an explicit mentoring plan, providing workshops to improve technical or communication skills, providing motivating seminars or journal clubs highlighting problems of interest to students, providing contact with role models, and providing opportunities to travel to present results at national scientific meetings.

If research mentorships or apprenticeships are proposed, the application should clearly document the experience, proposed commitment, and quality of the mentors in providing guidance and advice to students (including responsible conduct of research and research integrity, teaching, and protection of human subjects), and in fostering the development of academic and/or community-based AI/AN researchers.

The application should describe how the development plans for the student will meet both the individual's professional development goals, and one purpose of the NARCH initiative: to develop a cadre of AI/AN scientists and health professionals.

The application must have an evaluation plan for the project(s) that indicates the anticipated outcomes relative to the current baseline data. For example, one outcome might be the improved retention of students in science majors. The application should indicate the anticipated (quantitative) improvement relative to the current retention rate.

A student in a NARCH Student Development Project must be a full-time or part-time student officially enrolled in an educational program leading to an undergraduate or graduate degree, or in a post-doctoral educational program, or (if well justified) in late high school. A helpful book about mentoring science students is found at *http://books.nap.edu/catalog/5789.html.*

F. *Faculty/Researcher Development Projects:* If faculty/researcher development projects are proposed, the NARCH application should describe the need, proposed activity, and anticipated outcomes. Faculty/researcher development projects might include, but are not limited to, short-term mentored research experiences in the lab of an active NIH-extramurally-funded researcher with an explicit mentoring plan, long-term general mentoring under an explicit mentoring plan, or attendance at workshops or courses or national meetings needed for acquiring specific skills or methodologies needed for prospective research.

As with student development projects, the application should document the experience, proposed commitment, and quality of the mentors, teachers, or experience in providing guidance and advice to faculty/researcher, and in fostering the development of academic and community-based AI/AN research.

The application must also describe the evaluation plan for the faculty/researcher development project.

The application must clearly describe how the development plans for faculty/researcher will meet both the individual's professional development goals, and two purposes of the NARCH initiative: to develop a cadre of AI/AN scientists and health professionals, and to enhance the partnership of the proposed NARCH.

G. *Research Projects:* NARCH applications may include a maximum of five (5) regular research projects and a maximum of five (5) pilot research projects. Unlike regular research projects, a pilot research project is limited in scope and is not expected to have preliminary data. It is also limited to a budget of no more than $50,000 direct costs per year for four years. The pilot research project is intended for

faculty/researchers without current research support. Support for faculty/researchers participating in pilot research projects is preparatory to seeking more substantial funding from NIH research grant programs (*e.g.*, Academic Research Enhancement Award [AREA], K, and R01 awards), as well as funding from other agencies and private sources. Funds received from the proposed NARCH to support pilot research projects may not be used to supplement ongoing research projects. A NARCH application need not include both research projects and pilot research projects. Applications for only pilot research projects or for only research projects may be submitted. Individual project investigators may propose either a research project or a pilot research project, but not both.

Research projects (including pilot research projects) proposed under this initiative must be in research areas normally funded by any of the National Institutes of Health or the Agency for Healthcare Research and Quality (AHRQ). Research projects addressing health disparities and the health priorities of the AI/AN partner are especially encouraged.

A listing of grants recently funded by NIH may be found at CRISP (Computer Retrieval of Information on Scientific Projects), a searchable database of federally funded biomedical research projects conducted at universities, hospitals, and other research institutions. It may be accessed at (*http:/crisp.cit.nih.gov/*). Grants funded by AHRQ can also be found on CRISP as well as on GOLD (Grants On-Line Database) which can be found at (*http://www.gold.ahrq.gov/*).

Each research project or pilot research project should follow the instructions provided in PHS 398 (updated 09/09/03) for preparing research grant applications. The professional development goals must clearly describe specific objectives and milestones which should include, but are not limited to, improving competitiveness in acquiring grant support. The applicant should describe how successful completion of the proposed research project will improve the research skills, and will help develop the students and faculty/researcher, thus contributing to the overall goals and specific measurable objectives of the proposed NARCH.

Each research project or pilot research project must follow the IHS policy concerning Tribal approval, that all research involving AI/AN Tribes be approved by the Tribal governments with jurisdiction. That is, each grantee must include a resolution of approval from the Tribal government[s], or (if applicable) a letter of support signed by the director of the eligible AI/AN organization, or both (if applicable) for projects that involve people or community[ies] of an AI/AN Tribe, or an eligible non-profit organization.

*3. Submission Dates and Times*

A. *Letter of Intent Deadline:* May 1, 2004.

Prospective applicants are asked to submit a letter of intent that includes the title of the proposed NARCH, the name, address, and telephone number of the Principal Investigator and its Program Director, the identities of the partners and of key personnel, and the number and title of this RFA. The letter of intent must be received by Dr. Michael R. Martin at the Center for Scientific Review, MSC 7892, Room 6160, 6701 Rockledge Drive, Bethesda, MD 20892–7892, telephone: (301) 594–7945, Fax: (301) 480–2065, e-mail: *mm72k@nih.gov*, before 6 p.m. EST on May 1, 2004. Letters may be submitted by mail, fax or e-mail.

Although a letter of intent is not required, is not binding, and does not enter into the review of a subsequent application, the information that it contains allows the IHS and NIH Center for Scientific Review (CSR) staffs to estimate the potential review workload and avoid conflict of interest in the review.

B. *Application and Resolution Deadline:* June 18, 2004.

The applications must be received before 6 p.m. EST on June 18, 2004. If an application is received after that date, it will be returned to the applicant without review. To be considered timely, an application must be sent on or before the deadline date. If sent timely (with documented proof of mailing) but received after the deadline, an application will be accepted for review only if it is received in time for orderly processing. Competing applications not meeting the deadline date specified in the announcement are considered late applications and will not be considered for funding under that announcement.

The Center for Scientific Review (CSR) will not accept any application in response to this RFA that is essentially the same as one currently pending initial review, unless the applicant withdraws the pending application. The CSR will not accept any application that is essentially the same as one already reviewed. This does not preclude the submission of substantial revisions of applications already reviewed, but such applications must include an introduction addressing the previous critique.

*4. Intergovernmental Review*

This funding opportunity is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.'' A State approval is not required.

*5. Funding Restrictions*

Grantees are allowed a reasonable period of time in which to submit required financial and performance reports.

Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in the imposition of special award provisions, or cause other eligible projects or activities involving that grantee organization, or the individual responsible for the delinquency to not be funded.

Failure to obtain prior approval for change in Scope, Principal Investigator, Grantee Institutions, Successor in Interest, or Recipient Institute Name, undertaking any activities disapproved or restricted as a condition of the award, may result in fund restrictions.

Allowable Administrative Cost

Certain administrative costs for managing a comprehensive program are allowable and may vary, depending upon the size and complexity of the program's activities. The costs budgeted for NARCH grants and subcontracts may not duplicate items already budgeted in other cost centers of the AI/AN, research-intensive, and subcontracted organizations and institutions, such as accounts which make up the Facilities and Administration (F&A) cost pool. The grantee organization receiving the award must be prepared to provide documentation showing the direct relationship of proposed costs to the program, and that costs of this type are charged in a uniform manner to all other grants at all institutions and organizations participating in the award.

- Salary (up to 25 percent effort, although it should generally be less) for the NARCH Program Director is allowable for that portion of time or effort specifically employed in directing the proposed NARCH. (The 25 percent limit does not include salary for being a research investigator.) Limited salary support for secretarial or clerical help is

allowable only when in direct support of the proposed NARCH. For guidance, applicants should refer to the OMB Circular appropriate for them, A–87 (Cost Principles for State, local, and Indian Tribal Governments), at *http://www.whitehouse.gov/omb/circulars* or A–122 (Cost Principles for Non-Profit Organizations), *http://www.whitehouse.gov/omb/circulars,* or should contact the grants management officer under INQUIRIES.

- Costs for evaluation activities are allowable, as are costs for the Community and Scientific Advisory Council. All applications must include costs associated with one annual meeting per year in Rockville, MD, of NARCH directors and their key scientific personnel.
- *Student Development Costs.* Student (graduate, undergraduate, and high school, if well justified) remuneration through salary/wages for participation in research experiences may be requested, provided all the following conditions are met:
  - The student is performing necessary work involved in the research.
  - There is an employer-employee relationship between the student and the proposed NARCH or its partners. The total compensation is reasonable for the work performed.
  - It is the practice of the proposed NARCH or its partners to provide compensation for all students in similar circumstances, regardless of the source of support for the activity.

Graduate students, but not undergraduate students, are allowed tuition costs as part of a compensation package. When requesting support for a graduate student, the NARCH application should provide, in the budget justification section of the application, the basis for the compensation level. The IHS staff will review the requested compensation level and, if it is reasonable and justified, will provide compensation up to a maximum of $45,000 (*http://grants.nih.gov/grants/guide/notice-files/not98–168.html*). Post-doctoral students should be compensated at a rate commensurate with that of other post-doctoral employees with similar degrees and experience at the research-intensive institution.

It is the expectation of the IHS, NIGMS and AHRQ that students who are enrolled in an accredited graduate program, as part of a proposed NARCH, will not be excluded from support from other non-federal or federal graduate training sources (such as loans and assistance under the Veterans' Adjustment Benefit Act or Pell Grants) for which they are eligible. Graduate and post-doctoral students cannot concurrently hold another federally-sponsored stipend or fellowship or any other federal award that duplicates the NARCH support.

- *Faculty/Researcher Development Costs.* Costs to support faculty/researcher development activities, such as workshops or courses, national meetings, or short-term research experiences in the laboratory of an active NIH-extramurally-funded researcher needed for acquiring specific skills or methodologies needed for prospective research, are allowable. Such costs might include tuition, travel and per diem costs, as well as salary support appropriate to the percent effort needed for the activity. Also, allowable are costs such as travel and per diem associated with short-term research experiences in the laboratory of an active extramurally funded researcher.
- *Research Project Costs.* Direct costs associated with research and pilot research projects are allowable when adequate justification is provided. These include faculty/researcher salaries, reimbursed according to percent effort. Summer salary support can be paid provided the institution's academic schedule permits such release and when the institution approves. The maximum summer-salary support provided by the program cannot exceed the equivalent of three months at 100 percent effort, or time specified by the institution as its policy. Grant funds may not be used to increase or supplement faculty/researcher academic year salaries. Salary support for technical assistance and costs for consultants, if justified, are allowable. Costs for equipment to be used to carry out the proposed research are allowable.
- *Costs for Core Scientific Services.* Costs for core scientific services to support two or more projects are allowable. Costs for multi-user research equipment are also allowable. A plan for access to the multi-user equipment, its maintenance, management and use must be included. To aid in the review, it is suggested that a tabular summary show the estimated or actual proportional use of this equipment by each project, and other investigators and students. Justify this core component by discussing ways in which these centralized services improve quality, bring about an economy of effort, and/or save overall costs as compared to their inclusion as part of each research project. Personnel costs to maintain and service the equipment are an allowable cost. Support for very large pieces of equipment, however, may be restricted by the NARCH budget. Plans to maintain the shared core scientific services and facility beyond the grant period should be discussed.
- *Cost for Supplies.* Costs for supplies, including costs for animals, necessary to carry out the proposed research may be included. Travel costs for the investigator(s) are permitted when direct benefits to the program are expected, and when adequate justification is provided. Alterations and Renovations costs (up to $40,000) are allowable only when essential for conduct of the proposed research. Other permitted costs include animal maintenance (unit care costs and number of care days), donor fees, publication costs, computer charges, rentals and leases, equipment maintenance, and service contracts.
- *Consortium and Contract Arrangements.* Consortium arrangements that may involve personnel costs, supplies, and other allowable costs, including F & A costs; contractual costs for support services, such as the laboratory testing of biological materials, clinical services, data processing, or core administrative services, are allowable expenses. Consortia and contractual costs with Native health organizations, tribes and/or research institutions in Canada are allowable expenses.
- *Pilot Research Projects.* The intent of pilot research projects is to lead to regular research projects funded as part of the center grant or as freestanding grants. For pilot research projects, applications may request support for up to $50,000 (direct costs) per year. This support is non-renewable.
- *Subcontracts.* The grant recipient may issue subcontracts to other organizations (such as the research-intensive institution of the partnership), as long as at least 30 percent of the grant remains with the AI/AN organization; that is, no more than 70 percent may be subcontracted.

F. *Unallowable Costs:* Unallowable costs for research projects (including for pilots projects) include costs for student development, textbooks, journals, memberships, and Internet subscription costs, as well as other costs prohibited by OMB Circulars A–87 or A–122 as applicable. Employees of the applicant organization may not serve as paid consultants but may be paid.

The pilot research project is intended for faculty/researcher without current research support. Therefore, investigators with significant current support from other mechanisms such as the R01 and research funding from other extramural sources are not eligible, and the costs therefore are not allowable. Release time for preparing proposals or mini-research projects, not submitted, as pilot projects, is not allowed.

*6. Other Submission Requirement*

The administrative personnel, facilities, and programs of the overall NARCH should be described. It is permissible, but not necessary to have a set of core support programs that provide common scientific services to two or more NARCH projects.

Submit a typed and signed original application, including the Checklist, and one (1) single-sided photocopy of the entire application (including Appendices and supporting documents) in one package to: Grants Management Branch, Indian Health Service, Reyes Building, 801 Thompson Avenue, Rockville, MD 20852–1627 (zip code is unchanged for express/courier services), Telephone: (301) 443–5204.

Also, at the time of submission, send four (4) additional single-sided photocopied and signed applications, including the Checklist, Appendices, and supporting documentation to: Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6160—MSC 7892, Bethesda, MD 20892–7720, Bethesda, MD 20817 (for express or courier service). Telephone: (301) 594–7945.

**V. Application Review Information**

Upon receipt, IHS and NIH staff will administratively review applications for completeness and responsiveness. Applications that are incomplete, non-responsive to this RFA, or do not follow the guidelines of the PHS form 398 (updated 09/09/03) or of the supplementary instructions for NARCH grants, will be returned to the applicant without further consideration.

Applications will be evaluated in accordance with the criteria stated below for scientific and technical merit by appropriate peer review groups convened by the CSR. The National Advisory General Medical Sciences Council will conduct the second level of review.

*1. Criteria*

Priorities for funding will be based on the scientific and technical merit of the application, the assessed potential of investigators in the developmental stages of their careers, and the likelihood that the proposed NARCH can further the purposes of the NARCH initiative. Awards will be made only to organizations with financial management systems and management capabilities that are acceptable under PHS policy. Awards will be administered under the PHS Grants Policy Statement.

*2. Review and Selection Process*

A. *Review of Student and Faculty/Researcher Development Plans:* The anticipated effectiveness of the proposed NARCH in making a difference relative to the current base-line data (based in part on previous experience of the partners) will be assessed. Factors to be considered include:

- The appropriateness of the content, phasing, quality, and duration of the student or faculty/researcher development plans in the NARCH application to achieve the scientific development of the faculty/researcher, post-doctoral, pre-doctoral, undergraduate, and (if well justified) high school students; and
- The experience, proposed commitment, and quality of the mentoring plan and of individual mentors of the partners in providing mentoring, guidance, and advice to candidates (including training in responsible conduct of research and research integrity, teaching, and protection of human subjects), and in fostering the development of academic and community-based AI/AN researchers.

B. *Review of Research Projects*: The NIH has announced procedures to be used for the review of research grant applications (NIH Guide, Volume 26, Number 22, June 27, 1997 or see *http://grants.nih.gov/grants/guide/notice-files/not97–010.html*). For NARCH applications, the five criteria listed in this announcement will be used for the scientific review of research projects and pilot research projects. The review of research projects and pilot research projects will be the same except that applications for pilot studies may be smaller in scope and would not be expected to have preliminary data.

The purposes of the NARCH initiative are:

- To develop a cadre of AI/AN scientists and health professionals engaged in biomedical, behavioral and health services research;
- To increase the formation of partnerships between AI/AN and research-intensive institutions; and
- To encourage competitive research that address the health priorities and health disparities in the AI/AN population.

In the written comments, reviewers will be asked to discuss the following aspects of the application in order to judge the likelihood that the proposed research will have a substantial impact on the pursuit of these purposes. Each of these criteria will be addressed and considered in assigning the overall score, weighting them as appropriate for each application.

- *Significance:* Does this study address an important problem? If the aims of the application are achieved, how will scientific knowledge be advanced? What will be the effect of these studies on the concepts or methods that drive this field?
- *Approach:* Are the conceptual framework, design, methods, and analyses adequately developed, well-integrated, and appropriate to the aims of the project? Does the application acknowledge potential problem areas and consider alternative tactics? For pilot research projects, are the proposed aims reasonable, and is there potential to lead to more substantial funding?
- *Innovation:* Does the project employ novel concepts, approaches, or methods? Are the aims original and innovative? Does the project challenge existing paradigms or develop new methodologies or technologies?
- *Investigator:* Is the investigator appropriately trained and well suited to carry out this work? Is the work proposed appropriate to the experience level of the principal investigator and other researchers (if any)?
- *Environment:* Does the scientific environment in which the work will be done contribute to the probability of success? Do the proposed experiments take advantage of unique features of the scientific environment or employ useful collaborative arrangements? Is there evidence of institutional support?

In addition to the above criteria, in accordance with NIH policy, all applications will also be reviewed with respect to the following:

- The adequacy of plans, if research on human subjects is involved, to include both genders and children as appropriate for the scientific goals of the research. Plans for the recruitment and retention of subjects will also be evaluated.
- The reasonableness of the proposed budget and duration in relation to the proposed research.
- The adequacy of the proposed protection for humans, animals or the

environment, to the extent they may be adversely affected by the project proposed in the application.
- The adequacy of the proposed plan to share data, if appropriate.

In reviewing the overall Center, the initial scientific review group will examine evidence of the partners' commitment to the purposes of the NARCH initiative to develop a cadre of AI/AN scientists and health professionals engaged in biomedical, clinical, behavioral and health services research that is competitive for NIH funding; to increase the capacity of both research-intensive institutions and AI/AN organizations to work in partnership to reduce distrust by AI/AN communities and people toward research; and to encourage competitive research linked to the health priorities of the AI/AN partner and to reducing health disparities. The evidence will include:
- The quality of the partnership of the institutional and community partners, and the quality of the involvement of the Community and Scientific Advisory Council, as demonstrated by documentation of (for instance): the intellectual and tangible contributions and activities of the partners, and of the Council, in developing the application and the proposed NARCH; the interactions of the partners, and of the members of the Council, in meetings (such as those to develop the application and proposed NARCH); the past activities and future plans to increase the capacity of the partners and of the Council; the plans for future contributions and activities by the partners, and by the Council, in furthering the goals of the proposed NARCH; and the plans for future development of the partnership itself;
- The experience and commitment of the institutional and community partners to recruit, retain, and advance AI/AN faculty/researcher and students, to support faculty/researcher and student research efforts, and to increase the role of the involved AI/AN communities in the plans of the proposed NARCH;
- The appropriateness of the plan for evaluating the impact of the proposed NARCH, including the quality of baseline data and milestones for accomplishments, and a system to track the future course of program participants; and
- The potential of the proposed NARCH to be a regional and national resource, including: Capacity to provide quality research training and mentoring for integrated promotion and development of AI/AN research careers from undergraduate (or if well justified, high school) through post-doctoral levels; attainment of quality research linked to health priorities of the AI/AN partner and to reducing health disparities; plans for research information dissemination and education activities; and plans for the development of research networks to support the scientific aims of the proposed NARCH.

*3. Anticipated Announcement and Award Dates*

*Anticipated Announcement Date:* March 15, 2004.

*Anticipated Award Date:* May 1, 2005.

**VI. Award Administration Information**

*1. Award Notices*

Grants Management will not award a grant without an approved application in conformance with regulatory and policy requirements and which describes the purpose and scope of the project to be funded. When the application is approved for funding, the Grants Management Office will prepare a Notice of Grant Award with special terms and conditions binding upon the award and refer to all general terms applicable to the award.

*2. Administrative and National Policy Requirements*

A. *Inclusion of Women and Minorities in Research Involving Human Subjects:* It is the policy of the NIH that women and members of minority groups and their subpopulations must be included in all NIH supported biomedical, clinical, behavioral and health services research projects involving human subjects, unless a clear and compelling rationale and justification is provided that inclusion is inappropriate with respect to the health of the subjects or the purpose of the research. This policy results from the NIH Revitalization Act of 1993 (Section 492B of P.L. 103–43). Because the NARCH initiative targets AI/AN people and communities, a minority population, only the policy of inclusion of women applies to this RFA. The IHS has fully accepted the OHRP policy regarding human subjects. The OHRP Web site is *http://ohrp.osophs.dhhs.gov/g-topics.htm.*

All investigators proposing research involving human subjects should read the UPDATED ''NIH Guidelines For Inclusion of Women and Minorities as Subjects in Clinical Research,'' published in the NIH Guide for Grants and Contracts on August 2, 2000 (*http://grants.nih.gov/grants/guide/notice-files/NOT-OD–00–048.html*). The complete Guidelines are available at *http://grants1.nih.gov/grants/funding/women_min/guidelines_amended_10_2001.htm.* The revisions relate to NIH defined Phase III clinical trials and require:
- All applications or proposals and/or protocols to provide a description of plans to conduct analyses, as appropriate, to address differences by sex/gender and/or racial/ethnic groups, including subgroups if applicable; and
- All investigators to report accrual, and to conduct and report analyses, as appropriate, by sex/gender and/or racial/ethnic group differences.

B. *Inclusion of Children as Participants in Research Involving Human Subjects:* It is the policy of NIH that children (*i.e.*, individuals under the age of 21) must be included in all human subjects' research, conducted or supported by the NIH, unless there are scientific or ethical reasons not to include them. This policy applies to all initial (Type 1) applications submitted.

All investigators proposing research involving human subjects should read the ''NIH Policy and Guidelines on the Inclusion of Children as Participants in Research Involving Human Subjects'' that was published in the NIH Guide for Grants and Contracts, March 6, 1998, and is available at the following URL address: *http://grants.nih.gov/grants/guide/notice-files/not98–024.html.* Investigators may obtain copies of these policies from the initiative staff listed under INQUIRIES. Initiative staff may also provide additional relevant information concerning the policy.

C. *URLS in NIH Grant Applications or Appendices:* All applications and proposals for NIH funding must be self-contained within specified page limitations. Unless otherwise specified in an NIH solicitation, Internet addresses (URLs) should not be used to provide information necessary to the review because reviewers are under no obligation to view the Internet sites. Reviewers are cautioned that their anonymity may be compromised when they directly access an Internet site.

D. *Public Access to Research Data Through the Freedom of Information Act:* The OMB Circular A–110 has been revised to provide public access to research data through the Freedom of Information Act (FOIA) under some circumstances. Data that are:
- First produced in a project that is supported in whole or in part with Federal funds; and
- Cited publicly and officially by a Federal agency in support of an action that has the force and effect of law

(*i.e.*, a regulation) may be accessed through FOIA.

It is important for applicants to understand the basic scope of this amendment. NIH has provided guidance at: *http://grants.nih.gov/grants/policy/a110/a110_guidance_dec1999.htm.*

Applicants may wish to place data collected under this PA in a public archive, which can provide protections for the data and manage the distribution for an indefinite period of time. If so, the application should include a description of the archiving plan in the study design and include information about this in the budget justification section of the application. In addition, applicants should think about how to structure informed consent statements and other human subjects procedures given the potential for wider use of data collected under this award.

E. *Allowable Administrative Cost:* Certain administrative costs for managing a comprehensive program are allowable and may vary, depending upon the size and complexity of the program's activities. The costs budgeted for NARCH grants and subcontracts may not duplicate items already budgeted in other cost centers of the AI/AN, research-intensive, and subcontracted organizations and institutions, such as accounts which make up the Facilities and Administration (F&A) cost pool. The grantee organization receiving the award must be prepared to provide documentation showing the direct relationship of proposed costs to the program, and that costs of this type are charged in a uniform manner to all other grants at all institutions and organizations participating in the award.

- *Salary* (up to 25 percent effort, although it should generally be less) for the NARCH Program Director is allowable for that portion of time or effort specifically employed in directing the proposed NARCH. (The 25 percent limit does not include salary for being a research investigator.) Limited salary support for secretarial or clerical help is allowable only when in direct support of the proposed NARCH. For guidance, applicants should refer to the OMB Circular appropriate for them, A–87 (Cost Principles for State, local, and Indian Tribal Governments), at *http://www.whitehouse.gov/omb/circulars* or A–122 (Cost Principles for Non-Profit Organizations), *http://www.whitehouse.gov/omb/circulars,* or should contact the grants management officer under INQUIRIES.
- *Costs for evaluation activities* are allowable, as are costs for the Community and Scientific Advisory Council. All applications must include costs associated with one annual meeting per year in Rockville, MD, of NARCH directors and their key scientific personnel.
- *Student Development Costs.* Student (graduate, undergraduate, and high school if well justified) remuneration through salary/wages for participation in research experiences may be requested, provided all the following conditions are met:
  - The student is performing necessary work involved in the research.
  - There is an employer-employee relationship between the student and the proposed NARCH or its partners. The total compensation is reasonable for the work performed.
  - It is the practice of the proposed NARCH or its partners to provide compensation for all students in similar circumstances, regardless of the source of support for the activity.

  Graduate students, but not undergraduate students, are allowed tuition costs as part of a compensation package. When requesting support for a graduate student, the NARCH application should provide, in the budget justification section of the application, the basis for the compensation level. The IHS staff will review the requested compensation level and, if it is reasonable and justified, will provide compensation up to a maximum of $45,000 (*http://grants.nih.gov/grants/guide/notice-files/not98–168.html*). Post-doctoral students should be compensated at a rate commensurate with that of other post-doctoral employees with similar degrees and experience at the research-intensive institution.

  It is the expectation of the IHS, NIGMS and AHRQ that students who are enrolled in a accredited graduate program, as part of a proposed NARCH, will not be excluded from support from other non-Federal or Federal graduate training sources (such as loans and assistance under the Veterans' Adjustment Benefit Act or Pell Grants) for which they are eligible. Graduate and post-doctoral students cannot concurrently hold another federally-sponsored stipend or fellowship or any other Federal award that duplicates the NARCH support.
- *Faculty/Researcher Development Costs.* Costs to support faculty/researcher development activities, such as workshops or courses, national meetings, or short-term research experiences in the laboratory of an active NIH-extramurally-funded researcher needed for acquiring specific skills or methodologies needed for prospective research, are allowable. Such costs might include tuition, travel and per diem costs, as well as salary support appropriate to the percent effort needed for the activity. Also, allowable are costs such as travel and per diem associated with short-term research experiences in the laboratory of an active extramurally funded researcher.
- *Research Project Costs.* Direct costs associated with research and pilot research projects are allowable when adequate justification is provided. These include faculty/researcher salaries, reimbursed according to percent effort. Summer salary support can be paid provided the institution's academic schedule permits such release and when the institution approves. The maximum summer-salary support provided by the program cannot exceed the equivalent of three months at 100 percent effort, or time specified by the institution as its policy. Grant funds may not be used to increase or supplement faculty/researcher academic year salaries. Salary support for technical assistance and costs for consultants, if justified, are allowable. Costs for equipment to be used to carry out the proposed research are allowable.
- *Costs for Core Scientific Services.* Costs for core scientific services to support two or more projects are allowable. Costs for multi-user research equipment are also allowable. A plan for access to the multi-user equipment, its maintenance, management and use must be included. To aid in the review, it is suggested that a tabular summary show the estimated or actual proportional use of this equipment by each project, and other investigators and students. Justify this core component by discussing ways in which these centralized services improve quality, bring about an economy of effort, and/or save overall costs as compared to their inclusion as part of each research project. Personnel costs to maintain and service the equipment are an allowable cost. Support for very large pieces of equipment, however, may be restricted by the NARCH budget. Plans to maintain the shared core scientific services and facility beyond the grant period should be discussed.
- *Cost for Supplies.* Costs for supplies, including costs for animals, necessary to carry out the proposed research may be included. Travel costs for the investigator(s) are permitted when direct benefits to the program are

expected, and when adequate justification is provided. Alterations and Renovations costs (up to $40,000) are allowable only when essential for conduct of the proposed research. Other permitted costs include animal maintenance (unit care costs and number of care days), donor fees, publication costs, computer charges, rentals and leases, equipment maintenance, and service contracts.

- *Consortium and Contract Arrangements.* Consortium arrangements that may involve personnel costs, supplies, and other allowable costs, including F&A costs; contractual costs for support services, such as the laboratory testing of biological materials, clinical services, data processing, or core administrative services, are allowable expenses. Consortia and contractual costs with Native health organizations, tribes and/or research institutions in Canada are allowable expenses.
- *Pilot Research Projects.* The intent of pilot research projects is to lead to regular research projects funded as part of the center grant or as freestanding grants. For pilot research projects, applications may request support for up to $50,000 (direct costs) per year. This support is non-renewable.
- *Subcontracts.* The grant recipient may issue subcontracts to other organizations (such as the research-intensive institution of the partnership), as long as at least 30 percent of the grant remains with the AI/AN organization; that is, no more than 70 percent may be subcontracted.

F. *Unallowable Costs:* Unallowable costs for research projects (including for pilots projects) include costs for student development, textbooks, journals, memberships, and Internet subscription costs, as well as other costs prohibited by OMB Circulars A–87 or A–122 as applicable. Employees of the applicant organization may not serve as paid consultants but may be paid.

The pilot research project is intended for faculty/researcher without current research support. Therefore, investigators with significant current support from other mechanisms such as the R01 and research funding from other extramural sources are not eligible, and the costs therefore are not allowable. Release time for preparing proposals or mini-research projects, not submitted, as pilot projects, is not allowed.

G. *Qualifications of the NARCH Program Director and Key Personnel:* As leader of the research and research training for the proposed NARCH, the NARCH Program Director is expected to possess certain essential qualifications such as:

- Strong leadership skills, including scientific leadership experience and a strong academic and scientific background, as exemplified, ideally, by scientific publications and a record of peer-reviewed scientific support;
- The knowledge of and personal working relationship with the AI/AN Tribes or communities involved in the NARCH research, and with the partners of the proposed NARCH;
- Strong mentoring and supervision skills, to exercise responsibility for mentoring activities, organization of communicating skills programs, special methods workshops, tracking of student career plans, etc.; and
- Knowledge of IHS and NIH policies, including those concerning human participants in research, human biological material, animals, hazardous materials, and Tribal review and approval of research.

The names and qualifications of the NARCH Program Director, the Student and Faculty/Researcher Development Director and directors of individual projects within the program (where appropriate), and any other key personnel, should be listed in the application under the Key Personnel section. Biographical Sketches of these individuals, including other grant support, should be included.

*3. Reporting*

The NARCH Program Office and the Grants Management have requirements for the progress reports and financial reports based on the terms and conditions of the grant. Grantees are responsible and accountable for accurate reporting of the Progress Reports and Financial Status Reports which are generally due annually. Financial Status Report (SF 269) are due 90 days after each budget period and the final SF 269 must be verified from the grantee records on how the value was derived.

Grantees are allowed a reasonable period to time in which to submit required financial and performance reports.

Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in the imposition of special award provisions, or cause other eligible projects or activities involving that grantee organization, or the individual responsible for the delinquency to not be funded.

Failure to obtain prior approval for change in Scope, Principal Investigator, Grantee Institutions, Successor in Interest, or Recipient Institute Name, undertaking any activities disapproved or restricted as a condition of the award, may result in fund restrictions.

**VII. Agency Contact(s)**

1. Questions on the initiative, regarding IHS NARCH issues and policies, may be directed to: Alan Trachtenberg, M.D., M.P.H., Research Program Director, Indian Health Service, 801 Thompson Avenue, TMP, Suite 450, Rockville, MD 20852–1750, Telephone: (301) 443–0222, Fax: (301) 443–1522, e-mail: *atrachte@hqe.ihs.gov.*

2. Questions on grants management and fiscal matters may be directed to: Sylvia Ryan, Grants Management Branch, Indian Health Service, Reyes Building, 801 Thompson Avenue, Rockville, MD 20852–1627, Telephone: (301) 443–5204, Fax: (301) 443–9602, e-mail: *sryan@hqe.ihs.gov.*

3. Questions on NIGMS issues and policies, may be directed to: Clifton A. Poodry, Ph.D., Minority Opportunities in Research Division, National Institute of General Medical Sciences, 45 Center Drive, Suite 2AS.37, MSC 6200, Bethesda, MD 20892–6200, Telephone: (301) 594–3900, Fax: (301) 480–2753, e-mail: *poodryc@nigms.nih.gov.*

4. Questions on the review of Applications may be directed to: Michael R. Martin, Ph.D., Director, Division of Physiological Systems, Center for Scientific Review, MSC 7892, Room 6160, 6701 Rockledge Drive, Bethesda, MD 20892–7892, Telephone: (301) 594–7945, Fax: (301) 480–2065, e-mail: *mm72k@nih.gov.*

5. Questions on Health Services Research and AHRQ policies may be directed to: Wendy Perry, Office of the Director, Agency for Healthcare Research and Quality, Room 3012, 540 Gaither Road, Rockville, MD 20850, Telephone: (301) 427–1216, Fax: (301) 427–1210, e-mail: *wperry@ahrq.gov.*

**VIII. Other Information**

*1. Healthy People 2010*

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2010'', a PHS led national activity for setting priority areas. This Request for Application (RFA) announcement is related to one or more of the priority areas. Potential applicants may obtain a

copy of ''Healthy People 2010'' at *http://www.health.gov/healthypeople/.*

*2. Technical Assistance Workshop*

The IHS and NIH intend to conduct technical assistance and information sharing workshops about this grant initiative in March, and May, 2004 in at least two regional centers. Potential grantees wanting to attend one of these workshops will have to provide names and the eligible organization to Ms. Sylvia Ryan, at telephone number (301) 443–5204 or Fax (301) 443–9602, or by e-mail to *sryan@hqe.ihs.gov* as soon as possible and no later than March 15, 2004. This notification will help the IHS and the NIH to determine the best times and locations for potential grantees' training and to have adequate workshop supplies. The details of the workshops and locations will be posted (as they are finalized) on the IHS Research Program Web site at *http://www.ihs.gov/medicalprograms/research.*

*3. Context*

The AI/AN Tribal nations and communities have long experienced poorer health status than other Americans. Although major gains of reducing health disparities were made in the last half of the twentieth century, most gains stopped by the mid 1980s (Trends in Indian Health 1998–99) and a few diseases, *e.g.*, diabetes, worsened. ''All Indian'' rates contain marked variation among the ''IHS Areas'' or regions (Regional Differences in Indian Health 1998–99); variation by Tribe exists within Areas as well. The Trends and Regional Differences reference can be found at the IHS website at *http://www.ihs.gov/publicInfo/publications/index.asp.* Although the ''All Indian'' mortality rates for all cancers are about 20 percent lower than the U.S. rates for all races, there is variation among IHS Areas for specific cancers; moreover, the favorable AI/AN mortality rates for some cancers may be due to markedly lower incidence rates partly offset by higher case-fatality rates. Unfamiliarity with modern health care may adversely influence health status among the elderly, the low-income elderly, and Tribes, and also may reduce the acceptability of health research among them. The daunting tasks confronting Tribes, researchers, and health care and public health programs in the beginning of the twenty-first century are to resume the reduction of health disparities that had occurred up to the 1980s, to reverse the worsening in a few diseases, to maintain and strengthen the favorable status, and to reduce the disparities among and within Areas and Tribes.

Factors known to contribute to health status and disparities are complex, and include underlying biology, physiology, and genetics, as well as ethnicity, culture, socioeconomic status, gender/sex, age, geographical access to care, and levels of insurance. Additional factors known to contribute to health status and disparities include: family, home, and work environments; general or culturally specific health practices; social support systems; lack of access to culturally-appropriate health care; and attitudes toward health. Yet none of these alone or in combination accounts for all documented differences.

Health disparities of AI/ANs may also reflect a lack of research relevant to improve their health status. Many AI/ANs distrust research for historical reasons. One approach that combats this distrust is to ensure that Tribes are senior partners in training and research that involves them, as for example in community-based participatory research. This approach is especially helpful to design both training relevant to researchers from Tribal communities, and research relevant to the health needs of the communities.

The mission of NIH is to acquire new knowledge that will lead to better health by understanding the processes underlying health and disease that in turn will help prevent, detect, diagnose, and treat disease and disability. The NARCH initiative works toward the NIH mission by supporting research that discovers the interrelationships among the many factors that contribute to health and disease, and by helping train and promote researchers concerned with AI/AN health.

The Agency for Healthcare Research and Quality (AHRQ), formerly the Agency for Health Care Policy and Research (AHCPR), a component of the U.S. Department of Health and Human Services, is the Federal Government's focal point for research to improve the quality, safety, efficiency, and effectiveness of health care for all Americans. AHRQ accomplishes this mission through the establishment of a broad base of scientific research to: (1) Improve clinical practice, (2) improve the health care system's ability to provide access to and deliver high quality, high-value health care, and (3) provide policymakers with the ability to assess the impact of system changes on outcomes, quality, access to, cost, and use of health care services. An important element in AHRQ's portfolio is research (including demonstrations) that identifies successful strategies for translating evidence into sustainable improvements in clinical practice and outcomes.

*4. IHS Research Program Objectives*

Due to the complexity of factors contributing to the health and disease of AI/ANs, and to their health disparities compared with other Americans, the collaborative efforts of the agencies of the Department of Health and Human Services, and the collaboration of researchers and AI/AN communities, are needed to achieve significant improvements in the health status of AI/AN people. To accomplish this goal, in addition to objectives set by the Tribe, Tribal Organization or Indian Health Board, the NARCH will pursue the following program objectives:

A. *To develop a cadre of AI/AN scientists and Health Professionals*—Offering opportunities to develop more AI/AN scientists and health professionals engaged in research, and to conduct biomedical, clinical, behavioral and health services research that is responsive to the needs of the AI/AN community and the goals of this initiative; Faculty/researchers and students at each proposed NARCH will develop investigator-initiated, scientifically meritorious research projects, including pilot research projects, and will be supported through science education projects designed to increase the numbers of, and to improve the research skills of, investigators involved with AI/ANs.

B. *To enhance Partnerships*—Recent community-based participatory research suggests that AI/AN communities can work collaboratively in partnership with health researchers to further the research needs of AI/ANs. Fully utilizing all cultural and scientific knowledge, strengths, and competencies, such partnerships can lead to better understanding of the biological, genetic, behavioral, psychological, cultural, social, and economic factors either promoting or hindering improved health status of AI/ANs, and generate the development and evaluation of interventions to improve their health status.

C. *To Reduce Health Disparities*—In the amended Indian Health Care Improvement Act, Public Law (Pub. L.) 94–437, IHS was legislatively mandated to improve the delivery of effective health care to AI/ANs. In the NIH Revitalization Act of 1993, NIH was encouraged to increase the number of under-represented minorities participating in biomedical, clinical, behavioral and health services research, including studies on drug abuse and alcoholism, and the examination of the role of resiliency in the prevention and treatment of those conditions. Also, the ''Initiative to Eliminate Racial and

Ethnic Disparities in Health'' by HHS (*http://raceandhealth.hhs.gov/*) encouraged NIH to help reduce health disparities. In its 1999 reauthorizing legislation, AHRQ was directed to conduct and support research to identify and reduce health care disparities (Pub. L. 106–525). NIH published the ''Strategic Research Plan and Budget to Reduce and Ultimately Eliminate Health Disparities, Fiscal Years 2002–2006'' at (*http://www.ncmhd.nih.gov*). Finally, the ''NIGMS Strategic Plan for Reducing Health Disparities'' (*http://www.nigms.nih.gov/news/reports/health_disparities.html*) presents an NIGMS role in health disparity reduction through its focused programs on research infrastructure to increase the number and capabilities of under-represented minority health researchers. In response to these priorities, the IHS, NIGMS and AHRQ have established a collaboration to support Native American Research Centers for Health. Reducing health disparities among AI/AN communities and individuals may be fostered by greater understanding of how to enhance their strengths and resiliencies. While AI/AN communities have relied on health research and medical science to reduce health disparities, they also have relied on their own psychological, organizational, and cultural assets and strengths to survive major harms and disruptions over the centuries, and to rebound from insults to health. For research about resiliencies, see *http://www.nida.nih.gov/ResilandRiskWG/ResilandRiskWG.html.*

**References for Background Information:**


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Dated: February 17, 2004.

**Michel E. Lincoln,**

*Deputy Director, Indian Health Service.*

[FR Doc. 04–3867 Filed 2–23–04; 8:45 am]

**BILLING CODE 4160–16–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Government-Owned Inventions; Availability for Licensing

**AGENCY:** National Institutes of Health, Public Health Service, DHHS.

**ACTION:** Notice.

**SUMMARY:** The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

**ADDRESSES:** Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: (301) 496–7057; fax: (301) 402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

**SAP/SH2D1A Knockout Mice: A Model for X-linked Lymphoproliferative Disease**

Pamela L. Schwartzberg (NHGRI), DHHS Reference No. E–343–2003/0—Research Tool,

*Licensing Contact:* Cristina Thalhammer-Reyero; 301/435-4507; *thalhamc@mail.nih.gov.*

NIH announces the availability for licensing of SAP/SH2D1A knockout mice, which can be used as a model for X-linked lymphoproliferative disease (XLP), and exploited to design therapeutics or gene-therapy for XLP. These knockout mice can be used as well to study other T cell-mediated diseases, such as asthma and hypersensitivity, involving Th2 cells. This model is also useful for researchers interested in T-cell signaling and cytokine production by T-helper cells.

SAP (SLAM-associated protein) is a small lymphocyte-specific signaling molecule that is defective or absent in patients with XLP. SAP has unusually high affinity for SLAM (also called CD150) and has been suggested to function by blocking binding of SHP–2 or other SH2-containing signaling proteins to SLAM receptors. SAP has also been shown to be required for

recruitment and activation of the Src-family kinase FynT after SLAM ligation, where the SAP SH2 domain binds to the SH3 domain of FynT and directly couples FynT to SLAM.

Mutations in the *SH2D1 A* gene on the Xq24–26 chromosome are known to be responsible for many cases of X-linked Lymphoproliferative syndrome.

**Immunoglobulins With Potent and Broad Antiviral (HIV) Activity Based on scFv Joined by Flexible Linker to Fc**

Drs. Dimiter Dimitrov (NCI) and Mei-Yun Zhang (SAIC),

U.S. Provisional Patent Application filed 29 Sep 2003 (DHHS Reference No. E–316–2003/0–US–01),

*Licensing Contact:* Sally Hu; (301) 435–5606; *hus@mail.nih.gov.*

This invention describes methods of inhibiting viral infection (*e.g.*, HIV–1 infection). The method comprises administering a fusion protein comprising a small size, single chain Fv (scFv) antibody binding domain joined to an Fc region by a long flexible linker. In particular, scFv m6 or m9, the single chain variable fragments that were previously identified from a phage display library for binding to $gp140_{89.6}$, $gp120_{JRFL}$, $gp140_{IIIB}$, and their complex with two-domain soluble CD4 is joined to Fc by a long flexible linker to provide a new agent for the inhibition of HIV infection or immunotherapy of HIV-infected individuals. The Fc region provides stability, long half-life, and biological effector functions. The scFv-Fc fragment provides antigen recognition and neutralizing activity. The small size of the scFv-Fc fusion molecule provides easy access to conserved viral epitopes exposed before or during viral entry. In addition, these fusion molecules exhibit neutralization activity that is higher than that of whole IgGs. Thus, this invention may offer a novel approach to treat and prevent HIV–1 infection and/or AIDS.

**Potent Combinations of mRNA Transport Elements**

Barbara K. Felber et al. (NCI),

U.S. Provisional Application No. 60/471,988 filed 19 May 2003 (DHHS Reference No. E–223–2003/0–US–01);

U.S. Provisional Application No. 60/472,223, filed 20 May 2003 (DHHS Reference No. E–258–2003/0–US–01),

*Licensing Contact:* Susan Ano; 301/435–5515; *anos@mail.nih.gov.*

This technology relates to improving levels of gene expression using a combination of a constitutive RNA transport element (CTE) with a mutant form of another RNA transport element (RTE). The combination of these elements results in a synergistic effect on stability, and therefore expression levels, of mRNA transcripts. Using HIV–1 gag as reporter mRNA, one mutated RTE in combination with a CTE was found to improve expression of unstable mRNA by about 500-fold. Similarly this combination of elements lead to synergistically elevated levels of HIV–1 env expression. The function of CTEs and RTEs is conserved in mammalian cells, so this technology is a simple and useful way of obtaining high levels of expression of otherwise poorly expressed genes and can be used in a number of applications such as but not limited to improvements of gene therapy vectors, expression vectors for mammalian cells.

**Safer Attenuated Virus Vaccines With Missing or Diminished Latency of Infection**

Jeffrey Cohen (NIAID), Edward Cox (FDA), Lesley Pesnicak (NIAID),

U.S. Provisional Application No. 60/423,603 filed 05 Nov 2002 (DHHS Reference No. E–250–2002/0–US–01); PCT Application No. PCT/US03/35167 filed 05 Nov 2003 (DHHS Reference No. E–250–2002/0–PCT–02),

*Licensing Contact:* Susan Ano; (301) 435–5515; *anos@mail.nih.gov.*

This technology describes viruses that have weakened ability to establish and/or maintain latency and their use as live vaccines. The viruses have one or more genetic mutations that allow for continued replication but that inhibit latency. The vaccine materials and methods for their construction are exemplified with the virus that causes chickenpox and whose latent infection results in shingles, a condition that affects up to an estimated 1 million people per year in the United States alone. Specific examples of gene deletion are described. Furthermore, replacement of these deleted genes with other desirable viral antigen encoding sequence(s) and/or cytokine genes in order to enhance a desired immunological response is also described. Aspects of this technology are relevant to other live virus vaccines, thus increasing the safety of such vaccines.

**Novel Receptor for Pathogenic Fungi**

Victor Jimenez (EM), Victor Ginsburg (NIDDK), Howard Krivan (NIDDK),

U.S. Patent Application No. 07/472,128 filed 30 Jan 1990, which issued as U.S. Patent 5,242,800 on 07 Sep 1993 (DHHS Reference No. E–145–1989/0–US–01),

*Licensing Contact:* Michael Ambrose; (301) 594–6565; *ambrosem@mail.nih.gov.*

A specific receptor for pathogenic fungi has been isolated and substantially purified for the first time, and a method of using the receptor to prevent adhesion of pathogenic fungi to host cells has been developed. A kit for detecting the presence of certain fungi was also described. These products make possible the detection and removal of two important pathogenic fungi, Candida albicans and Cryptococcus neoformans, and may be useful in preventing yeast diseases.

Dated: February 17, 2004.

**Steven M. Ferguson,**

*Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.*

[FR Doc. 04–3906 Filed 2–23–04; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552(b)(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Review Group, Subcommittee A—Cancer Centers.

*Date:* April 15–16, 2004.

*Time:* 7:30 a.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* David E. Maslow, PhD, Scientific Review Administrator, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8117, Bethesda, MD 20892–7405, (301) 496–2330.

Any interested person may file written comments with the committee by forwarding

the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 17, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04–3899 Filed 2–23–04; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Center on Minority Health and Health Disparities; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center on Minority and Health Disparities Special Emphasis Panel, ZMD1(01) Loan Repayment Programs: Extramural Clinical and Health Disparities Research.

*Date:* March 28–30, 2004.

*Time:* 5 p.m. to 1 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

*Contact Person:* Lorrita Watson, Ph.D., National Center on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892–5465, 301–594–7784, *watsonl@ncmhd.nih.gov*.

Dated: February 17, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04–3904 Filed 2–23–04; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel Trypanosome Proteome.

*Date:* March 11, 2004.

*Time:* 11:30 a.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Rockledge 6700, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

*Contact Person:* Brenda Lange-Gustafson, Ph.D., Scientific Review Administrator, NIAID, DEA, Scientific Review Program, Room 3122, 6700–B Rockledge Drive, MSC–7616, Bethesda, MD 20892–7616, Bethesda, MD 20892–7616, (301) 496–2550, *bgustafson@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 17, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04–3903 Filed 2–23–04; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel, ''Development, Testing, and Evaluation of Candidate Vaccines Against Plague.''

*Date:* March 19, 2004.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* Marriott Gaithersburg Washingtonian, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

*Contact Person:* Gregory P. Jarosik, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 496–0695, *gj67q@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 17, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04–3905 Filed 2–23–04; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Behavioral Endocrinology.

*Date:* February 19, 2004.

*Time:* 2 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

*Contact Person:* Mary Sue Krause, MED, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, 301–435–0902, *krausem@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZRG1 BDCN B 02S: Clinical Neuroplasticity and Neurotransmitters (CNNT).

*Date:* February 25, 2004.

*Time:* 6 p.m. to 7 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

*Contact Person:* William C. Benzing, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *benzingw@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZRG1 CNNT O1S: Clinical Neuroplasticity and Neurotransmitters.

*Date:* February 25–27, 2004.

*Time:* 7 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

*Contact Person:* William C. Benzing, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892, 301–435–1254, *benzingw@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Social Judgement.

*Date:* March 3, 2004.

*Time:* 1:30 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Victoria S. Levin, MSW, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, 301–435–0912, *levinv@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, DNA and RNA Modifications.

*Date:* March 4, 2004.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Marcia Steinberg, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7840, Bethesda, MD 20892, (301) 435–1023, *steinberm@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, DNA Damage and Mutagenesis.

*Date:* March 4, 2004.

*Time:* 4:30 p.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Hungyi Shau, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, 301–435–1720, *shauhung@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Infant and Child Development.

*Date:* March 8, 2004.

*Time:* 3:30 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Cheri Wiggs, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Coronavirus Replication.

*Date:* March 10, 2004.

*Time:* 2 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Robert Freund, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3200, MSC 7848, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel—Reviews in Adult Psychopathology.

*Date:* March 10, 2004.

*Time:* 3:30 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Sue Krause, MED, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, 301–435–0902, *krausem@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel—Endocrinology, Metabolic, Nutritional and Reproductive Sciences.

*Date:* March 10–11, 2004.

*Time:* 7 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Krish Krishnan, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, 301–435–1041, *krishnak@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel—F04A Chemical and Bioanalytical Studies Fellowship SEP.

*Date:* March 11–12, 2004.

*Time:* 8 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Churchill Hotel, 1914 Connecticut Avenue, NW., Kalorama East Room, Washington, DC 20009.

*Contact Person:* Janet Nelson, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, 301–435–1723, *nelsonja@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Biodata Management and Analysis.

*Date:* March 15–16, 2004.

*Time:* 8 a.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.

*Contact Person:* George W. Chacko, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockleldge Drive, Room 4186, MSC 7849, Bethesda, MD 20892, 301–435–1220, *chackoge@csr.nih.gov.*

*Name of Committee:* Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Skeletal Muscle Biology and Exercise Physiology Study Section.

*Date:* March 15–16, 2004.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

*Contact Person:* Richard J. Bartlett, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, 301–435–6809, *bartletr@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Host Genetics of Viral Pathogenesis.

*Date:* March 15, 2004.

*Time:* 10 a.m. to 11:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Robert Freund, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3200, MSC 7848, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Cell Cycle Regulation by Adenovirus.

*Date:* March 15, 2004.

*Time:* 11 a.m. to 1 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Joseph D. Mosca, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 435–2344, *moscajos@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Somatosensory Member Conflicts SEP.

*Date:* March 15, 2004.

*Time:* 11 a.m. to 12:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Joseph G. Rudolph, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301–435–2212, *josephru@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Psychopathology and Behavioral Disorders.

*Date:* March 15, 2004.

*Time:* 1 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Cheri Wiggs, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, (301) 435–1261.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZGR1 Biomedical Information Science and Technology.

*Date:* March 16, 2004.

*Time:* 8 a.m. to 5:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Swissotel Washington, The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

*Contact Person:* Marc Rigas, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4194, MSC 7826, Bethesda, MD 20892–7826, Bethesda, MD 20892–7826, 301–402–1074, *rigasm@mail.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Technological Innovation in Pediatric Critical Care and Rehabilitation.

*Date:* March 16, 2004.

*Time:* 8:30 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Watergate, 2650 Virginia Avenue, NW., Washington, DC 20037.

*Contact Person:* Maribeth Champoux, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3146, MSC 7759, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZRG1 BBBP–H (29) Minority/Disability Predoctoral Fellowship Reviews.

*Date:* March 16–17, 2004.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

*Contact Person:* Mary Sue Krause, MED, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892, 301–435–0902, *krausem@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Member Conflicts for SSPS–B.

*Date:* March 16, 2004.

*Time:* 10 a.m. to 11 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Karin F. Helmers, Ph.D., Scientific Review Adminstrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, (301) 435–1017, *helmersk@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Hematopoietic Stem Cells.

*Date:* March 16, 2004.

*Time:* 1 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Chhanda L. Ganguly, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7802, Bethesda, MD 20892, (301) 435–1739, *gangulyc@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, LAM: Cognitive Processes.

*Date:* March 16, 2004.

*Time:* 1 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* John Bishop, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN–D–03 Neurophysiological Actions of ETOH.

*Date:* March 16, 2004.

*Time:* 2 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Gamil C. Debbas, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435–1018, *debbasg@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Erythropoietin Pharmacology.

*Date:* March 16, 2004.

*Time:* 4 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Joyce C. Gibson, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–4522, *gibsonj@csr.nih.gov..*

*Name of Committee:* Genetic Sciences Integrated Review Group, Ethical, Legal, and Social Implications of Human Genetics.

*Date:* March 17–18, 2004.

*Time:* 8:30 a.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Cheryl M. Corsaro, Ph.D., Scientific Review Administrator, Genetic Sciences IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–M 52R: PAR–03–032: Tissue Engineering Bioengineering Research Partnerships.

*Date:* March 17, 2004.

*Time:* 8:30 a.m. to 1:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Wyndham City Center, 1143 New Hampshire Avenue, NW., Washington, DC 20036.

*Contact Person:* Jean D. Sipe, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, (301) 435–1743, *sipej@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZRG1 BPC–F (40) P Helix Interactions in the Membrane Protein Interactome.

*Date:* March 17, 2004.

*Time:* 9 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

*Contact Person:* Robert Lees, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7806, Bethesda, MD 20892, (301) 435–2684, *leesro@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, tRNAs and Pathogenesis.

*Date:* March 17, 2004.

*Time:* 2 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Rolf Menzel, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3196, MSC 7808, Bethesda, MD 20892, (301) 435–0952, *menzelro@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–M 01Q: Reparative Medicine Study Section.

*Date:* March 17–18, 2004.

*Time:* 4 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Wyndham City Center, 1143 New Hampshire Avenue, Washington, DC 20036.

*Contact Person:* Jean D. Sipe, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, (301) 435–1743, *sipej@csr.nih.gov*.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, Adenylyl Cyclase.

*Date:* March 17, 2004.

*Time:* 4 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Joyce C. Gibson, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–4522, *gibsonj@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 17, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04–3900 Filed 2–23–04; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 5, 2004, 10:30 a.m. to March 5, 2004, 5 p.m., Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817 which was published in the **Federal Register** on February 10, 2004, 69 FR 6314–6317.

The starting time of the meeting has been changed to 9:30 a.m. The date and location remain the same. The meeting is closed to the public.

Dated: February 17, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04–3901 Filed 2–23–04; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 3, 2004, 7:30 a.m. to March 5, 2004, 3 p.m., Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814 which was published in the **Federal Register** on February 10, 2004, 69 FR 6314–6317.

The meeting will be held March 4, 2004 to March 5, 2004, from 8:30 a.m. to 3 p.m. The location remains the same. The meeting is closed to the public.

Dated: February 17, 2004.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 04–3902 Filed 2–23–04; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HOMELAND SECURITY

### Bureau of Customs and Border Protection

### Notice of Cancellation of Customs Broker Permit

**AGENCY:** Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker local permits are canceled without prejudice.

| Name | Permit No. | Issuing port |
|---|---|---|
| ABX Logistics USA Inc. | 055 | Great Falls. |
| GPS Customers House Brokerage Inc. | 28–03–W22 | San Francisco. |
| Allstates Customs Brokerage Inc. | 00–17–009 | Atlanta. |
| Su Mei-Hsia Sun | 28–01–NK1 | San Francisco. |

Dated: February 13, 2004.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

[FR Doc. 04–4013 Filed 2–23–04; 8:45 am]

**BILLING CODE 4820–02–P**

## DEPARTMENT OF HOMELAND SECURITY

## Bureau of Customs and Border Protection

## Notice of Cancellation of Customs Broker National Permit

**AGENCY:** Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker national permits are canceled without prejudice.

| Name | Permit No. | Issuing port |
|---|---|---|
| Capin Vyborny Inc | 99–00570 | Headquarters. |
| Allstates Customs Brokerage Inc | 99–00180 | Headquarters. |
| Su Mei-Hsia Sun | 99–00282 | Headquarters. |
| UPS Customhouse Brokerage Inc | 99–00068 | Headquarters. |
| Freight Brokers International Inc | 99–00017 | Headquarters. |
| Ameri-Can Customhouse Brokers Inc | 99–00196 | Headquarters. |
| ADESA Importation Services Inc | 99–00428 | Headquarters. |

Dated: February 13, 2004.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

[FR Doc. 04–4011 Filed 2–23–04; 8:45 am]

**BILLING CODE 4820–02–P**

## DEPARTMENT OF HOMELAND SECURITY

## Bureau of Customs and Border Protection

## Retraction of Revocation Notice

**AGENCY:** Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** The following Customs broker license was erroneously included in a list of revoked Customs broker licenses.

| Name | License | Port name |
|---|---|---|
| Robert S. Leclair | 11499 | Providence. |

Customs broker license No. 11499 remains valid.

Dated: February 13, 2004.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

[FR Doc. 04–4014 Filed 2–23–04; 8:45 am]

**BILLING CODE 4820–02–P**

## DEPARTMENT OF HOMELAND SECURITY

## Bureau of Customs and Border Protection

## Notice of Cancellation of Customs Broker License

**AGENCY:** Bureau of Customs and Border Protection, U.S. Department of Homeland Security.

**ACTION:** General notice.

**SUMMARY:** Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license are canceled without prejudice.

| Name | License No. | Issuing port |
|---|---|---|
| UPS Customhouse Brokerage Inc. | 09555 | Cleveland. |
| Freight Brokers International Inc. | 03477 | New York. |
| Ameri-Can Customhouse Brokers Inc. | 10765 | Buffalo. |
| Capin Brokerage Inc. | 13016 | Nogales. |
| ADESA Importation Services Inc. | 21103 | Detroit. |

Dated: February 13, 2004.

**Jayson P. Ahern,**

*Assistant Commissioner, Office of Field Operations.*

[FR Doc. 04–4012 Filed 2–23–04; 8:45 am]

**BILLING CODE 4820–02–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

### Agency Information Collection Activities: Submission for OMB review; comment request

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

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The submission describes the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments FEMA will use.

*Title:* Claims for National Flood Insurance Program (NFIP).

*OMB Number:* 1660–0005.

*Abstract:* The claims forms used for the National Flood Insurance Program (NFIP) are used by policyholders and adjusters to collect the information needed to investigate, document, evaluate, and settle claims against National Flood Insurance Program policies for flood damage to their insured property or qualification for benefits under Increased Cost of Compliance coverage.

*Affected Public:* Individuals or Households, Business or Other for Profit, Non-for-Profit Institutions, Farms, Federal Government, State, Local or Tribal Government.

*Number of Respondents:* 5,000.

*Estimated Total Annual Burden Hours:*

TABLE 1.—ANNUAL BURDEN HOURS

| Forms | No. of respondents (A) | Frequency of responses (B) | Burden hours per respondent (C) | Annual responses (D) | Total annual burden hours (AxBxC) |
|---|---|---|---|---|---|
| FEMA Form: | | | | | |
| 81–40 | 5000 | 1 | 2.50 | 2100 | 5,250 |
| 81–41 | 5000 | 1 | 2.50 | 3300 | 8,250 |
| 81–41A | 5000 | 1 | 1.00 | 3500 | 3,500 |
| 81–42 | 5000 | 1 | 0.08 | 3500 | 280 |
| 81–42A | 5000 | 1 | 2.00 | 260 | 520 |
| 81–43 | 5000 | 1 | 0.07 | 3500 | 245 |
| 81–44 | 5000 | 1 | 0.10 | 1000 | 100 |
| 81–57 | 5000 | 1 | 0.07 | 3500 | 245 |
| 81–58 | 5000 | 1 | 0.07 | 3500 | 245 |
| 81–59 | 5000 | 1 | 0.08 | 2000 | 160 |
| 81–63 | 5000 | 1 | 1.00 | 350 | 350 |
| 81–96 | 5000 | 1 | 0.50 | 200 | 100 |
| 81–98 | 5000 | 1 | 0.42 | 260 | 109 |
| 81–109 | 5000 | 1 | 0.25 | 500 | 125 |
| 81–110 | 5000 | 1 | 0.25 | 500 | 125 |
| Total | 5,000 | 1 | ..... | 27,970 | 19,604 |

(1) Estimated number of policyholders who will file insurance claims due to flood damage per claims' historical trend.
(2) Estimated number of responses factoring in respondents not filling all forms.

*Frequency of Response:* On Occasion.

*Comments:* Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs at OMB, Attention: Desk Officer for the Department of Homeland Security/FEMA at email address *kflee@omb.eop.gov* or facsimile number (202) 395–7285. Comments must be submitted on or before March 25, 2004. In addition, interested persons may also send comments to FEMA (see contact information below).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, FEMA at 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or email address *InformationCollections@fema.gov.*

Dated: February 18, 2004.

**Edward W. Kernan,**

*Division Director, Information Resources Management Division, Information Technology Services Directorate.*

[FR Doc. 04–3895 Filed 2–23–04; 8:45 am]

**BILLING CODE 9110–11–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

### Agency Information Collection Activities: Proposed Collection; Comment Request

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

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency (FEMA), 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 a proposed new information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments on the National Disaster Medical System (NDMS) Credential File and Database Tracking System. This system will be used to collect data through an on-line application for the purpose of verifying credentials, licenses, and accreditation of health professional volunteers.

**SUPPLEMENTARY INFORMATION:** The information collection will be conducted pursuant to the requirements of Public Law 107–188, The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (42 U.S.C. Section 247d–7b) and Title III of the Public Health Act, Section 107, Emergency System for Advance Registration of Health Professions Volunteers (Part B of Title III, as amended by Sections 319 H and 319 I, Emergency System for Verification of Credentials of Health Professions Volunteers). Congress has mandated that FEMA establish a credentialing program and system to ensure that all health care professionals who volunteer for participation in the NDMS are credentialed, accredited, and licensed.

**Collection of Information**

*Title:* National Disaster Medical System (NDMS) Credential File and Database Tracking System.

*OMB Number:* 1660–NEW3.

*Form Numbers:* E-Form 90–136, Office of Emergency Response Credentialing System On-Line Application.

*Abstract:* FEMA will collect information conducive to the verification and credentialing of volunteer health care providers for the NDMS. The credentialing process is aimed at securing a qualified and competent medical response force. Participation is voluntary. However, refusal by a team member or an applicant to provide personal, educational, and training information will result in their credentials not being verified and authenticated, thus rendering them ineligible to serve.

*Affected Public:* Individuals and households—volunteer individuals in health care and related occupations.

*Estimated Total Annual Burden Hours:* 13,584.

| FEMA forms | No. of respondents (A) | Frequency of response (B) | Hours per response (C) | Annual burden hours (A × B × C) |
|---|---|---|---|---|
| On-line | 750 Medical Doctors | 1 | 3 | 2,250 |
| On-line | 5,667 Others | 1 | 2(1) | 11,334 |
| Total | 6,417 | 1 | | 13,584 |

(1) Average of 1–3 hours based on occupation-specific requested information.

*Estimated Cost to Respondents:* There is no capital or start-up cost to respondents resulting from this information collection other than the wage rate equivalent for time spent filling out the application form. Based on a pay scale ranging from GS–05 to GS–15 and average completion time of 2.5 hours, the cost per respondent to provide the information averages $34 per hour. The total estimated annual cost to respondents for this information collection is $461,856.

*Estimated Cost to the Agency:* $1.48 million over a 3-year period, which averages $493,333 per year.

*Comments:* Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments must be received on or before April 26, 2004.

**ADDRESSES:** Interested persons should submit written comments on the proposed information collection to Muriel B. Anderson, Chief, Records Management Branch, FEMA at 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646–3347, or email address *InformationCollections@fema.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact CAPT Ana Marie Balingit-Wines, Credentialing Program Manager, FEMA/NDMS at 301–443–2057. You may contact Ms. Anderson for copies of the proposed information collection (see addressee information above).

Dated: February 10, 2004.

**Edward W. Kernan,**

*Division Director, Information Resources Management Division, Information Technology Services Directorate.*

[FR Doc. 04–3896 Filed 2–23–04; 8:45 am]

**BILLING CODE 9110–09–P**

## DEPARTMENT OF HOMELAND SECURITY

## Federal Emergency Management Agency

**[FEMA–1507–DR]**

## Ohio; Amendment No. 3 to Notice of a Major Disaster Declaration

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

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of Ohio (FEMA–1507–DR), dated January 26, 2004, and related determinations.

**EFFECTIVE DATE:** February 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of Ohio is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 26, 2004:

Belmont County for Individual Assistance (already designated for Public Assistance.) (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

**Michael D. Brown,**

*Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.*

[FR Doc. 04–3897 Filed 2–23–04; 8:45 am]

**BILLING CODE 9110–10–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[FEMA–1509–DR]**

### South Carolina; Major Disaster and Related Determinations

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

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of South Carolina (FEMA–1509–DR), dated February 13, 2004, and related determinations.

**EFFECTIVE DATE:** February 13, 2004.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated February 13, 2004, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of South Carolina, resulting from a severe ice storm on January 26–30, 2004, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of South Carolina.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Carlos Mitchell, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of South Carolina to have been affected adversely by this declared major disaster:

Aiken, Bamberg, Barnwell, Calhoun, Clarendon, Edgefield, Florence, Horry, Kershaw, Lexington, Marion, McCormick, Newberry, Orangeburg, Richland, Sumter, and Williamsburg Counties for Public Assistance.

All counties within the State of South Carolina are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individual and Household Housing; 97.049, Individual and Household Disaster Housing Operations; 97.050 Individual and Household Program-Other Needs, 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

**Michael D. Brown,**

*Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.*

[FR Doc. 04–3898 Filed 2–23–04; 8:45 am]

**BILLING CODE 9110–10–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4903–N–7]**

### Notice of Submission of Proposed Information Collection to OMB: HUD Initiative for the Removal Regulatory Barriers

**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.

This information collection is in support of HUD's America's Affordable Communities Initiative focusing on regulatory barriers that impede the production of affordable housing.

**DATES:** *Comments Due Date:* March 25, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: HUD Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503; Fax number (202) 395–6974; e-mail *Melanie_Kadlic@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410; e-mail *Wayne_Eddins@HUD.gov;* telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the

information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the contact information of an agency official familiar with the proposal and the OMB Desk Officer for the Department.

This Notice also lists the following information:

*Title of Proposal:* HUD Initiative for the Removal Regulatory Barriers.

*OMB Approval Number:* 2510-pending.

*Form Numbers:* To be assigned.

*Description of the Need for the Information and Its Proposed Use:* This information collection is in support of HUD's America's Affordable Communities Initiative focusing on regulatory barriers that impede the production of affordable housing. It is intended to promote efforts by State and local governments, and to provide for incentives, to remove regulatory barriers to affordable housing.

*Respondents:* Not-for-profit institutions, State, Local or Tribal Government, and Business or other for-profit.

*Frequency of Submission:* Once.

| | Number of respondents | Annual responses | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|
| *Reporting Burden:* | 8,000 | 1 | | 1.5 | | 12,000 |

*Total Estimated Burden Hours:* 12,000.

*Status:* Proposed new information collection.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: February 13, 2004.

**Wayne Eddins,**

*Departmental Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 04–3911 Filed 2–23–04; 8:45 am]

**BILLING CODE 4210–72–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4910–N–04]**

## Notice of Proposed Information Collection for Public Comment for the Comprehensive Improvement Assistance Program (CIAP); Budget/Progress Report, Actual Modernization Cost Certificate

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be 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.

**DATES:** *Comments Due Date:* April 26, 2004.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Sherry F. McCown, Acting Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410–5000.

**FOR FURTHER INFORMATION CONTACT:** Sherry F. McCown, (202) 708–0614, extension 7651. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

Public Housing Agencies (PHAs) will continue to submit to HUD Form HUD–52825, CIAP Budget, and Form HUD–53001, Actual Modernization Cost Certificate (AMCC) under terms of the grant. The HUD–52825 covers all developments being funded in the modernization program for the current FFY. The HUD–52825 is the controlling document during implementation in terms of HUD-approved work items and costs. The HUD–52825 is a combined Budget/Progress Report. The HUD–53001 is required for fiscal closeout of a completed or terminated program. The PHA submits the AMCC to HUD when all funds have been expended and all contractor liens have been released.

This Notice is soliciting comments from members of the public and affected 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:* Comprehensive Improvement Assistance Program (CIAP); Budget/Progress Report, Actual Modernization Cost Certificate.

*OMB Control Number:* 2577–0044.

*Description of the need for the information and proposed use:* When requested by HUD, grantees must prepare the CIAP Budget for the modernization program, describing the activities which are planned to be undertaken with CIAP funds. On an as-needed basis, grantees can submit a revised CIAP Budget when prior HUD approval is required to revise the Budget. Grantees prepare and submit the Progress Report until all funds are expended. Grantees prepare and submit the Actual Modernization Cost Certificate (AMCC) for each terminated or completed modernization program under CIAP. The CIAP Budget and Progress Report are the controlling documents during implementation, in terms of HUD-approved work items and costs.

*Agency form numbers, if applicable:* HUD–52825; HUD–53001.

*Members of affected public:* Local, State, or Tribal Governments, and Not-for-profit institutions.

*Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* 1,000 respondents (grantees); HUD–52825, one response per year; eight hours per response; 8,000 hours reporting; HUD–53001, one response per year; two hours per response, 2,000 hours reporting; 10,000 hours total reporting burden.

*Status of the proposed information collection:* Extension.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 18, 2004.

**Michael Liu,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 04–3912 Filed 2–23–04; 8:45 am]

**BILLING CODE 4210–33–P**

## JUDICIAL CONFERENCE OF THE UNITED STATES

### Revision of Certain Dollar Amounts in the Bankruptcy Code Prescribed Under Section 104(B) of the Code

**AGENCY:** Judicial Conference of the United States.

**ACTION:** Notice.

**SUMMARY:** Certain dollar amounts in title 11, United States Code, are increased.

**FOR FURTHER INFORMATION CONTACT:** Francis F. Szczebak, Chief, Bankruptcy Judges Division, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1900.

**SUPPLEMENTARY INFORMATION:** Section 108 of the Bankruptcy Reform Act of 1994 established the mechanism for the automatic 3-year adjustment of dollar amounts in certain sections of the Bankruptcy Code by adding subsection (b) to section 104 of title 11. That provision states:

(b)(1) On April 1, 1998, and at each 3-year interval ending April 1 thereafter, each dollar amount in effect under [the designated sections of the code] immediately before such April 1 shall be adjusted—

(A) to reflect the change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for the most recent 3-year period ending immediately before January 1 preceding such April 1, and

(B) to round to the nearest $25 the dollar amount that represents such change.

(2) Not later than March 1, 1998, and at each 3-year interval ending on March 1 thereafter, the Judicial Conference of the United States shall publish in the **Federal Register** the dollar amounts that will become effective on such April 1 under sections 109(e), 303(b), 507(a), 522(d), and 523(a)(2)(C) [of the Bankruptcy Code].

(3) Adjustments made in accordance with paragraph (1) shall not apply with respect to cases commenced before the date of such adjustments.

### Revision of Certain Dollar Amounts in Bankruptcy Code

Notice is hereby given that the dollar amounts are increased in the sections in title 11, United States Code, as set out in the following chart. These increases do not apply to cases commenced before the effective date of the adjustments, *i.e.*, April 1, 2004. Official Bankruptcy Forms 6E and 10 also will be amended to reflect these adjusted dollar amounts.

Dated: February 18, 2004.

**Francis F. Szczebak,**

*Chief, Bankruptcy Judges Division.*

| 11 U.S.C. | Dollar amount to be adjusted | New (adjusted) dollar amount |
|---|---|---|
| Section 109(e)—allowable debt limits for filing bankruptcy under Chapter 13 | [1] $290,525 | [1] $307,675 |
| | 871,550 | 922,975 |
| Section 303(b)—minimum aggregate claims needed for the commencement of an involuntary bankruptcy: | | |
| (1)—in paragraph (1) | 11,625 | 12,300 |
| (2)—in paragraph (2) | 11,625 | 12,300 |
| Section 507(a)—priority claims: | | |
| (1)—in paragraph (3) | 4,650 | 4,925 |
| (2)—in paragraph (4)(B)(i) | 4,650 | 4,925 |
| (3)—in paragraph (5) | 4,650 | 4,925 |
| (4)—in paragraph (6) | 2,100 | 2,225 |
| Section 522(d)—value of property exemptions allowed to the debtor: | | |
| (1)—in paragraph (1) | 17,425 | 18,450 |
| (2)—in paragraph (2) | 2,775 | 2,950 |
| (3)—in paragraph (3) | 450 | 475 |
| | 9,300 | 9,850 |
| (4)—in paragraph (4) | 1,150 | 1,225 |
| (5)—in paragraph (5) | 925 | 975 |
| | 8,725 | 9,250 |
| (6)—in paragraph (6) | 1,750 | 1,850 |
| (7)—in paragraph (8) | 9,300 | 9,850 |
| (8)—in paragraph (11)(D) | 17,425 | 18,450 |
| Section 523(a)(2)(C)—''luxury goods and services'' or cash advances obtained by the consumer debtor within 60 days before the filing of a bankruptcy petition, which are considered nondischargeable. | [1] 1,150 | [1] 1,225 |

[1] Each time it appears.

[FR Doc. 04–3889 Filed 2–23–04; 8:45 am]

**BILLING CODE 2210–55–P**

## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review: Application to Make and Register a Firearm.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for

''sixty days'' until April 26, 2004. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible, National Firearms Act Branch, Room 5100, 650 Massachusetts Avenue, NW., Washington, DC 20226.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application to Make and Register a Firearm.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 1 (5320.1). Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Other: Business or other for-profit, State, Local, or Tribal Government. The form is used by persons applying to make and register a firearm that falls within the purview of the National Firearms Act. The information supplied by the applicant on the form helps to establish the applicant's eligibility.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 1,071 respondents will complete a 4-hour form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are 4,271 estimated annual total burden hours associated with this collection.

If additional information is required contact: Brenda E. Dyer, Deputy Clearance Officer, Information Management and Security Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 18, 2004.

**Brenda E. Dyer,**

*Deputy Clearance Officer, Department of Justice.*

[FR Doc. 04–3880 Filed 2–23–04; 8:45 am]

**BILLING CODE 4410–FY–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Digital Subscriber Line Forum

Notice is hereby given that, on December 31, 2003, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Digital Subscriber Line Forum (''DSL'') filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Acterna, Salem, VA; Arcadyan Technology Corp., Hsin Chu, TAIWAN; Calix Networks, Petaluma, CA; Celsian Technologies, Tustin, CA; Cincinnati Bell Telephone, Cincinnati, OH; Critical Telecom, Ottawa, Ontario, CANADA; Cybertan Technology, Hsin Chu, TAIWAN; Mindspeed, Newport Beach, CA; National Technical Systems, Culver City, CA; Pirelli, Milan, ITALY; Silicon & Software Systems, San Jose, CA; Sprint Canada, Toronto, Ontario, CANADA; Wintegra, Blantyre, Glasgow, UNITED KINGDOM; and Yahoo, Sunnyvale, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DSL intends to file additional written notifications disclosing all changes in membership.

On May 15, 1995, DSL filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 25, 1995 (60 FR 38058).

The last notification was filed with the Department on September 26, 2003. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 12, 2003 (68 FR 64124).

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 04–3985 Filed 2–23–04; 8:45 am]

**BILLING CODE 4410–11–M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Devicenet Vendor Association, Inc.

Notice is hereby given that, on December 31, 2003, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Devicenet Vendor Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ABB Industrial systems, New Berlin, WI; ABB Welding Systems AB, Laxa, SWEDEN; AC Technology Corp, Uxbridge, MA; ACCU-Sort Systems, Inc., Telford, PA; Advance Electric Company, Inc., Aichi, JAPAN; Advanced Energy Industries, Inc., Ft. Collins, CO; Advanced Energy JAPAN K.K., Tokyo, JAPAN; Aera Corporation, Austin, TX; Alden Products Company, Brockton, MA; Alfa Laval LKM as, Kolding, DENMARK; Alpha Gear Drives, Elk Grove Village, IL; AMC Technologies Corporation, Edmonton, Alberta, CANADA; Ametek Automation & Process Technologies, Clawson, MI; Animatics Corporation, Santa Clara, CA; ANYWIRE CORPORATION, Kyoto, JAPAN; Arlington Laboratory, Burlington, MA; ARO Controls S.A.S., Chateau du Loir, FRANCE; Aros

Electronics AB, Molndal, SWEDEN; ASI Advanced Semiconductor Instruments GmbH, Berlin, GERMANY; Auma Actuators Inc., Pittsburgh, PA; Automationdirect.com, Cumming, GA; Autonics Corporation, Kyung-Nam, REPUBLIC OF KOREA; Baldor Electric, Fort Smith, AR; Balogh T.A.G., Corporation, Brighton, MI; Beckhoff Industrie Elektronik, Nurnberg, GERMANY; Bellofram Corp., New Berlin, WI; Beta LaserMike Limited, High Wycombe, Buckinghamshire, UNITED KINGDOM; BF ENTRON Ltd. (British Federal), Dudley, West Midlands, UNITED KINGDOM; BOC Edwards, Eastbourne, East Sussex, UNITED KINGDOM; Bosch Rexroth, Lohr am Main, GERMANY; Bray Controls USA, Houston, TX; Bronkhorst High-Tech B.V., Ruurlo, THE NETHERLANDS; Brooks Automation, Inc., Chelmsford, MA; Brooks Instrument/Div. of Emerson, Hatfield, PA; C&M Corporation, Wauregan, CT; CELERITY, Yorba Linda, CA; Celesco Transducer Products, Inc., Chatsworth, CA; CISCO Systems, Inc., Irvine, CA; CKD Corporation, Aichi, JAPAN; Cognex Corporation, West Allis, WI; Comdel Inc., Gloucester, MA; CommScope, Inc., Claremont, NC, COM TEC, Appleton, WI; Contrex Inc., Maple Grove, MN; Control Logic Inc., Mesa, AZ; Control System Technology Pty. Ltd., Mortdale, New South Wales, AUSTRALIA; Control Techniques PLC, Newtown Powys, UNITED KINGDOM; Control Technology Corporation, Hopkinton, MA; Conxall Corporation Inc., Villa Park, IL; Cosmotechs Co., Ltd., Kanagawa, JAPAN; Crevis Co., LTD, Suwon City Kyung Ki-Do, REPUBLIC OF KOREA; Crouse-Hinds Molded Products, LaGrange, NC; CSIRO Mining Automation, Pullenvale, Queensland, AUSTRALIA; DAIDEN Co., Ltd., Fukuoka, JAPAN; DDK Ltd., Tokyo, JAPAN; Delta Computer Systems Inc., Vancouver, WA; Denker, Onehunga, Auckland, NEW ZEALAND; Deutschmann Automation GmbH, Bad Camberg, GERMANY; Digi International, Inc., Lakeville, MN; Dressler HF—Technik GmbH, Stolberg, GERMANY; DVT Corporation, Norcross, GA; E.O.A. Systems Inc., Carrollton, TX; EBARA Technologies Inc., Sacramento, CA; Edwards Signaling, Cheshire, CT; Eilersen Electric A/S, Kokkedal, DENMARK; Electronic Innovation, Inc.—Falter Engineering, Sudbury, Ontario, CANADA; Electro-Sensors, Inc., Minnetonka, MN; Enercon-Nord Electronic GmbH, Bargteheide, GERMANY; Escort Memory Systems, Scotts Valley, CA; esd electronic system design gmbh, Hanover, GERMANY; EXOR Electronic R&D, Cincinnati, OH; Fairchild Industrial Products Company, Winston-Salem, NC; Fanuc Robotics North America, Inc., Rochester Hills, MI; Fife Corporation, Oklahoma City, OK; Flexible Machine Controls, Wendywood, SOUTH AFRICA; FRABA Sensorsysteme GmbH, Koln, GERMANY; Frontline Test Equipment, Charlottesville, VA; Fuji Electric Co., Ltd., Saitama-ken, JAPAN; Fujikin, Inc., Osaka, JAPAN; GE Fanuc Automation North America, Inc., Charlottesville, VA; Helix Technology Corp., Longmont, CO; Grayhill Inc., La Grange, IL; Hae Pyung Electronics Research Institute, Kyungbuk-do Province, REPUBLIC OF KOREA; HANA Information Technology Co., Ltd., Pusan, REPUBLIC OF KOREA; HAN–MI Co. Ltd., Incheon-City, REPUBLIC OF KOREA; Hardy Instruments, Inc., San Diego, CA; Harting, Inc. NA, Elgin, IL; Hengstler GmbH, Aldingen, GERMANY; Hilscher GmbH, Hattersheim, GERMANY; Hirschmann, Inc, Pine Brook, NJ; Hitachi Cable Ltd., Ibaraki, JAPAN; Hitachi Metals, Ltd., Tokyo, JAPAN; Hitachi Naka Electronics Co. Ltd., Ibaraki-ken, JAPAN; HM Computing Ltd., Malvern, Worcestershire, UNITED KINGDOM; Holec Holland N.V., sc Hengelo, THE NETHERLANDS; Holjeron, Wilsonville, OR; Horiba-STEC Inc., Sunnyvale, CA; Horner Electric, Indianapolis, IN; Hyde Park Electronics, Inc., Dayton, OH; IAI Corporation, Shiizu-city, Shizuoka, JAPAN; ICP Panel-Tec, Inc., Huntsville, AL; ICT-Industrial Communications Technologies, Newburyport, MA; IDEC IZUMI Corporation, Yodogawa Ku, Osaka, JAPAN; IMI Norgren Limited, Littleton, CO; Industrial Network Controls, LLC, Coopersburg, PA; INFICON Holding AG, St. Gallen, SWITZERLAND; Intelligent Motion Systems, Marlborough, CT; InterlinkBT LLC, Plymouth, MN; ISAS—Integrated Switchgear & Sys. Pty. Ltd., Darwin, Northern Territory, AUSTRALIA; IVO GmbH & Co., Villingen-Schwenningen, GERMANY; IXXAT Automation GmbH, Weingarten, GERMANY; JEONGIL INTERCOM CO., LTD, Kyunggi-Do, REPUBLIC OF KOREA; KDT Systems Co., Ltd., Kyungki-Do, REPUBLIC OF KOREA; Kistler-Morse Corporation, Bothell, WA; Koganei Corporation, Tokyo, JAPAN; Kojima Instruments Inc., Tsuzuki-gun Kyoto, JAPAN; Kubler GmbH, VS-Schwennigen, GERMANY; Kuramo Electric Co., Ltd., Fukui-ken, JAPAN; Kuroda Precision Industries Ltd., Kanagawa, JAPAN; Lantronix, Inc., Naperville, IL; Lapp USA, Inc. (Olflex Wire & Cable), Florham Park, NJ; Leine & Linde, Strangnas, SWEDEN; LEONI Special Cables GmbH, Friesoythe, GERMANY; Leybold Vacuum GmbH, Koeln, GERMANY; LG Cable Ltd., Anyang Kyunggi-Do, REPUBLIC OF KOREA; LG Industrial System Co., Ltd., Seoul, REPUBLIC OF KOREA; Lika Electronic SNC, Carre (Vi), ITALY; LINTEC Co., Ltd, Shiga, JAPAN; Livingston & Co., Inc., West Lebanon, NH; M. System Co., Ltd., Yokohama, JAPAN; Madison Cable Corporation, Worcester, MA; Marathon Ltd., Moscow, RUSSIA; Marsh Bellofram-Bellofram PCD Division, Newell, WV; Matric Limited Inc., Seneca, PA; Matsushita Electric Industrial Co., Ltd., Osaka, JAPAN; Max Stegmann GmbH, Donaueschingen, GERMANY; Meidensha Corporation, Shizouka-ken, JAPAN; Mencom Corporation, Gainesville, GA; Mitsubishi Electric Automation, Inc. (MEAU), Vernon Hills, IL; Moeller ElectroniX, Detmold, GERMANY; MTT Company Ltd., Hyogo, JAPAN; Murrelektronik GmbH, Oppenweiler, GERMANY; Nihon Electric Wire & Cable Co., Ltd., Osaka, JAPAN; Nikki Denso Co., Ltd., Chiba, JAPAN; NKE Corporation, Kyoto, JAPAN; Nohken, Inc., Chiyoda-ku, Tokyo, JAPAN; Northwire Inc., Osceola, WI; NSK Corporation, Bloomingdale, IL; NSK Precision Co., Ltd., Kanagawa, JAPAN; NT International, Minneapolis, MN; Omron Software Co., Ltd., Kanagawa, JAPAN; Oriental Motor Company, Chiba, JAPAN; Panduit Corporation, Orland Park, IL; Partlow, Gurnee, IL; POSCON, Seoul, REPUBLIC OF KOREA; Proportion-Air, Inc., McCordsville, IN; Proteus Industries Inc., Mountain View, CA; Pyramid Solutions, Inc., Troy, MI; QUALIFLOW, Montpellier, FRANCE; Real Time Automation (C&ID), Wauwatosa, WI; Real Time Objects & Systems, Brookfield, WI; Red Lion Controls, York, PA; Redwood MicroSystems, Inc., Menlo Park, CA; Rice Lake Weighing Systems, Rice Lake, WI; Riken Keiki Co., Ltd., Tokyo, JAPAN; Rockwell Samsung Automation, Suwon Kyunggi-Do, REPUBLIC OF KOREA; Rotork Controls Ltd., Bath, Avon, UNITED KINGDOM; Sanyo Denki Co., Ltd., Tokyo, JAPAN; Sanyo Machine Works, Ltd., Aichi, JAPAN; Schneider Electric, Seigenatadt, Germany; Scientific Technologies, Inc., Fremont, CA; SEC (Samsung Electronics Co., Ltd.), Suwon-City Kyunggi-Do, REPUBLIC OF KOREA; Seiko Seiki Co., Ltd., Chiba, JAPAN; SEMATECH, Austin, TX; Sense Electronica LTDA, Sao Paulo, BRAZIL; Seoil Electric Co., Ltd., Kyunggi-Do, REPUBLIC OF KOREA; SEW Eurodrive GmbH, Bruchsal, GERMANY; Shanghai Aton Electric Co., Ltd., Shanghai, PEOPLE'S

REPUBLIC OF CHINA; Shimaden Co., Ltd., Saitama Prefecture, JAPAN; SHIN HO SYSTEM Co., Ltd., Seo-gu, Inchon, REPUBLIC OF KOREA; SICK AG, Waldkirch, GERMANY; SIEI S.p.A., Gerenzano VA, ITALY; Siemens Energy & Automation, Inc., Johnson City, TN; Sola/Hevi-Duty, Skokie, IL; Stegmann, Inc., Dayton, OH; StoneL Corp., Fergus Hills, MN; SungGi Internet Co., Ltd., Seoul, REPUBLIC OF KOREA; SWAC Automation Consult GmbH, Oberhaching, GERMANY; Syron Engineering & Manufacturing, Inc., Saline, MI; System Controls, Limited, Auckland, NEW ZEALAND; T.B. Wood's Incorporated, Chambersburg, PA; Tang & Associates, Cheras, Selangor, MALAYSIA; The Lincoln Electric Company, Cleveland, OH; The Siemon Company, Watertown, CT; The Stanley Works, Warren, MI; Tokyo Keiso Co., Ltd., Tokyo, JAPAN; Toyo Denki Seizo KK, Yokohama, Kanagawa, JAPAN; TR Controls Electronic, London, Ontario, CANADA; TR Electronic, Troy, MI; Trimble AB, Dayton, OH; TRS Fieldbus Systems Inc., Sterling Heights, MI; TWK Elektronik GmbH, Dusseldorf, GERMANY; UNIPULSE Corporation, Saitama, JAPAN; Vaccon Company, Inc., Medfield, MA; Varian S.p.A., Leini (Torino), ITALY; VIPA GmbH, Herzogenaurach, GERMANY; Watlow Electric Inc., Watsonville, CA; Weidmuller ConneXt Inc., Richmond, VA; West Instruments Limited, Brighton, East Sussex, UNITED KINGDOM; Western Reserve Controls Corp., Akron, OH; Westlock Controls Corp., Saddle Brook, NJ; Wind River Systems, Inc., Sunnyvale, CA; Wittenstein Ternary Co., Ltd., Nagano, JAPAN; Worcester Controls Corporation, Cookeville, TN; YAMAHA Motor Co. Ltd., Shizuoka, JAPAN; Yaskawa Electric America, Inc., Waukegan, IL; and Yokogawa Electric Corp., Tokyo, JAPAN have been added as parties to this venture.

Also, Colorado Flow Tech Inc., Boulder, CO; Danaher Controls, Gurnee, IL; Eurotherm Controls Inc, Reston, VA; Fugasity, Allen, TX; GSE Scale Systems, Novi, MI; Kimura Electric Co., Ltd., Tokyo, JAPAN; Miller Electric Mfg Co., Appleton, WI: Nidec-Shimpo Corp., Kyoto, JAPAN; Particle Measuring Systems, Inc., Boulder, CO; Scientific Instruments, Inc., West Palm Beach, FL; Sumitomo Wiring Systems, Ltd., Mieken, JAPAN; Wieland Electric, Inc., Burgaw, NC; Lam Research Corp., Fremont, CA; MTL Inc., Hampton, NH; Nihon Weidmuller Co., Ltd., Tokyo, JAPAN; Schrader Bellows, Cuyahoga Falls, OH; Geneer Corporation, Des Plaines, IL; Event Technologies, Inc., Hales Corners, WI; International Motion Controls Corp., West Chicago, IL; NemaSoft, Ann Arbor, MI; Ten X Technology, Inc., Austin, TX; Unico, Inc., Franksville, WI; Unitrode, Merrimack, NH; Accu-Trol, Inc., Troy, MI; ACS Electronics Ltd., Migdal Haemek, ISRAEL; Advance Hivolt, Bognor Regis, West Sussex, UNITED KINGDOM; Advance International Group, Oxford, Oxfordshire, UNITED KINGDOM; Alpha Products, Inc., Oxnard, CA; Atlas Copco Controls SA, Vaud, SWITZERLAND; Automation Controls, Campbell, CA; BUSWARE Direct, San Diego, CA; ACT'L sa, 1420 Braine-I'Alleud, BELGIUM; Adept Technology, Inc., San Jose, CA; Advantech Co. Ltd., Taipei, TAIWAN; Aera Japan Ltd., Tokyo, JAPAN; Aerotech Inc., Pittsburgh, PA; ALCATEL High Vacuum Technology, Annecy, FRANCE; AMP Incorporated, Harrisburg, PA; APD Cryogenics, Inc., Allentown, PA; Intermagnetics General Corp., Latham, NY; API Controls Inc., Amherst, NY; Applied Precision Inc., Issaquah, WA; Applied Science and Technology, Woburn, MA; Arcom Control Systems Ltd., Cambridge, UNITED KINGDOM; Fairy Group PLC, Egham, Surrey, UNITED KINGDOM; ASAP, Inc., Chagrin Falls, OH; Athena Controls Incorporated, Plymouth Meeting, PA; Inductotherm Industries, Rancocas, NJ; Automation Controls, Campbell, CA; Azonix Corporation, Billerica, MA; B/E Semi TCU, Anaheim, CA; Balzers und Leybold Holding, Koeln, GERMANY; Bay Pneumatic, Inc., Menlo Park, CA; Binar Elektronik AB, Trollhattan, SWEDEN; BLH Electronics Inc., Canton, MA; Brooks Automation Canada, Richmond, Quebec, CANADA; Burkert Contromatic, Irvine, CA; Christian-Buerkert Str 13–17, Ingelfingen, GERMANY; Clippard Instrument Laboratory, Cincinnati, OH; Controlware Technologies, Mayfield Heights, OH; DAIHEN Corporation, Osaka-City, JAPAN; Deltron Inc., North Wales, PA; Digital Freedom, Dayton, OH; Freedom Electric Custom Controls and Designing, Inc., Dayton, OH; Dillmann & Simmler Engineering GmbH, Ebenweiler, GERMANY; ECT International, Inc., Brookfield, WI; Emerson Electric, Clayton, MO; EMS Inc., Cincinnati, OH; ENI Products, Rochester, NY; Entrelec Inc., Irving, TX; Entrellec Group, Lyon, FRANCE; Extron Co., Golden Valley, MN; Exxact. GmbH, Huckelhoven, GERMANY; FASE Saldatura S.R.L., Stupinigi (Torino), ITALY; Ferran Scientific Inc., San Diego, CA; FTS Systems, Inc., Stone Ridge, NY; Protean plc, High Wycombe, Buckingham, UNITED KINGDOM; GE ED&C, Plainville, CT; GE Company, Fairielo, CT; Gestra GmbH, Bremen, GERMANY; Siebe plc, Windsor, Berkshire, UNITED KINGDOM; Graco, Inc., Plymouth, MI; Hewlett-Packard, San Jose, CA; High Yield Technology, Sunnyvale, CA; Pacific Scientific, Newport Beach, CA; Hokuyo Electric Co. Ltd., Osaka, JAPAN; Humphrey Products, Kalamazoo, MI; IDEACOD-Hohner AUTOMATION S.A., Strasbourg Dedex, FRANCE; ifm efector, inc., Exton, PA; IFM electronic, Essen, GERMANY; Ingersoll Rand (ARO) Fluid Power, Bryan, OH; Inst fuer elekt Messtechnik and Grundlagen der Ele, Braunschweig, GERMANY; insyte inc., Tampa, FL; Intellution, Norwood, MA; KASHIYAMA Industries, Ltd., Nagano, JAPAN; Kistler-Morse Corporation, Bothell, WA; Danaher Corp., Washington, D.C.; Kollmorgen Industrial Drives, Radford, VA; Kollmorgan Corporation, Waltham, MA; KUKA Roboter GmbH, Augsburg, GERMANY; KVASER AB, Kinnahult, SWEDEN; Lucas Signatone Corporation, Sunnyvale, CA; Lutze, Inc., Charlotte, NC; Magnetek, New Berlin, WI; Mannesmann Rexroth/Pneumatic Div, Lexington, KY; Mannesmann AG, Dusseldorf, GERMANY; Medar, Inc., Farmington Hills, MI; Montrose/CDT, Auburn, MA; Cable Design Technologies, Pittsburgh, PA; Moog Inc., East Aurora, NY; Motion Engineering, Inc., Santa Barbara, CA; N.S.I. Sa; Crangevrier, FRANCE; Namco Controls Corp., Highland Heights, OH; Cleveland Corp Inc., Pepper Pike, OH; Negretti Automation Ltd., Aylesbury, UNITED KINGDOM; National Instruments, Austin, TX; NESLAB Instruments, Inc., Newington, NH; Thermo Spectra, Waltham, MA; Nordson Corporation, Norcross, GA; North America Mfg., Cleveland, OH; O.G. Line S.A., Saint Genis Laval, FRANCE; ObjectAutomation, Santa Ana, CA; Olflex Wire & Cable, Inc., Fairfield, NJ; U.I. Lapp Gmbh & Co KG, Stuttgart, GERMANY; ORMEC Systems Corp., Rochester, NY; PanelWorks LLC, Wauwatosa, WI; Real Time Automation, Wauwatosa, WI; Patriot Sensors & Controls, Clawson, MI; Control Holding Company, Clawson, MI; PCD Inc., Peabody, MA; Peak-Service GmbH, Darmstadt, GERMANY; Pfeiffer Vacuum Technology Inc., Nashua, NH; Pfeiffer Vaccm Ag, Asslar, GERMANY; Phasetronics, Inc., Clearwater, FL; Quin Systems Ltd., Workingham, UNITED KINGDOM; RadiSys Corporation, Hillsboro, OR; RBB Systems, Inc., Shreve, OH; Rexroth Corporation/ Indramat Div., Hoffman Estates, IL; Mannesmann AG, Dusseldorf,

GERMANY; RF Power Products, Voorhees, NJ; Robicon, New Kensington PA; High Voltage Engineering, Wakefield, MA; Robotron Corporation, Southfield, MI; Rockwell Automation/DODGE, Greenville, SC; Rockwell International Corp., Seal Beach, CA; Rockwell Automation/Reliance Elec., Cleveland, OH; Rockwell International Corp., Seal Beach, CA; SAM Research Co., Ltd., Mie Ken, JAPAN; Hitachi Metals Ltd., Tokyo, JAPAN; SBS GreenSpring Modular I/O, Menlo Park, CA; SBS Technology Inc., Albuquerque, NM; Schneider Automation, Inc., North Andover, MA; Groupe Schneider SA, Cedex, FRANCE; Seiberco Inc., Braintree, MA; Orignal Motor USA Corp, Torrance, CA; Sencon Inc., Bedford Park, IL; Spellman High Voltage Electronics Corp., Hauppauge, NY; STEC INSTRUMENTS, INC., Sunnyvale, CA; Steeplechase Software, Inc., Ann Arbor, MI; Sterling Controls, Sterling, IL; Prater Industries Inc., Cicero, IL; Synergetic Micro Systems Inc., Downers Grove, IL; The Oilgear Company, Milwaukee, WI; The Partlow-West Company, New Hartford, NY; The Danaher Corp., Washington, DC; Think & Do Software, Inc., Ann Arbor, MI; Tokyo Electron America, Austin, TX; Total Control Products, Melrose Park, IL; TRANSCELL Technology Inc., Northbrook, IL; Travis Technologies Corp., Austin, TX; Trumeter Company Limited, Radcliffe, Manchester, UNITED KINGDOM; Turck, Inc., Plymouth, MN; Tyco Valves & Controls/Keystone, Houston, TX; Keystone International, Houston, TX; Unit Instruments, Inc., Yorba Linda, CA; Varian Vacuum Products, Lexington, MA; Varian Associates, Palo Alto, CA; VAT Vakuumventile AG, Haag, SWITZERLAND; VBLogic, Inc., Midland, NC; VG Gas Analysis Systems Inc., Beverly, MA; VMIC, Huntsville, AL; Warwick Manufacturing Group, Coventry, West Midlands, UNITED KINGDOM; University of Warwick, Coventry, West Midlands, UNITED KINGDOM; Watkins-Johnson Company, Scotts Valley, CA; Weltronics/Technitron Corp., Carol Stream, IL; Whedco, Inc., Ann Arbor, MI; Xycom, Inc., Saline, MI; Hubbell Wiring Device Kellems, Milford, CT; Hubbell Incorporated, Orange, CT; Teknic Inc., Rochester, NY; Integrated Control Technology, N. Andover, MA; and Toshiba International Corp., Houston, TX have been dropped as parties to this venture.

The following members have changed their names: ABB Robotics Products AB to ABB Automation Technology Products AB/Robotics, Vasteras, SWEDEN; Allen-Bradley Company, Inc. to Rockwell Automation/Allen-Bradley, Mayfield Heights, OH; Uticor Technology, Inc. to AVG Automation, Bettendorf, IA; Kollmorgen Industrial Drives to Danaher Motion, Radford, VA; HMS Fieldbus Systems AB to HMS Industrial Networks AB, Halmstad, SWEDEN; Hohner Shaft Encoder Corp. to Hohner Corp., Beamsville, Ontario, CANADA; D.I.P. Inc. to MKS Instruments, CIT Group, Austin, TX; S–S Technologies, Inc. to SST Division of Woodhead CANADA, Waterloo, Ontario, CANADA; Millipore Microelectronics Div/Tylan General to Mykrolis Corporation, Allen, TX; Molex Industrial Interfaces, Inc. to Molex Incorporated, Gilford, NH.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open Devicenet Vendor Association, Inc. intends to file additional written notification disclosing all changes in membership.

On June 21, 1995, open Devicenet Vendor Association, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on May 28, 1996. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 20, 1996 (61 FR 31551).

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 04–3987 Filed 2–23–04; 8:45 am]

**BILLING CODE 4410–11–M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Environmental Research Forum (''PERF'')

Notice is hereby given that, on January 22, 2004, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Petroleum Environmental Research Forum (''PERF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, TNO Environment, Energy and Process Innovation, Apeldoorn, THE NETHERLANDS has withdrawn from membership in PERF.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Petroleum Environmental Research Forum (''PERF'') intends to file additional written notification disclosing all changes in membership.

On February 10, 1986, Petroleum Environmental Research Forum (''PERF'') filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 14, 1986 (51 FR 8903).

The last notification was filed with the Department on March 25, 2002. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on April 22, 2002 (67 FR 19588).

**Dorothy B. Fountain,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. 04–3986 Filed 2–23–04; 8:45 am]

**BILLING CODE 4410–11–M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,588]**

### Amphenol RF, Severna Operations, Parsippany, NJ; Notice of Revised Determination on Reconsideration Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

By letter dated January 30, 2004, a petitioner requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA). The certification was signed on January 15, 2004. The notice will soon be published in the **Federal Register**.

The initial investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

The petitioner alleges in the request for reconsideration that the skills of the workers at the subject firm are not easily transferable.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the

worker group are age fifty years or over. Competitive conditions within the industry are adverse.

**Conclusion**

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers at Amphenol RF, Severna Operations, Parsippany, New Jersey, who became totally or partially separated from employment on or after November 18, 2002 through January 15, 2006, 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 in Washington, DC this 4th day of February 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3917 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,228]**

### Aurora Acquisition Corp., Formerly Clarksburg Casket Company, Hepzibah, West Virginia; Notice of Negative Determination on Reconsideration

By application of December 18, 2003, Teamsters Local Union No. 175 requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice was signed on November 17, 2003, and published in the **Federal Register** on December 29, 2003 (68 FR 74977).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers at Aurora Acquisition Corp., formerly Clarksburg Casket Company, Hepzibah, West Virginia was denied because the ''contributed importantly'' group eligibility requirement of section 222 of the Trade Act of 1974 was not met. The ''contributed importantly'' test is generally demonstrated through a survey of customers of the workers' firm. The survey revealed that the customer of the subject firm did not increase its purchases of imported wood caskets. The subject firm also did not increase its imports of wood caskets, nor did the company shift production to a foreign source during the relevant period.

In the request for reconsideration, the petitioner alleged that the subject company formed a strategic alliance with a Canadian firm to deliver caskets from Canada. This alliance still exists and Aurora Casket Company is still purchasing caskets from Canada. As a result, the petitioner concludes that the closure of the subject firm is directly attributed to increased imports of Canadian imports of wood caskets.

A company official was contacted in regard to these allegations. It was revealed that, although the subject firm has two unaffiliated vendors in Canada, caskets produced by these vendors do not have the same style numbers and are considered to be not like or directly competitive with those produced by the subject firm. Furthermore, the company official was asked to provide company data on imports of wood caskets during the relevant period. The data review revealed that the total purchases of caskets from Canada decreased significantly in 2003 compared to the prior year, and thus could not have contributed importantly to layoffs at the subject firm.

The petitioner further alleges that a newly acquired facility in Bristol, Tennessee did not have capability of producing Orthodox caskets, and the petitioner is not aware of any domestic supplier that could provide Aurora Casket Company with the Orthodox caskets. The union believes that Canadian vendors could be the only suppliers of Orthodox caskets to the subject firm.

The company official clarified that Aurora Casket Company, a company related to the subject firm by common ownership, bought Cortrium Hardwood Parts Co., Bristol, Tennessee for the purpose of shifting production of wood caskets from the subject firm, as well as increasing production of Orthodox caskets at Cortrium facility. He further stated that prior to and after the acquisition date, Cortrium's primary business in Bristol, Tennessee was making and selling these specialty Orthodox caskets. Consequently, production of caskets at Cortrium, Bristol, Tennessee increased substantially after the closure of the subject firm.

The official confirmed what had been established in the initial investigation, which was that the layoffs at Aurora Acquisition Corp., formerly Clarksburg Casket Company, Hepzibah, West Virginia are directly caused by a domestic shift in production.

**Conclusion**

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for worker adjustment assistance for workers and former workers of Aurora Acquisition Corp., formerly Clarksburg Casket Company, Hepzibah, West Virginia.

Signed in Washington, DC, this 11th day of February, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3929 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,135]**

### Castle Rubber, LLC; East Butler, PA; Notice of Revised Determination on Reconsideration

By letter postmarked December 11, 2003, company officials and United Steelworkers of America, Local 116L requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on November 5, 2003, based on the finding that imports of molded and built-up rubber products did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on November 28, 2003 (68 FR 66878).

To support the request for reconsideration, the company official supplied additional major declining

customers to supplement those that were surveyed during the initial investigation. The survey revealed that significant number of major declining customers contacted during the reconsideration, increased their imports of molded and built-up rubber products in the relevant period. The imports accounted for a meaningful portion of the subject plant's lost sales and production.

In accordance with Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of Section 246 of the Trade Act must be met. The Department has determined in this case that the requirements of section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

**Conclusion**

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Castle Rubber, LLC, East Butler, Pennsylvania, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Castle Rubber, LLC, East Butler, Pennsylvania, who became totally or partially separated from employment on or after October 2, 2002, through two years from the date of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC, this 5th day of February 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3915 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,209]**

### Computer Sciences Corporation Financial Services Group (''FSG''), East Hartford, Connecticut; Notice of Negative Determination on Reconsideration

On January 5, 2004, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on January 23, 2004 (69 FR 3391–3392).

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 mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Computer Sciences Corporation, Financial Services Group (''FSG''), East Hartford, Connecticut. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

In the request for reconsideration, the petitioner alleged that the petitioning worker group produced a product and that production (in the form of design, coding, testing and delivery of software) shifted to India.

Further contact with the company during reconsideration revealed that the petitioning workers did produce widely marketed software components on CD Rom and tapes, and thus did produce an article within the meaning of the Trade Act.

However, although the company did report that some ''source coding'' did shift to India in the relevant period, the subject firm does not import completed software on physical media that is like or directly competitive with that which was produced at the subject facility. Business development, design, testing, and packaging remain in the United States.

A National Import Specialist was contacted at the U.S. Customs Service to address whether software could be described as an import commodity. The Import Specialist confirmed that electronically transferred material is not a tangible commodity for U.S. Customs purposes. In cases where software is encoded on a medium (such as a CD Rom or floppy diskette), the software is given no import value, but rather evaluated exclusively on the value of the carrier medium. This standard is based on Treasury Decision 85–124 as issued on July 8, 1985, by the U.S. Customs Service. In conclusion, this decision states that ''in determining the customs value of imported carrier media bearing data or instructions, only the cost or value of the carrier medium itself shall be taken into account. The customs value shall not, therefore, include the cost or value of the data or instructions, provided that this is distinguished from the cost or the value of the carrier medium.''

Finally, the North American Industry Classification System (NAICS), published by the U.S. Department of Commerce, designates all manner of custom software applications and software systems, including analysis, development, programming, and integration as ''Services'' (see NAICS #541511 and #541512.)

**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 in Washington, DC, this 3rd day of February, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3930 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–54,202]**

### Finishes First, Inc., Spruce Pine, North Carolina; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on February 9, 2004 in response to a worker petition filed by a company official on behalf of workers at Finishes First, Inc., Spruce Pine, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 11th day of February, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3922 Filed 2–23–04; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,947]**

### James Kenney Vineyards, Grants Pass, Oregon; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 6, 2004 in response to a worker petition which was filed by a company official and two additional petitioners on behalf of workers at James Kenney Vineyards, Grants Pass, Oregon. The workers produce wine grapes.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 5th day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3927 Filed 2–23–04; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W 54,122]**

### Magnetika, Inc., Lakewood, NJ; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 30, 2004 in response to a petition filed by a company official on behalf of workers at Magnetika, Inc., Lakewood, New Jersey.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 6th day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3923 Filed 2–23–04; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–54,019]**

### North Manchester Foundry, North Manchester, IN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 15, 2004 in response to a petition filed by United Steelworkers of America Local 626, on behalf of workers at North Manchester Foundry, North Manchester, Indiana.

The Department has been unable to locate the petitioner. Therefore, the petition is deemed invalid. Further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 11th day of February, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3920 Filed 2–23–04; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–54,069]**

### Phelps Dodge Industries, Inc., Phelps Dodge Magnet Wire Division, El Paso, TX; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 23, 2004, in response to a worker petition filed a company official on behalf of workers at Phelps Dodge Industries, Inc., Phelps Dodge Magnet Wire Division, El Paso, Texas.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 9th day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3921 Filed 2–23–04; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,401]**

### Pitney Bowes, Inc., Holyoke Facility, Holyoke, Massachusetts; Notice of Negative Determination Regarding Application for Reconsideration

By application of December 17, 2003, 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 Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Pitney Bowes, Inc., Holyoke Facility, Holyoke, Massachusetts was signed on December 5, 2003, and published in the **Federal Register** on January 16, 2004 (69 FR 2622).

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 TAA petition was filed on behalf of workers at Pitney Bowes, Inc., Holyoke Facility, Holyoke, Massachusetts engaged in design of Digital Document Delivery software. The petition was denied because the petitioning workers did not produce an article within the meaning of section 222 of the Act.

The petitioner contends that the Department erred in its interpretation of work performed at the subject facility as a service and refers to the production of D3tm software as a final product. As a proof, the petitioner attached a description of the software and a photocopy of the disk, which bears the logo of ALYSIS Technologies.

A company official was contacted for clarification in regard to the nature of the work performed at the subject facility. The official stated that workers of Holyoke facility are Java engineers, engaged in IT solution and development, software coding and documentation. The official further clarified that designed and engineered software (D3) is electronically transmitted from the subject facility to the CD rom production facility in Lisle,

Illinois. The company official reported that the development stage of D3 product is currently in the process of being outsourced to India. The company official further stated that development process which will begin in India will result in engineers developing source codes which will be electronically transmitted to the United States for further modification, stamping and distribution to customers.

The sophistication of the work involved is not an issue in ascertaining whether the petitioning workers are eligible for trade adjustment assistance, but rather only whether they produced an article within the meaning of section 222 of the Trade Act of 1974.

Software design, developing and coding are not considered production of an article within the meaning of Section 222 of the Trade Act. Petitioning workers do not produce an ''article'' within the meaning of the Trade Act of 1974. Formatted electronic software and codes are not tangible commodities, that is, marketable products, and they are not listed on the Harmonized Tariff Schedule of the United States (HTS), as classified by the United States International Trade Commission (USITC), Office of Tariff Affairs and Trade Agreements, which describes articles imported to the United States.

To be listed in the HTS, an article would be subject to a duty on the tariff schedule and have a value that makes it marketable, fungible and interchangeable for commercial purposes. Although a wide variety of tangible products are described as articles and characterized as dutiable in the HTS, informational products that could historically be sent in letter form and that can currently be electronically transmitted, are not listed in the HTS. Such products are not the type of employment work products that customs officials inspect and that the TAA program was generally designed to address.

The petitioner also alleges that imports impacted layoffs, asserting that because workers lost their jobs due to a transfer of job functions to India, petitioning workers should be considered import impacted.

The petitioning worker group is not considered to have engaged in production, thus any foreign transfer of their job duties is irrelevant within the context of eligibility for trade adjustment assistance.

Finally, the petitioner alleges that the workers of the subject firm meet the requirements for TAA on the basis that ''workers' separation was caused by a reduced demand for services from a parent firm.''

The petitioner should note that this criterion applies to a workers group only when their separations are caused by a reduced demand for their services from a parent or controlling firm or subdivision whose workers produce an article and who are currently under certification for TAA. The investigation revealed no such affiliations.

**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 6th day of February, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3928 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,990]**

### Quadelle Textile Corporation, West New York, NJ; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 12, 2004 in response to a worker petition which was filed by a company official on behalf of workers at Quadelle Textile Corporation, West New York, New Jersey (TA–W–53,990).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 10th day of February, 2004.

**Linda G. Poole,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3919 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–54,078]**

### Sappi Fine Paper, Cloquet, Minnesota; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 26, 2004 in response to a worker petition filed on behalf of workers at Sappi Fine Paper, Cloquet, Minnesota.

The petitioning group of workers is covered by an earlier petition filed on January 15, 2004 (TA–W–54,013) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC, this 2nd day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3924 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,174 and TA–W–53,174A]**

### Sinclair Collins, div. of Parker Hannafin Corporation, Akron, Ohio, Including an Employee of Sinclair Collins, div. of Hannafin Corporation, Located in Nashville, Tennessee; 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 on November 12, 2003, applicable to workers of Sinclair Collins, div. of Parker Hannafin Corporation, Akron, Ohio. The notice was published in the **Federal Register** on December 29, 2003 (68 FR 74979).

At the request of a petitioner, the Department reviewed the certification for workers of the subject firm. New information shows that a worker was separated involving an employee of the Akron, Ohio facility of Sinclair Collins, div. of Parker Hannafin Corporation located in Nashville, Tennessee. This

employee provided sales, marketing, warranty issues and general support services for the production of industrial valves for tire manufacturers at the Akron, Ohio location of the subject firm.

Based on these findings, the Department is amending this certification to include an employee of the Akron, Ohio facility of Sinclair Collins, div. of Parker Hannafin Corporation, located in Nashville, Tennessee.

The intent of the Department's certification is to include all workers of Sinclair Collins, div. of Parker Hannafin Corporation, Akron, Ohio, who were adversely affected by increased imports.

The amended notice applicable to TA–W–53,174 is hereby issued as follows:

All workers of Sinclair Collins, div. of Parker Hannafin Corporation, Akron, Ohio (TA–W–53,174), including an employee of Sinclair Collins, div. of Parker Hannafin Corporation, Akron Ohio, located in Nashville, Tennessee (TA–W–53,174A), who became totally or partially separated from employment on or after October 1, 2002, through November 12, 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 in Washington, DC this 4th day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3931 Filed 2–23–04; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–51,655]**

### Timeplex, LLC, a Division of Platinum Equity Holdings, Hackensack, NJ; Notice of Revised Determination on Reconsideration

On November 21, 2003, the Department issued an Affirmative Determination Regarding Application on Reconsideration applicable to workers and former workers of the subject firm. The notice was published in the **Federal Register** on December 19, 2003 (68 FR 70838–70839).

On June 10, 2003 the Department initially denied TAA to workers of Timeplex, LLC, a division of Platinum Equity Holdings, Hackensack, New Jersey producing telecommunications equipment because the ''contributed importantly'' group eligibility requirement of section 222 of the Trade Act of 1974 was not met.

On reconsideration, the department surveyed customers of the subject plant regarding their purchases of telecommunications equipment during 2001, 2002, and January through May of 2003 over the corresponding period in 2002. The survey revealed that major declining customer(s) increased their imports of telecommunications equipment, while decreasing their purchases from the subject plant during the relevant period.

**Conclusion**

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with telecommunications equipment, contributed importantly to the declines in sales or production and to the total or partial separation of workers of Timeplex, LLC, a division of Platinum Equity Holdings, Hackensack, New Jersey. In accordance with the provisions of the Act, I make the following certification:

All workers of Timeplex, LLC, a division of Platinum Equity Holdings, Hackensack, New Jersey who became totally or partially separated from employment on or after April 28, 2002 through two years of this certification, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed in Washington, DC this 12th day of February 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3913 Filed 2–23–04; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,956]**

### Tomken Enterprises, Hildebran, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 7, 2004, in response to a petition filed by the company on behalf of workers at Tomken Enterprises, Hildebran, North Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 11th day of February, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3918 Filed 2–23–04; 8:45 am]

BILLING CODE 4510–30–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–52,770]**

### Tower Mills, Inc., Burlington, NC; Notice of Revised Determination on Reconsideration

By application of December 12, 2003, a petitioner requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on November 3, 2003, based on the finding that imports of hosiery, spandex tights, pantyhose and trouser socks did not contribute importantly to worker separations at the subject plant and no shift of production to a foreign source occurred. The denial notice was published in the **Federal Register** on November 28, 2003 (68 FR 66878).

To support the request for reconsideration, the company official supplied additional major declining customers to supplement those that were surveyed during the initial investigation. Upon further review and contact with these customers of the subject firm, it was revealed that they increased their import purchases of socks and hosiery during the relevant period. The imports accounted for a meaningful portion of the subject plant's lost sales and production.

It was further revealed that U.S. aggregate imports of socks and hosiery increased significantly during the relevant period.

In accordance with section 246 the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor herein presents the results of its investigation regarding certification of eligibility to apply for alternative trade adjustment assistance (ATAA) for older workers.

In order for the Department to issue a certification of eligibility to apply for ATAA, the group eligibility requirements of section 246 of the Trade Act must be met. The Department has determined in this case that the

requirements of section 246 have been met.

A significant number of workers at the firm are age 50 or over and possess skills that are not easily transferable. Competitive conditions within the industry are adverse.

**Conclusion**

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Tower Mills, Inc., Burlington, North Carolina, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Tower Mills, Inc., Burlington, North Carolina, who became totally or partially separated from employment on or after August 27, 2002 through January 31, 2006, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974, and are eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.

Signed in Washington, DC this 17th day of February 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3914 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–52,705]**

### Trojan Steel Company, Charleston, West Virginia; Notice of Negative Determination on Reconsideration

On January 6, 2004, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on January 26, 2004 (69 FR 3606).

The Department initially denied TAA to workers of Trojan Steel Company, Charleston, West Virginia because the ''upstream supplier'' group eligibility requirement of section 222(b) of the Trade Act of 1974, as amended, was not met. The ''upstream supplier'' requirement is fulfilled when the workers' firm (or subdivision) is a supplier to a firm that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification. The TAA certified firm must also constitute 20 percent of subject firm sales or the loss of business from this certified firm must contribute importantly to layoffs at the subject firm.

The workers of Trojan Steel Company, Charleston, West Virginia did not supply significant quantities of steel to the trade certified firm listed in the petition during the period under investigation.

In the request for reconsideration, the petitioner supplied an extended list of customers ''from the last five years'', alleging that an investigation of these additional customers would prove that the subject firm was eligible under secondary impact.

The Department reviewed all of these firms and found that none of the worker groups employed by these firms were certified for TAA.

**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 in Washington, DC, this 4th day of February, 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3932 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–54,077]**

### Twin City Leather Company, Gloversville, New York; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 26, 2004 in response to a petition filed by a representative of the Union of Needletrades, Industrial and Textile Employees on behalf of workers at Twin City Leather Company, Inc., Gloversville, New York.

The petitioning group of workers is covered by an earlier petition instituted on January 13, 2004 (TA–W–53,992) that is the subject of an ongoing investigation for which a determination has not yet been issued. Further investigation in this case would duplicate efforts and serve no purpose; therefore the investigation under this petition has been terminated.

Signed at Washington, DC, this 6th day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3925 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–54,008]**

### Unifine Dohler America, Monmouth Junction Facility, Monmouth Junction, New Jersey; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, as amended, an investigation was initiated on January 30, 2004 in response to a petition filed by a state official on behalf of workers of Unifine Dohler America, Monmouth Junction facility, Monmouth Junction, New Jersey. The worker at the subject facility was engaged in the distribution of food to airlines.

The petition regarding the investigation has been deemed invalid. In order to establish a valid worker group, there must be at least three full-time workers employed at some point during the period under investigation. Workers of the group subject to this investigation did not meet this threshold level of employment. Consequently, the investigation has been terminated.

Signed at Washington, DC, this 2nd day of February, 2004.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3926 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–53,527]**

### Van Dorn Demag Corporation, a Division of Demag Products Group, Strongsville, OH; Notice of Revised Determination on Reconsideration Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

By letter dated January 21, 2004, a petitioner requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA). The certification was signed on December 5, 2003. The notice was published in the **Federal Register** on January 16, 2004 (69 FR 2623).

The initial investigation determined that the skills of the subject worker group are easily transferable to other positions in the local area.

The petitioner alleges in the request for reconsideration that the skills of the workers at the subject firm are not easily transferable.

Additional investigation has determined that the workers possess skills that are not easily transferable. A significant number or proportion of the worker group are age fifty years or over. Competitive conditions within the industry are adverse.

### Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that the requirements of Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

All workers of at Van Dorn Demag Corporation, A Division of Demag Products Group, Strongsville, Ohio, who became totally or partially separated from employment on or after November 12, 2002 through December 5, 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 in Washington, DC this 5th day of February 2004.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. 04–3916 Filed 2–23–04; 8:45 am]

**BILLING CODE 4510–30–P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### Meeting Notice

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** NASA will conduct an open forum meeting to solicit questions, views and opinions of interested persons or firms concerning NASA's procurement policies, practices, and initiatives. The purpose of the meeting is to have an open discussion between NASA's Associate Administrator for Procurement, industry, and the public.

**Note:** This is not a meeting about ''how to do business with NASA'' for new firms, nor will it focus on small businesses or specific contracting opportunities. Position papers are not being solicited. Another contractor open forum will be held at the Johnson Space Center in May 2004.

**DATES:** Thursday, March 18, 2004, from 9 a.m. to 11:30 a.m.

**ADDRESSES:** The meeting will be held at NASA, Marshall Space Flight Center, Morris Auditorium, Bldg. 4200, Huntsville, AL 35812.

**FOR FURTHER INFORMATION CONTACT:** Valerie Holmes, NASA Marshall Space Flight Center, Mail Code PS01, Huntsville, AL 35812, (256) 544–0314, email: *Valerie.N.Holmes@nasa.gov*.

**SUPPLEMENTARY INFORMATION:**

*Admittance:* Doors will open at a half-hour prior to the presentation. Admittance will be on a first-come, first-served basis. Auditorium capacity is limited to approximately 90 persons. To ensure adequate seating, a maximum of two representatives per firm is requested. No reservations will be accepted.

*Format:* There will be a presentation by the Associate Administrator for Procurement, followed by a question and answer period. Procurement issues will be discussed, including current acquisition activities at NASA. Questions for the open forum should be presented at the meeting and should not be submitted in advance. Position papers are not being solicited.

**Tom Luedtke,**

*Assistant Administrator for Procurement.*

[FR Doc. 04–3991 Filed 2–23–04; 8:45 am]

**BILLING CODE 7510–01–P**

## THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Meetings of Humanities Panel

**AGENCY:** The National Endowment for the Humanities.

**ACTION:** Notice of meetings.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Heather Gottry, Acting Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

**SUPPLEMENTARY INFORMATION:** The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* March 2, 2004.
   *Time:* 9 a.m. to 5:30 p.m.
   *Room:* 415.
   *Program:* This meeting will review applications for Stabilization of Library and Archival Collections, submitted to the Division of Preservation and Access at the October 1, 2003 deadline.
2. *Date:* March 19, 2004.
   *Time:* 8:30 a.m. to 5 p.m.
   *Room:* 426.
   *Program:* This meeting will review applications for Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public

Programs at the February 3, 2004 deadline.

3. *Date:* March 22, 2004.
*Time:* 8:30 a.m. to 5 p.m.
*Room:* 415.
*Program:* This meeting will review applications for Special Projects, submitted to the Division of Public Programs at the February 3, 2004 deadline.

5. *Date:* March 26, 2004.
*Time:* 8:30 a.m. to 5 p.m.
*Room:* 426.
*Program:* This meeting will review applications for Humanities Projects in Museums and Historical Organizations, submitted to the Division of Public Programs at the February 3, 2004 deadline.

6. *Date:* March 29, 2004.
*Time:* 8:30 a.m. to 5 p.m.
*Room:* 415.
*Program:* This meeting will review applications for Special Projects, submitted to the Division of Public Programs at the February 3, 2004 deadline.

7. *Date:* March 31, 2004.
*Time:* 8:30 a.m. to 5 p.m.
*Room:* 415.
*Program:* This meeting will review applications for Humanities Projects in Libraries and Archives, submitted to the Division of Public Programs at the February 3, 2004 deadline.

**Heather Gottry,**

*Acting Advisory Committee Management Officer.*

[FR Doc. 04–4031 Filed 2–24–04; 8:45 am]

**BILLING CODE 7536–01–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts; Leadership Initiatives Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a teleconference meeting of the Leadership Initiatives Advisory Panel (Arts Journalism Institutes section) to the National Council on the Arts will be held from Room 620 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 on Monday, March 25, 2004, from 3 p.m. to 3:30 p.m. e.s.t.

This meeting will be open to the public. The discussion will cover issues related to development of the Arts Journalism Institutes and other business as necessary.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TDY–TDD 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: February 18, 2004.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations, National Endowment for the Arts.*

[FR Doc. 04–3879 Filed 2–23–04; 8:45 am]

**BILLING CODE 7537–01–P**

## 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 95—Facility Security Clearance and Safeguarding of National Security Information and Restricted Data.

2. *Current OMB approval number:* 3150–0047.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC-regulated facilities and other organizations requiring access to NRC-classified information.

5. *The number of annual respondents:* 8.

6. *The number of hours needed annually to complete the requirement or request:* 447 hours (335 hours reporting [2.3 hrs per response] and 112 hours recordkeeping [14 hrs per recordkeeper]).

7. *Abstract:* NRC-regulated facilities and other organizations are required to provide information and maintain records to ensure that an adequate level of protection is provided to NRC-classified information and material.

Submit, by April 26, 2004, 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–1F21, 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 F52, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV.*

Dated at Rockville, Maryland, this 17th day of February, 2004.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 04–3893 Filed 2–23–04; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket 72–1015]**

## NAC International Issuance of Environmental Assessment and Finding of No Significant Impact

### Introduction

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption to NAC International, Inc. (NAC or applicant), pursuant to 10 CFR 72.7, from the requirement of 10 CFR 72.248(c)(6). This requirement mandates certificate holders to file an updated Final Safety Analysis Report (FSAR) to the NRC every 24 months from the date of issuance of a Certificate of Compliance (CoC) for a spent fuel storage cask design. NAC, located in Norcross, Georgia, is the holder of CoC Number 1015 for the NAC–UMS Universal Storage System, and is seeking NRC approval to delay filing of an updated FSAR for the NAC–UMS system. The NAC–UMS system is approved for use under the general license provisions of subpart K of 10 CFR part 72, and is designed for the dry storage of spent nuclear fuel at U.S. nuclear power reactors.

### Environmental Assessment (EA)

*Identification of Proposed Action:* By letter dated January 9, 2004, NAC requested an exemption, pursuant to 10 CFR 72.7, from the requirement of 10 CFR 72.248(c)(6). NAC is seeking Commission approval to delay the biennial filing of the updated FSAR for the NAC–UMS system to the NRC. The exemption requested is from the requirement of 10 CFR 72.248(c)(6), which states that ''Updates [of the FSAR] shall be filed every 24 months from the date of issuance of the CoC.'' The original CoC for the NAC–UMS system was effective on November 20, 2000. The proposed action before the Commission is whether to approve a delay in the filing of the updated FSAR, and whether to grant this exemption pursuant to 10 CFR 72.7.

*Need for the Proposed Action:* NAC requested the exemption to 10 CFR 72.248(c)(6) to allow sufficient time to incorporate the FSAR changes that are associated with its application to amend the CoC for the NAC–UMS system. This application and amendment was designated as Amendment No. 3 to CoC Number 1015. The Commission issued a direct final rule and a proposed rule to amend its regulations to include Amendment No. 3 in the CoC for the NAC–UMS in its list of approved spent fuel storage casks on January 16, 2004, (69 FR 2497 and 69 FR 2528). A final effective rule is not expected to be in place prior to March 31, 2004. Therefore, NAC has requested to file an updated FSAR within 60 days after Amendment No. 3 is issued to allow the compilation of FSAR changes related to Amendment No. 3 with other FSAR changes that are allowed under 10 CFR 72.48.

*Environmental Impacts of the Proposed Action:* The Environmental Assessment for the final rule, ''Storage of Spent Nuclear Fuel in NRC-Approved Storage Casks at Nuclear Power Reactor Sites'' (55 FR 29181 (1990)), considered the potential environmental impacts of storage casks that are used to store spent nuclear fuel under a CoC, and concluded that there would be no significant environmental impacts. The proposed action now under consideration would not affect the use of the NAC–UMS system to store spent nuclear fuel under the approved CoC, and in accordance with the regulations of 10 CFR part 72. Filing an updated FSAR to the NRC by a certificate holder is an administrative requirement and does not involve any radioactive materials or use of natural resources. Therefore, there are no radiological impacts or non-radiological impacts from a delay in filing an updated FSAR. Based upon this information, a delay in filing will have no significant impact on the environment.

*Alternative to the Proposed Action:* Since there is no environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact are not evaluated. The alternative to the proposed actions would be to deny approval of the exemption and not allow a delay in the filing of the updated FSAR. This alternative would have the same environmental impact.

*Agencies and Persons Consulted:* Mr. Johnny James, North Carolina Department of Environment and Natural Resources, and Mr. William Wright, Arizona Radiation Regulatory Agency, were contacted about the Environmental Assessment for the proposed action and had no comments. These two state agencies were contacted because the Amendment No. 3 of the CoC for the NAC–UMS system will be used at the McGuire Nuclear Station in North Carolina, and at the Palo Verde Nuclear Generating Station in Arizona. The NRC staff has determined that a consultation under Section 7 of the Endangered Species Act is not required because the proposed action will not affect listed species or critical habitat. The NRC staff has also determined that the proposed action is not a type of activity having the potential to cause effects on historic properties. Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act.

### Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing Environmental Assessment, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.248(c)(6) allowing NAC to delay updating the NAC–UMS FSAR will not significantly impact the quality of the human environment. Accordingly, the Commission has determined that an environmental impact statement for the proposed exemption is not warranted.

For further details with respect to this exemption request, see NAC's letter dated January 9, 2004. The request for exemption was docketed under 10 CFR part 72, Docket 72–1015. The NRC maintains an Agencywide Documents Access and Management System (ADAMS), which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail at *pdr@nrc.gov*.

Dated at Rockville, Maryland, this 11th day of February 2004.

For the Nuclear Regulatory Commission.

**L. Raynard Wharton,**

*Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 04–3892 Filed 2–23–04; 8:45 am]

**BILLING CODE 7590–01–P**

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## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Meeting

*Date:* Weeks of February 23, March 1, 8, 15, 22, 29, 2004.

*Place:* Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

*Status:* Public and Closed.

*Matters to be Considered:*

Week of February 23, 2004

Wednesday, February 25, 2004

9 a.m.—Discussion of Security Issues (Closed—Ex. 1)

Thursday, February 26, 2004

9:30 a.m.—Meeting with UK Regulators to Discuss Security Issues (Closed—Ex. 1)

1:30 p.m.—Status of Davis Besse Lessons Learned Task Force Issues (Public Meeting) (Contact: Brendan Moroney, 301–415–3974)

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

*Week of March 1, 2004—Tentative*

Tuesday, March 2, 2004

9:30 a.m.—Meeting with Advisory Committee on the Medical Uses of Isotopes (ACMUI) and NRC Staff (Public Meeting) (Contact: Angela Williamson, 301–415–5030)

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

Wednesday, March 3, 2004

9:30 a.m.—25th Anniversary Three Mile Island (TMI) Unit 2 Accident Presentation (Public Meeting) (Location: TWFN Auditorium, 11545 Rockville Pike) (Contact: Sam Walker, 301–415–1965)

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

2:45 p.m.—Discussion of Security Issues (Closed—Ex. 1)

Thursday, March 4, 2004

1:30 p.m.—Briefing on Status of Office of Nuclear Material Safety and Safeguards (NMSS) Programs, Performance, and Plans—Waste Safety (Public Meeting) (Contact: Claudia Seelig, 301–415–7243)

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

*Week of March 8, 2004—Tentative*

Tuesday, March 9, 2004

9:30 a.m.—Briefing on Status of Office of Nuclear Material Safety and Safeguards (NMSS) Programs, Performance, and Plans—Material Safety (Public Meeting) (Contact: Claudia Seelig, 301–415–7243)

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

1:30 p.m.—Discussion of Security Issues (Closed—Ex. 1)

*Week of March 15, 2004—Tentative*

There are no meetings scheduled for the Week of March 15, 2004.

*Week of March 22, 2004—Tentative*

Tuesday, March 23, 2004

9:30 a.m.—Briefing on Status of Office of Nuclear Regulatory Research (RES) Programs, Performance, and Plans (Public Meeting) (Contact: Alan Levin, 301–415–6656)

This meeting will be webcast live at the Web address—*http://www.nrc.gov*.

1:30 p.m.—Briefing on Status of Office of Nuclear Security and Incident Response (NSIR) Programs, Performance, and Plans (Public Meeting) (Contact: Jack Davis, 301–415–7256)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

2:30 p.m.—Discussion of Security Issues (Closed—Ex. 1)

Wednesday, March 24, 2004

9:30 a.m.—Briefing on Status of Office of Nuclear Reactor Regulations (NRR) Programs, Performance, and Plans (Public Meeting) (Contact: Mike Case, 301–415–1275)

This meeting will be webcast live at the Web address—*http://www.nrc.gov.*

*Week of March 29, 2004—Tentative*

There are no meetings scheduled for the Week of March 29, 2004.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 4125–1292. Contact person for more information: Dave Gamberoni, (301) 415–1651.

* * * * *

**SUPPLEMENTARY INFORMATION:** By a vote of 3–0 on February 18, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of (1) Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station); State of Maine's petition for review of LBP–03–26, and (2) Duke Energy Corp. (Catawba Nuclear Station, Units 1&2); NRC Staff's Petition for interlocutory review of the LB's 1/2904 Memo & Order (Ruling on BREDL Motion for Need to Know Determination & Extension of Deadline for Filing Security-Related Contentions)'' be held on February 18, and on less than one week's notice to the public.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html*

* * * * *

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: February 19, 2004.

**R. Michelle Schroll,**

*Office of the Secretary.*

[FR Doc. 04–4088 Filed 2–20–04; 9:53 am]

**BILLING CODE 7590–01–M**

## NUCLEAR REGULATORY COMMISSION

### Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission (NRC) has issued a revision of a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in its review of applications for permits and licenses, and data needed by the NRC staff in its review of applications for permits and licenses.

Revision 1 of Regulatory Guide 1.168, ''Verification, Validation, Reviews, and Audits for Digital Computer Software Used in Safety Systems of Nuclear Power Plants,'' provides guidance to licensees and applicants on methods acceptable to the NRC staff for complying with the NRC's regulations on verification, validation, reviews, and audits for digital computer software used in safety systems of nuclear power plants. This regulatory guide endorses, with certain exceptions, two standards of the Institute of Electrical and Electronics Engineers: IEEE Std 1012–1998, ''IEEE Standard for Software Verification and Validation,'' and IEEE Std 1028–1997, ''IEEE Standard for Software Reviews and Audits.''

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Questions on the content of this guide may be directed to Mr. R. Shaffer, (301) 415–7606; e-mail *RAS3@NRC.GOV*.

Regulatory guides are available for inspection or downloading at the NRC's Web site at *http://www.nrc.gov* under NRC Documents and in NRC's ADAMS

System at the same site. Single copies of regulatory guides may be obtained free of charge by writing the Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by fax to (301) 415–2289, or by e-mail to *distribution@nrc.gov*. Issued guides may also be purchased from the National Technical Information Service (NTIS) on a standing order basis. Details on this service may be obtained by writing NTIS at 5285 Port Royal Road, Springfield, VA 22161; telephone 1–800–553–6847; *http://www.ntis.gov/*. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, MD, this 20th day of January, 2004.

For the Nuclear Regulatory Commission.

**Ashok C. Thadani,**

*Director, Office of Nuclear Regulatory Research.*

[FR Doc. 04–3891 Filed 2–23–04; 8:45 am]

**BILLING CODE 7590–01–P**

## OFFICE OF PERSONNEL MANAGEMENT

### Excepted Service

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** This gives notice of OPM decisions granting authority to make appointments under Schedules A, B and C in the excepted service as required by 5 CFR 6.6 and 213.103.

**FOR FURTHER INFORMATION CONTACT:** Deborah Grade, Director, Washington Services Branch, Center for Talent Services, Division for Human Resources Products and Services. (202) 606–5027.

**SUPPLEMENTARY INFORMATION:** Appearing in the listing below are the individual authorities established under Schedule C between January 1, 2004 and January 31, 2004. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

**Schedule A**

No Schedule A appointments for January 2004.

**Schedule B**

No Schedule B appointments for January 2004.

**Schedule C**

The following Schedule C appointments were approved for January 2004:

Section 213.3303 Executive Office of the President

Office of National Drug Control Policy

QQGS00024 Legislative Analyst to the Chief of Staff. Effective January 07, 2004.

Office of the United States Trade Representative

TNGS00016 Public Affairs Specialist to the Chief of Staff. Effective January 26, 2004.

President's Commission on White House Fellowships.

WHGS00012 Staff Assistant (Office Automation) to the Director, President's Commission on White House Fellowships. Effective January 23, 2004.

Section 213.3304 Department of State

DSGS60724 Special Assistant to the Director, Office Resource Management/Office of Foreign Buildings Operations. Effective January 05, 2004.

DSGS60728 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective January 05, 2004.

DSGS60729 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective January 05, 2004.

DSGS60722 Protocol Officer (Visits) to the Deputy Chief of Protocol. Effective January 08, 2004.

DSGS60731 Staff Assistant to the Director, Policy Planning Staff. Effective January 14, 2004.

DSGS60732 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective January 20, 2004.

DSGS60733 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective January 20, 2004.

DSGS60734 Public Affairs Specialist to the Assistant Secretary for Public Affairs. Effective January 20, 2004.

DSGS60735 Foreign Affairs Officer to the Under Secretary for Arms Control and Security Affairs. Effective January 22, 2004.

DSGS60723 Senior Advisor to the Assistant Secretary for Western Hemispheric Affairs. Effective January 23, 2004.

DSGS60743 Special Assistant to the Assistant Secretary. Effective January 26, 2004.

DSGS60741 Special Assistant to the Under Secretary for Arms Control and Security Affairs. Effective January 27, 2004.

DSGS60739 Information Technology Specialist to the Assistant Secretary for Administration. Effective January 28, 2004.

DSGS60738 Special Assistant to the Assistant Secretary for Administration. Effective January 30, 2004.

Section 213.3305 Department of the Treasury

DYGS00439 Executive Secretary to the Chief of Staff. Effective January 21, 2004.

DYGS60277 Senior Writer to the Assistant Secretary (Public Affairs and Public Liaison). Effective January 21, 2004.

DYGS60404 Senior Advisor to the Assistant Secretary for Financial Institutions. Effective January 21, 2004.

Section 213.3306 Department of Defense

DDGS00788 Staff Assistant to the Principal Deputy Assistant Secretary of Defense (International Security Affairs). Effective January 13, 2004.

DDGS16675 Personal and Confidential Assistant to the Assistant Secretary of Defense (Reserve Affairs). Effective January 13, 2004.

DDGS16785 Staff Assistant to the Deputy Assistant Secretary of Defense (Asia and Pacific). Effective January 13, 2004.

DDGS16787 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective January 13, 2004.

DDGS16783 Special Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective January 14, 2004.

DDGS26020 Special Assistant to the Inspector General. Effective January 14, 2004.

Section 213.3310 Department of Justice

DJGS00199 Special Counsel to the Assistant Attorney General, Criminal Division. Effective January 05, 2004.

DJGS00320 Deputy Chief of Staff to the Chief of Staff. Effective January 29, 2004.

Section 213.3311 Department of Homeland Security

DMGS00151 Business Liaison to the Special Assistant. Effective January 07, 2004.

DMGS00181 Speechwriting Research Assistant to the Director of Speechwriting. Effective January 09, 2004.

DMGS00183 Director of Public Liaison to the Assistant Secretary for Public Affairs. Effective January 13, 2004.

DMGS00176 Staff Assistant to the Chief of Staff. Effective January 14, 2004.

DMGS00180 Confidential Assistant to the Deputy Secretary for the Department of Homeland Security. Effective January 14, 2004.

DMGS00188 Director of Legislative Affairs for Secretarial Offices to the Assistant Secretary for Legislative Affairs. Effective January 14, 2004.

DMOT00184 Director of Land, Maritime, and Cargo Security Policy to the Assistant Administrator for Transportation Security Policy. Effective January 14, 2004.

DMGS00173 Legislative Assistant to the Assistant Secretary for Legislative Affairs. Effective January 16, 2004.

DMGS00161 Director of Legislative Affairs for Emergency Preparedness and Response to the Chief of Staff. Effective January 22, 2004.

DMGS00186 Legislative Assistant to the Assistant Secretary for Legislative Affairs. Effective January 27, 2004.

DMGS00179 Deputy Press Secretary to the Assistant Secretary for Public Affairs. Effective January 29, 2004.

DMGS00185 Policy Advisor to the Deputy Chief of Staff (Policy). Effective January 29, 2004.

DMGS00190 Counsel to the General Counsel. Effective January 30, 2004.

Section 213.3313 Department of Agriculture

DAGS60160 Special Assistant to the Deputy Secretary. Effective January 13, 2004.

DAGS60162 Assistant to the Deputy Administrator for Commodity Operations. Effective January 13, 2004.

DAGS60163 Director Native American Programs to the Assistant Secretary for Congressional Relations. Effective January 13, 2004.

DAGS00300 Staff Assistant to the Administrator, Foreign Agricultural Service. Effective January 14, 2004.

Section 213.3314 Department of Commerce

DCGS00389 Senior Advisor to the Assistant Secretary for Import Administration. Effective January 23, 2004.

DCGS00534 Confidential Assistant to the Deputy Assistant Secretary for Transportation and Machinery. Effective January 23, 2004.

DCGS00326 Confidential Assistant to the Assistant Secretary for Market Access and Compliance. Effective January 29, 2004.

Section 213.3315 Department of Labor

DLGS60205 Deputy Director, 21st Century Workforce to the Director, 21st Century Workforce. Effective January 07, 2004.

DLGS60242 Special Assistant to the Assistant Secretary for Policy. Effective January 07, 2004.

DLGS60178 Counselor to the Deputy Secretary of Labor. Effective January 30, 2004.

Section 213.3316 Department of Health and Human Services

DHGS60062 Deputy Director of Legislation to the Director, Center for Disease Control and Prevention Administration. Effective January 05, 2004.

DHGS60344 Special Assistant for the Deputy Assistant Secretary for Legislation (Health). Effective January 23, 2004.

Section 213.3318 Environmental Protection Agency

EPGS03608 Deputy Scheduler to the Associate Assistant Administrator for Public Affairs. Effective January 14, 2004.

EPGS03611 Senior Advisor to the Administrator. Effective January 20, 2004.

EPGS10904 Special Assistant to the Administrator. Effective January 21, 2004.

Section 213.3323 Overseas Private Investment Corporation

PQGS03087 Confidential Assistant to the Chief of Staff. Effective January 13, 2004.

Section 213.3327 Department of Veterans Affairs

DVGS60071 Senior Advisor to the Deputy Secretary of Veterans Affairs. Effective January 27, 2004.

Section 213.3331 Department of Energy

DEGS00392 Chief of Staff to the Principal Deputy Assistant Secretary. Effective January 05, 2004.

DEGS00393 Policy Advisor to the Director, Office of Worker and Community Transition. Effective January 06, 2004.

DEGS00395 Special Assistant to the Secretary. Effective January 14, 2004.

DEGS00396 Senior Scheduler to the Director, Office of Scheduling and Advance. Effective January 16, 2004.

DEGS00397 Deputy Director of Scheduling and Operations to the Director, Office of Scheduling and Advance. Effective January 16, 2004.

DEGS00399 Special Assistant to the Director, Office of Economic Impact and Diversity. Effective January 30, 2004.

Section 213.3332 Small Business Administration

SBGS60030 Senior Advisor to the Associate Deputy Administrator for Government Contracting and Business Development to the Associate Deputy Administrator for Government Contracting and Business Development. Effective January 05, 2004.

SBGS60543 Associate Administrator for Policy to the Administrator. Effective January 08, 2004.

SBGS60544 Assistant Administrator for Policy to the Administrator. Effective January 15, 2004.

SBGS60181 Assistant Administrator for Field Operations to the Associate Administrator for Field Operations. Effective January 16, 2004.

SBGS60552 Assistant Administrator to the Associate Administrator for Congressional and Legislative Affairs. Effective January 20, 2004.

SBGS60112 Special Assistant to the Deputy Administrator. Effective January 23, 2004.

Section 213.3334 Federal Trade Commission

FTGS60001 Supervisory Public Affairs Specialist to the Chairman. Effective January 28, 2004.

Section 213.3342 Export-Import Bank

EBGS00064 Special Assistant to the Senior Vice President and Coordinator of Intergovernmental Affairs . Effective January 23, 2004.

Section 213.3357 National Credit Union Administration

CUOT01191 Executive Assistant to the Vice Chair. Effective January 29, 2004.

Section 213.3360 Consumer Product Safety Commission

PSGS60014 General Counsel to the Chairman, Consumer Product Safety Commission. Effective January 05, 2004.

Section 213.3384 Department of Housing and Urban Development

DUGS60288 Congressional Relations Assistant to the Assistant Secretary for Congressional and Intergovernmental Relations. Effective January 07, 2004.

DUGS60120 Staff Assistant to the Assistant Secretary for Public Affairs. Effective January 14, 2004.

DUGS60335 Assistant to the Deputy Assistant Secretary for Economic Development to the Deputy Assistant Secretary for Economic Affairs. Effective January 16, 2004.

Section 213.3394 Department of Transportation

DTGS60192 Special Assistant to the Assistant to the Secretary and Director

of Public Affairs. Effective January 08, 2004.

DTGS60311 Scheduling/Advance Assistant to the Director for Scheduling and Advance. Effective January 23, 2004.

DTGS60316 Special Assistant to the Assistant Secretary for Aviation and International Affairs. Effective January 27, 2004.

Section 213.3396 National Transportation Safety Board

TBGS60030 Director of Government and Industry Affairs to the Chairman. Effective January 05, 2004.

TBGS60033 Director for Special Projects to the Chairman. Effective January 08, 2004.

**Authority:** 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., P.218.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

[FR Doc. 04–3419 Filed 2–23–04; 8:45 am]

**BILLING CODE 6325–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549–0004.

*Extension:*

Rules 1(a) and 1(b) and Forms U5A and U5B, SEC File No.270–168, OMB Control No. 3235–0170.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the matters relating to the previously approved collections of information discussed below.

Form U5A, [17 CFR 259.5a] under the Public Utility Holding Company Act of 1935, as amended (''Act''), 15 U.S.C. 79, *et seq.*, is a registration notification required to be filed under Rule 1(a) of the Act by any person proposing to become a registered holding company to notify the Commission of that fact. Form U5B [17 CFR 259.5b] under the Act is a registration statement required to be filed under Rule 1(b) by every registered holding company within 90 days of registration.

Rules 1(a) and (b) require the information collection prescribed by Forms U5A and U5B. The Commission estimates that the total annual reporting and recordkeeping burden of collections for Forms U5A and U5B is 320 hours (4 combined response x 80 hours = 320 hours).

The estimate of average burden hours are made for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the costs of complying with the requirements of Commission rules and forms.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 13, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3942 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

*Upon Written Request; Copies Available From:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

*Extension:*

Industry Guides, OMB Control No. 3235–0069, SEC File No. 270–069.

Notice of Exempt Roll-Up Preliminary Communication, OMB Control No. 3235–0452, SEC File No. 270–396.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Industries Guides (OMB 3235–0069; SEC File No. 270–069) are used by registrants in certain specified industries as disclosure guidelines to be followed in disclosing information to investors in Securities Act and Exchange Act registration statements and certain other Exchange Act filings. The information filed with the Commission using the Industry Guides permits verification of compliance with securities law requirements and assures the public availability and dissemination of such information. The information required by the Industry Guides is filed on occasion and is mandatory. All information is provided to the public. The Commission estimates for administrative purposes only that the total annual burden with respect to the Industry Guides is one hour. The Industry Guides do not directly impose any disclosure burden.

A Notice of Exempt Preliminary Roll-Up Communication (''Notice'') provides information regarding ownership interests and any potential conflicts of interest to be included in statements submitted by or on behalf of a person pursuant to §§ 240.14a–2(b)(4) and 240.14a–6(n). The Notice is filed on occasion and the information required is mandatory. All information is provided to the public upon request. The Notice takes approximately .25 hours per response and his filed by 4 respondents for a total 1 annual burden hour.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 13, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3943 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549–0004.

*Extension:*

Rule 3 and Form U–3A3–1, SEC File No.270–77, OMB Control No. 3235–0160.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the matters relating to the previously approved collections of information discussed below.

Form U–3A3–1, [17 CFR 259.403] under the Public Utility Holding Company Act of 1935, as amended (''Act''), 15 U.S.C. 79, *et seq.*, is an application for exemption from regulation, under Rule 3 of the Act, filed annually by banks that are incidentally public utility holding companies by virtue of holding utility securities in their capacity as a bank.

Rule 3 requires the information collection prescribed by Form U–3A3–1. The Commission estimates that the total annual reporting and record keeping burden of collections for Form U–3A3–1 is 10 hours (5 responses × 2 hours = 10 hours).

The estimate of average burden hours are made for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the costs of complying with the requirements of Commission rules and forms.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: February 13, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3944 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–13–P**

## SECURITIES AND EXCHANGE COMMISSION

### Submission for OMB Review; Comment Request

*Upon Written Request, Copies Available From:* Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

*Extension:*

Rule 95 and Form U–13E–1, SEC File No. 270–74, OMB Control No. 3235–0162.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the matters relating to the previously approved collections of information discussed below.

Form U–13E–1, [17 CFR 259.213] under the Public Utility Holding Company Act of 1935, as amended (''Act''), 15 U.S.C. 79, *et seq.*, is required to be filed under Rule 95 of the Act by certain companies providing services and selling goods to registered public utility holding companies and their subsidiaries.

Rule 95 under the Act, which implements Sections 12(e) and (f) of the Act, requires the information collection prescribed by Form U–13E–1. The Commission estimates that the total annual reporting and recordkeeping burden of collections for Form U–13E–1 is 2 hours (1 response x 2 hours = 2 hours).

The estimate of average burden hours are made for purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the costs of complying with the requirements of Commission rules and forms.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Please direct general comments regarding the above information to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (ii) R. Corey Booth, Director/Chief Information Officer, Office of Information Technology, Securities and Exchange Commission 450 Fifth Street, NW., Washington, DC 20549–0004. Comments must be submitted within 30 days of this notice.

Dated: February 13, 2004.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3945 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49260]**

### Order Granting Application for Exemptions Pursuant to Section 36(a) of the Exchange Act by the American Stock Exchange LLC, the International Securities Exchange, Inc., the Municipal Securities Rulemaking Board, the Pacific Exchange, Inc., the Philadelphia Stock Exchange, Inc., and the Boston Stock Exchange, Inc.

February 17, 2004.

### I. Introduction

The American Stock Exchange LLC (''Amex''), the International Securities Exchange, Inc. (''ISE''), the Municipal Securities Rulemaking Board (''MSRB''), the Pacific Exchange, Inc. (''PCX''), the Philadelphia Stock Exchange, Inc. (''Phlx''), and the Boston Stock Exchange, Inc. (''BSE''), each have filed with the Securities and Exchange Commission (''Commission''), pursuant to Rule 0–12[1] under the Securities Exchange Act of 1934 (''Exchange Act''), an application for an exemption under section 36(a)(1) of the Exchange Act[2] from the rule filing requirements of section 19(b) of the Exchange Act[3] with respect to certain rules of another self-regulatory organization (''SRO'') that each of the these SROs has either proposed to incorporate by reference or currently incorporates by reference.

### II. Applications for Section 36 Exemption From Section 19(b) Rule Filing Requirements for SRO Rules Incorporated by Reference

Several SROs currently incorporate by reference certain rules of other SROs. Specifically, the Amex, ISE, MSRB, and Phlx incorporate the NASD Code of

[1] *See* 17 CFR 240.0–12.

[2] 15 U.S.C. 78mm(a)(1).

[3] 15 U.S.C. 78s(b).

Arbitration Procedure, while the ISE and PCX incorporate by reference the margin rules of the New York Stock Exchange, Inc. (''NYSE'') and Chicago Board Options Exchange, Inc. (''CBOE''). The BSE recently filed a prospective request for incorporation by reference. In connection with the proposal by the BSE to establish the Boston Options Exchange (''BOX'') as a new exchange facility,[4] BSE proposes to permit BOX members to choose to comply with the margin requirements of either the CBOE or the NYSE.

All of these SROs have asked the Commission for exemptive relief, subject to certain conditions, from the requirements to file proposed rule changes under Section 19(b) of the Exchange Act [5] whenever the SRO whose rules are incorporated by reference changes those rules.[6]

*A. Amex*

In connection with the 1998 merger between NASD and Amex, Amex amended its Constitution to provide that any arbitration filed following the closing of the merger transaction would be conducted pursuant to the NASD Code of Arbitration Procedure using the arbitration facilities of NASD Regulation, Inc. (''NASDR'').[7]

On May 2, 2002, Amex submitted a formal request, pursuant to Rule 0–12 under the Exchange Act,[8] seeking an exemption under Section 36 of the Exchange Act from the rule filing procedures of Section 19(b) of the Exchange Act with respect to changes to the incorporated NASD rules.

*B. ISE*

On November 20, 2000, the ISE filed with the Commission a proposed rule change incorporating by reference the NASD Code of Arbitration Procedure.[9] Specifically, the ISE proposed to repeal its Rules 1800 through 1835 and create new Rule 1800, which would state: (1) that the NASD Code of Arbitration, as the same may be in effect from time to time, shall govern ISE arbitrations; and (2) that the ISE shall retain jurisdiction over its members for failure to honor arbitration awards and any right, action, or determination by the Exchange that it would otherwise be authorized to adopt, administer or enforce is in no way limited or precluded by incorporation of the NASD Code of Arbitration. The proposed rule change was published for comment in the **Federal Register** on July 26, 2001,[10] and approved by the Commission on November 21, 2001.[11]

According to the ISE, the purpose of this incorporation by reference was to reflect the contractual relationship between ISE and NASDR whereby NASDR [12] is obligated to perform arbitrations under ISE's rules for ISE members. On October 30, 2001, the ISE submitted a formal request, pursuant to Rule 0–12 under the Exchange Act,[13] seeking an exemption under Section 36 of the Exchange Act from the rule filing procedures of section 19(b) of the Exchange Act with respect to changes to the incorporated NASD rules.[14] In its approval order, the Commission noted that the ISE had submitted to the Commission such an exemption request.

In the same letter, the ISE also requested a Section 36 exemption from section 19(b) of the Exchange Act with respect to changes to the margin rules of the CBOE and NYSE, both of which are incorporated by reference in ISE Rule 1202.

*C. MSRB*

In December 1997, the Commission approved amendments to Rule G–35 of the MSRB in which the MSRB effectively incorporated by reference the NASD Code of Arbitration Procedure as of January 1, 1998.[15] The amendments provided that any new arbitration claims filed on or after that date shall be submitted to and administered by the NASD. The amendments provided that, as of January 1, 1998, every bank dealer (as defined in MSRB Rule D–8) shall be subject to the NASD's Code of Arbitration for every claim, dispute, or controversy arising out of or in connection with the municipal securities activities of the bank dealer acting in its capacity as such.[16] The enforcement mechanism for bank dealers was not altered by the amendments; the bank regulatory agencies continue to be responsible for the inspection and enforcement of bank dealers' municipal securities activities, including arbitration.[17]

On April 12, 2002, the MSRB submitted a formal request, pursuant to Rule 0–12 under the Exchange Act,[18] seeking an exemption under section 36 of the Exchange Act from the rule filing procedures of section 19(b) of the Exchange Act with respect to changes to the incorporated NASD Code of Arbitration Procedure.[19]

*D. PCX*

On August 15, 2003, PCX filed with the Commission a proposed rule change to amend PCX Rule 6.47 (Crossing Orders and Stock/Option, SSF/Option Orders) that governs the execution of complex orders involving options and single stock futures. The proposed rule

[4] The Commission recently approved the BSE's proposal to create BOX as a new electronic options facility of the BSE, operated by Boston Options Exchange Group, LLC, the founding members of which are the BSE, the Bourse de Montreal, and Interactive Brokers Group. *See* Exchange Act Release No. 49068 (January 13, 2004), 69 FR 2775 (January 20, 2004).

[5] 15 U.S.C. 78s(b).

[6] The Commission notes that at the time Amex, MSRB, and Phlx incorporated by reference the NASD Code of Arbitration Procedure and the ISE incorporated by reference the NYSE and CBOE margin rules, the Commission approved rule changes implementing these changes without requiring the SROs to seek an exemption pursuant to Section 36 of the Exchange Act from Section 19(b) with respect to rules incorporated by reference. The Commission has subsequently determined and informed these SROs, however, that such an exemption is necessary for them to continue to operate under incorporated rules of another SRO.

[7] *See* Exchange Act Release No. 40622 (October 30, 1998), 63 FR 59819 (November 5, 1998).

[8] *See* 17 CFR 240.0–12.

[9] *See* Amendments No. 1 and No. 2 to the proposed rule change were filed on March 5, 2001 and July 16, 2001, respectively.

[10] *See* Exchange Act Release No. 44572 (July 18, 2001), 66 FR 39069 (July 26, 2001).

[11] *See* Exchange Act Release No. 45094 (November 21, 2001), 66 FR 39069 (December 3, 2001).

[12] NASD Dispute Resolution, a wholly owned subsidiary of the NASD, now performs arbitration services for ISE and other SROs. *See* Exchange Act Release No. 41971 (September 30, 1999), 64 FR 55793 (October 14, 1999) (approving SR–NASD 99–21, as effective on July 9, 2000).

[13] *See* 17 CFR 240.0–12.

[14] *See* Letter from Michael Simon, Senior Vice President and General Counsel, ISE, to Jonathan G. Katz, Secretary, Commission, dated October 29, 2001.

[15] *See* Exchange Act Release No. 39378 (December 1, 1997), 62 FR 64417 (December 5, 1997). In its filing, the MSRB stated that it would continue to operate its arbitration program in order to administer its current, open cases and any new claims received prior to January 1, 1998, but would discontinue its program when all such cases have been closed. At such time, the MSRB will submit a filing to the Commission to delete Sections 1 through 37 of Rule G–35, and rescind Rule A–16 on arbitrations fees and deposits. *See* File No. SR–MSRB–97–4. The MSRB expects to submit such a filing in the near future.

[16] Section 38 of Rule G–35 states as follows:

As of January 1, 1998, every bank dealer (as defined in rule D–8) shall be subject to the Code of Arbitration Procedure of the National Association of Securities Dealers, Inc. (''NASD'') for every claim, dispute or controversy arising out of or in connection with the municipal securities activities of the bank dealer acting in its capacity as such. For purposes of this rule, every bank dealer shall be subject to, and shall abide by, the NASD's Code of Arbitration Procedure as if the bank dealer were a ''member'' of the NASD.

[17] Thus, for example, a bank dealer's refusal to submit to arbitration pursuant to the NASD's Code of Arbitration Procedure, or a bank dealer's failure to pay an arbitration award rendered pursuant to that Code, would constitute a violation of MSRB Rule G–35 since it is this rule that subjects bank dealers to the NASD's Code.

[18] *See* 17 CFR 240.0–12.

[19] *See* Letter from Diane G. Klinke, General Counsel, MSRB, to Jonathan G. Katz, Secretary, Commission, dated April 4, 2002.

change, which was effective upon filing pursuant to Section 19(b)(3)(A) of the Exchange Act,[20] allows a PCX member to elect to be bound by the initial and maintenance margin requirements of either the CBOE or NYSE.[21]

On December 2, 2003, the ISE submitted a formal request, pursuant to Rule 0–12 under the Exchange Act,[22] seeking an exemption under Section 36 of the Exchange Act from the rule filing procedures of Section 19(b) of the Exchange Act with respect to changes to the incorporated CBOE and NYSE rules.[23]

*E. Phlx*

On October 1, 1998, the Commission granted accelerated approval to a proposal by the Phlx to amend its arbitration rules to incorporate by reference the NASD Code of Arbitration Procedure. Specifically, Phlx amended Phlx Rule 950 to state, in relevant part, that ''[e]very member, member organization, member corporation, participant and participant organization . . . shall be subject to the Code for every claim, dispute, or controversy arising out of or in connection with the securities business of any such member of the Exchange. . . . For purposes of Rule 950, each member will be subject to and required to abide by the Code as if such member were a ''member'' of the NASD.''[24]

On December 15, 2003, Phlx submitted a formal request, pursuant to Rule 0–12 under the Exchange Act,[25] seeking an exemption under Section 36 of the Exchange Act from the rule filing procedures of Section 19(b) of the Exchange Act with respect to changes to the incorporated NASD Code of Arbitration Procedure.[26]

*F. BSE*

On January 13, 2004, the Commission approved BSE's proposal to establish BOX as a new exchange facility.[27] BSE proposed, among other things, rules to govern members of BOX, including BOX Rule Chapter 13, Section 3, which permits BOX members to elect to be bound by the margin rules of either the CBOE or NYSE.

On December 10, 2003, BSE submitted a formal request, pursuant to Rule 0–12 under the Exchange Act,[28] seeking an exemption under Section 36 of the Exchange Act from the rule filing procedures of Section 19(b) of the Exchange Act with respect to changes to the incorporated CBOE and NYSE rules.[29]

## III. Order Granting Section 36 Exemption

Section 36 of the Exchange Act[30] authorizes the Commission to conditionally or unconditionally exempt any person, security, or transaction, or any class thereof, from any provision of the Exchange Act or rule thereunder, if necessary or appropriate in the public interest and consistent with the protection of investors. The Commission believes that it is appropriate to issue exemptions, subject to the conditions described below, to allow SROs to incorporate by reference the rules of other SROs without being subject to the rule filing requirements of Section 19(b) of the Exchange Act whenever the SROs' rules that are incorporated by reference change. Such exemptions will promote more efficient use of Commission and SRO resources by avoiding duplicative rule filings based on simultaneous changes to identical rule text sought by more than one SRO. Where such an exemption is granted, an SRO that incorporates by reference another SRO's rules would agree to be governed by the incorporated rules, as amended from time to time, but not be required to file a separate proposed rule change with the Commission each time the SRO whose rules are incorporated by reference seeks to modify its rules.

Any such exemption would be subject to certain conditions. Specifically, the SRO requesting the exemption would be required to incorporate by reference only regulatory rules (*i.e.*, margin, suitability, arbitration), not trading rules, and to incorporate by reference whole categories of rules (rather than ''cherry-pick'' certain individual rules within a category). The SRO could, however, impose specific additional rules within the incorporated categories, if approved by the Commission pursuant to Section 19(b)(2) of the Exchange Act. In addition, the SRO seeking to incorporate another SRO's rules would be required to have reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another SRO in order to provide its members with notice of a proposed rule change that affects their interests, so that they would have an opportunity to comment on it.

Therefore, the Commission is granting the requests for exemption, pursuant to Section 36 of the Exchange Act, from the rule filing requirements imposed by Section 19(b) of the Exchange Act as set forth above by Amex, ISE, MSRB, PCX, Phlx and BSE, and will consider similar future exemption requests from other SROs, provided that:

(1) An SRO wishing to incorporate rules of another SRO by reference has submitted a written request for an order exempting it from the requirement in section 19(b) of the Exchange Act to file proposed rule changes relating to the rules incorporated by reference, has identified the applicable originating SRO(s), together with the rules it wants to incorporate by reference, and otherwise has complied with the procedural requirements set forth in the Commission's release governing procedures for requesting exemptive orders pursuant to Rule 0–12 under the Exchange Act;[31]

(2) An incorporating SRO has requested incorporation of categories of rules (rather than individual rules within a category) that are not trading rules (*e.g.*, the SRO has requested incorporation of rules such as margin, suitability, arbitration); and

(3) The incorporating SRO has reasonable procedures in place to provide written notice to its members each time a change is proposed to the incorporated rules of another SRO.

Accordingly, *it is ordered,* pursuant to section 36 of the Exchange Act,[32] that the Amex, ISE, MSRB, PCX, Phlx, and BSE, with respect to incorporation by reference of other SROs' rules as specified above, and subject to the conditions described above, shall be exempt from rule filing requirements specified by section 19(b) of the Exchange Act to the extent that this section would otherwise require

[20] 15 U.S.C. 78s(b)(3)(A).

[21] *See* Exchange Act Release No. 48894 (December 8, 2003), 68 FR 70328 (December 17, 2003) (File No. SR–PCX–2003–42).

[22] *See* 17 CFR 240.0–12.

[23] *See* Letter from Mai Sharif Shiver, Senior Attorney, Regulatory Policy, PCX, to Jonathan G. Katz, Secretary, Commission, dated December 2, 2003.

[24] *See* Exchange Act Release No. 40517 (October 1, 1998), 63 FR 54177 (October 8, 1998).

[25] *See* 17 CFR 240.0–12.

[26] *See* Letter from Lanny Schwartz, Executive Vice President and General Counsel, Phlx, to Jonathan G. Katz, Secretary, Commission, dated December 12, 2003.

[27] *See supra* Note 4.

[28] *See* 17 CFR 240.0–12.

[29] *See* Letter from George W. Mann, Jr., Executive Vice President and General Counsel, BSE, to Jonathan G. Katz, Secretary, Commission, dated December 9, 2003.

[30] 15 U.S.C. 78mm. For example, the Commission issued an order pursuant to Section 36 of the Exchange Act, granting to the NASD a temporary exemption from Section 19(b), relating to the acquisition and operation by Nasdaq of a software development company. *See* Exchange Act Release No. 42713 (April 24, 2000), 65 FR 25401 (May 1, 2000).

[31] *See* 17 CFR 240.0–12; Exchange Act Release No. 39624 (February 5, 1998), 63 FR 8101 (February 18, 1998).

[32] 15 U.S.C. 78mm.

submission of a filing with the Commission regarding proposed rule changes.

By the Commission.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3883 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49266; File No. SR–NASD–2004–015]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the National Association of Securities Dealers, Inc. To Restore the Pre-Trade Only Anonymity Function for SuperMontage

February 17, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 27, 2004, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), submitted to 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 Nasdaq. On February 5, 2004, Nasdaq filed Amendment No. 1 to the proposal.[3] 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 the Substance of the Proposed Rule Change

Nasdaq is proposing to restore the pre-trade only anonymity option for orders submitted to the Nasdaq National Market Execution System (commonly known as SuperMontage).

The text of the proposed rule change is below. Proposed new language is italicized; deleted language is bracketed.

* * * * *

4719. Anonymity

(*a) Pre-Trade Anonymity.*

*(1) With the exception of those transactions described in paragraph (a)(2) below, the identity of the member submitting a Non-Attributable Quote/Orders seeking pre-trade anonymity will remain anonymous until execution, at which time the member's identity will be revealed to its contra party.*

*(2) A Non-Attributable Quote/Order seeking pre-trade anonymity will be processed on a fully anonymous basis in accordance with paragraph (b) below when it matches and executes against a Non-Attributable Quote/Order seeking full anonymity.*

*(b) Full Anonymity.*

[(a)]*(1)* Transactions executed in NNMS in which at least one member submits a Non-Attributable Quote/Order *seeking full anonymity* will be processed anonymously. The transaction reports will indicate the details of the transactions, but will not reveal contra party identities.

[(b)(1)]*(2)(A)* The processing described in paragraph [(a)]*(b)(1)* shall not apply to transactions executed in NNMS when the member whose Quote/Order is decremented is an Order-Delivery ECN that charges an access fee.

[(2)]*(B)* Except as required to comply with the request of a regulator, or as ordered by a court or arbitrator, Order-Delivery ECNs shall not disclose the identity of the member that submitted a Non-Attributable Quote/Order that decremented the Order-Delivery ECN's Quote/Order.

[(c)]*(3)* The Association will reveal a member's identity in the following circumstances:

[(1)]*(A)* when the National Securities Clearing Corporation (''NSCC'') ceases to act for a member, or the member's clearing firm, and NSCC determines not to guarantee the settlement of the member's trades;

[(2)]*(B)* for regulatory purposes or to comply with an order of an arbitrator or court; or

[(3)]*(C)* on risk management reports provided to the member's contra parties each day after 4:00 p.m., which disclose trading activity on an aggregate dollar value basis.

[(d)]*(4)* The Association will reveal to a member, no later than the end of the day on the date an anonymous trade was executed, when the member's Quote/Order has been decremented by another Quote/Order submitted by that same member.

[(e)(i)]*(5)(A)* In order to satisfy members' record keeping obligations under SEC Rules 17a–3(a)(1) and 17a–4(a), Nasdaq shall, with the exception of those circumstances described in subparagraph [(ii)]*(B)* below, retain for the period specified in Rule 17a–4(a) the identity of each member that executes [an] *a fully* anonymous transaction described in paragraph [(a)]*(b)* of Rule 4719. The information shall be retained in its original form or a form approved under Rule 17a–6.

[(ii)](*B*) In the situations described in paragraphs [(b)(1)](*b)(2*) or [(d)](*b)(4*) of Rule 4719, and solely with respect to the member that submits, and receives an execution of, a *fully anonymous* Non-Attributable Quote/Order that is a Preferenced Order, the member retains the obligation to comply with Rules 17a–3(a)(1) and 17a–4(a) because it possesses the identity of its contra party.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

In response to requests from members, Nasdaq is proposing to restore the pre-trade only anonymity option for orders submitted to SuperMontage. Pre-trade anonymity will be an option in addition to the full anonymity feature.[4] With respect to anonymity, members will now have the choice to submit orders that will preserve their anonymity on a pre-trade basis only or through

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Peter Geraghty, Associate Vice President and Associate General Counsel, Nasdaq, to Marc McKayle, Special Counsel, Division of Market Regulation (''Division''), Commission, dated February 4, 2004 (''Amendment No. 1''). In Amendment No. 1, Nasdaq amended the proposal rule change for consideration under Section 19(b)(3)(A) of the Act, and Rule 19b–4(f)(6) thereunder, as opposed to Rule 19b–4(f)(5).

[4] An attributable Quote/Order is the default for a market maker or Electronic Communication Network (''ECN''). If a market maker or ECN wants to trade in anonymous fashion (*i.e.*, a non-attributable Quote/Order), it must indicate either pre-trade anonymity or full anonymity. The default for Order Entry (''OE'') Firms is different because an OE Firm is not allowed to display Quote/Orders under its own market participant identification. If an OE Firm submits an Immediate or Cancel (''IOC'') order (*i.e.*, no chance of the order being displayed on the book), the default is no anonymity. However, if the OE Firm submits something other than an IOC order, the default is full anonymity. An OE Firm must affirmatively choose pre-trade anonymity. *See* e-mails from Peter Geraghty, Associate Vice President and Associate General Counsel, Nasdaq, to Marc McKayle, Special Counsel, Division, Commission, dated February 4 and February 12, 2004.

settlement (*i.e.*, full anonymity). Pre-trade anonymity is the functionality that existed in SuperMontage prior to the Commission approving the full anonymity feature on September 23, 2003.[5]

Pre-trade only anonymity will function in the same manner as it did prior to full anonymity becoming available, with one exception discussed below. A member seeking pre-trade anonymity will submit a Non-Attributable Quote/Order indicating it is seeking pre-trade anonymity. If the order is not marketable immediately, the order will be placed in the SuperMontage book and reside under the SIZE acronym. Once the order is executed, whether immediately upon submission to SuperMontage or when an incoming order matches against the anonymous order as it resides in SIZE, the identity of the member that submitted the order will be revealed to its contra party on the SuperMontage and Automated Confirmation Transaction Service (''ACT'') reports.[6] Both members that are a party to the trade will know the identity of their contra party.[7] In addition, the members' identities will be revealed on the contract sheets issued by the National Securities Clearing Corporation.

The one difference between how pre-trade only anonymous orders will be processed under this proposal, compared to the processing that occurred prior to full anonymity being implemented, occurs when a order seeking pre-trade only anonymity matches against an order seeking full anonymity. In such instances, the trade will be processed on a fully anonymous basis consistent with NASD Rule 4719(b), as amended.

[5] *See* Securities Exchange Act Release No. 48527 (September 23, 2003), 68 FR 56361 (September 30, 2003).

[6] Presently, anonymous orders submitted to SuperMontage can reside on the book under SIZE, however, with certain exceptions described in NASD Rule 4719, the identities of the members who executed the anonymous order are not revealed. Similarly, the members remain anonymous today when an anonymous order is executed immediately upon submission to SuperMontage.

[7] Because members will know the identities of their contra-parties when a pre-trade only anonymity order is executed, members must comply with the recordkeeping obligations under SEC Rules 17a–3(a)(1) and 17a–4(a) to record and maintain the identities of their contra-parties. *See* NASD Rule 4719.

Similarly, the exemption the Commission issued with respect to SEC Rule 10b–10 relieving members of their obligation to provide customers with the identities of their contra-parties is not available because members will know the identities of their contra-parties. *See* letter from Brian A. Bussey, Assistant Chief Counsel, Division of Market Regulation, Commission, to Edward S. Knight, Executive Vice President and General Counsel, Nasdaq, dated September 23, 2003.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[8] in general, and with Section 15A(b)(6) of the Act,[9] in particular, in that it is designed to foster coordination and cooperation with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities. The proposal is consistent with this obligation because it provides members an additional option for submitting anonymous orders and it is functionality that previously existed in SuperMontage.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act,[10] and subparagraph (f)(6) of Rule 19b–4,[11] thereunder because it does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[12]

[8] 15 U.S.C. 78*o*–3.

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] The pre-trade only anonymity feature will be available on or after April 19, 2004; the exact date of implementation has not been finalized. Nasdaq will issue a Head Trader Alert informing members of the exact date when this feature will be available again. For the purposes of determining the effective date and calculating the 60-day abrogation period, the Commission considers the proposed rule change to have been filed on February 5, 2004, the date Nasdaq filed Amendment No. 1.

## 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–NASD–2004–015. 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, comments should be sent in hard copy or by e-mail, but not by both methods. 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 will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–2004–015 should be submitted by March 16, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

**Margaret H. McFarland,**

*Deputy Secretary.*

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[13] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49252; File No. SR–NASD–2004–02]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto by National Association of Securities Dealers, Inc. Relating To Amend NASD Rule 4300A To Require an NASD Alternative Display Facility Market Participant To Provide Advance Written Notice Prior To Denying Electronic Access to Its Quote to Any NASD Member

February 13, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 8, 2004 the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NASD. On February 5, 2004, the Commission received Amendment No. 1 to the proposed rule change.[3] 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 the Substance of the Proposed Rule Change

NASD proposes to amend NASD Rule 4300A to require an Alternative Display Facility (''ADF'') Market Participant to provide advance written notice to NASD's ADF Market Operations (''ADF Market Operations'') before denying electronic access to its ADF quote to any NASD member in the limited circumstances where a broker-dealer fails to pay contractually obligated costs for access to the ADF Market Participant's quotations.

The text of the proposed rule change appears below. Proposed new language is in *italics.* Proposed deletions are in [brackets].

* * * * *

4300A. Quote and Order Access Requirements

(a) To ensure that NASD Market Participants comply with their quote and order access obligations as defined below, for each security in which they elect to display a bid and offer (for Registered Reporting ADF Market Makers), or a bid and/or offer (for Registered Reporting ADF ECNs), in the Alternative Display Facility, NASD Market Participants must:

(1) through (2) No change.

(3) *Provide at least 14 calendar days advance written notice, via facsimile, personal delivery, courier or overnight mail, to NASD Alternative Display Facility Operations before denying any NASD member direct or indirect electronic access, as defined below. The 14-day period begins on the first business day that NASD Alternative Display Facility Operations has receipt of the notice.*

*(4)* [(3)] [Market Participants shall s]*S*hare equally the costs of providing to each other the direct electronic access required pursuant to paragraph (a)(1), unless those Market Participants agree upon another cost-sharing arrangement.

(b) through (f) No change.

* * * * *

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NASD has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

ADF is a quotation collection, trade comparison, and trade reporting facility developed by NASD in accordance with the Commission's SuperMontage Approval Order [4] and in conjunction with Nasdaq's anticipated registration as a national securities exchange.[5] ADF currently is operating as a pilot until October 26, 2004,[6] and it is anticipated that ADF will continue to operate on a pilot basis until the Commission approves the operation of the ADF on a permanent basis.

ADF provides Market Participants (*e.g.*, ADF-registered market makers or electronic communications networks) the ability to post quotations in Nasdaq securities and provides all members that participate in the ADF the ability to view quotations and report transactions in Nasdaq securities to the Securities Information Processor (''SIP'') for Nasdaq-listed issues for consolidation and dissemination of data to vendors and ADF market participants. ADF also provides for trade comparison through the Trade Reporting and Comparison Service (''TRACS''). ADF further provides for real-time data delivery to NASD for regulatory purposes, including enforcement of firm quote and related rules.

ADF does not provide an order-routing capability. Instead, NASD Rule 4300A requires Market Participants to provide direct electronic access to other Market Participants and to provide to all other NASD members direct electronic access or allow for indirect electronic access to the individual Market Participant's quote. This rule provides the means for ADF Market Participants and other broker/dealers to access ADF quotes and, among other things, meet the firm quote and locked and crossed quotation requirements.

NASD Rule 4300A prohibits Market Participants from in any way discouraging or discriminating against members that wish to reach their quotes. A Market Participant may deny access only in the limited circumstances where a broker-dealer fails to pay contractually obligated costs for access to a market participant's quotes; otherwise, market participants must provide access to their quotes displayed in the ADF to all broker-dealers seeking such access.[7]

Recently, NASD became aware that an ADF Market Participant denied access to a second ADF Market Participant for allegedly failing to pay contractually obligated costs. This action caused disruption not only for the ADF Market Participant denied access, but also other NASD members that typically accessed the first ADF Market Participant's quote through the second ADF Market Participant's routing system. Although there were other means in place by which an NASD member could access the first ADF Market Participant's quotes, absence of any advance notice of the denial of access caused confusion in the marketplace as members considered how best to access the first ADF Market Participant's quotes by other means.

Accordingly, to maintain market efficiency and prevent such confusion in the future, NASD proposes to amend NASD Rule 4300A to require ADF

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On February 5, 2004, NASD filed a Form 19b–4, which replaced the original filing in its entirety (''Amendment No. 1'').

[4] *See* Securities Exchange Act Release No. 43863 (January 19, 2001), 66 FR 8020 (January 26, 2001).

[5] *See* Securities Exchange Act Release No. 44396 (June 7, 2001), 66 FR 31952 (June 13, 2001).

[6] *See* Securities Exchange Act Release No. 49131 (January 27, 2004), 69 FR 5229 (February 3, 2004).

[7] *See* Securities Exchange Act Release No. 46249 (July 24, 2002), 67 FR 49822 (July 31, 2002).

Market Participants to provide written notice, via facsimile, personal delivery, courier or overnight mail, at least 14 calendar days in advance to ADF Operations before denying direct or indirect electronic access to an NASD member. The 14-day period begins on the first business day that ADF Operations has receipt of the notice. To ensure proper documentation of compliance with this rule, members should maintain evidence of receipt of the notice (*i.e.*, dated facsimile confirmation, receipt from a courier, etc.). ADF Operations will then post this notice on the ADF Web page to ensure that members have adequate time to make other routing or access arrangements, as necessary.

NASD believes that it is important to note, however, that the proposed notification and publication of an ADF Market Participant's intent to deny access will have no bearing on the merits of any claim between the ADF Market Participant and any affected broker-dealers, nor will it insulate the ADF Market Participant from liability for violations of NASD rules or the federal securities laws should it be determined that the denial of access was inappropriate.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[8] which requires, among other things, that NASD's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change would amend NASD Rule 4300A to require an ADF Market Participant to provide advance written notice to ADF Operations before denying electronic access to its ADF quote, thereby, NASD believes, facilitating market efficiency and reducing potential confusion for market participants.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

NASD does not believe that the proposed rule change, as amended, will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

[8] 15 U.S.C. 78*o*–3(b)(6).

**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 self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: rule-comments@sec.gov. All comment letters should refer to File No. SR–NASD–2004–02. This file number should be included on the subject line if e-mail is used. To help the Commission process and review comments more efficiently, comments should be sent in hardcopy or by e-mail but not by both methods. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change, as amended, that are filed with the Commission, and all written communications relating to the proposed rule change, as amended, 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 will also be available for inspection and copying at the principal office of the NASD.

All submissions should refer to file number SR–NASD–2004–02 and should be submitted by March 16, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3884 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49265; File No. SR–NASD–2004–019]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendments No. 1 and 2 Thereto by the National Association of Securities Dealers, Inc. To Clarify the Application of SuperMontage Pricing to Discretionary Orders

February 17, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 2, 2004, the National Association of Securities Dealers, Inc. (''NASD''), through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), submitted to 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 Nasdaq. On February 6, 2004, Nasdaq submitted Amendment No. 1 to the proposal.[3] On February 10, 2004, Nasdaq filed Amendment No. 2 to the proposal.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from John M. Yetter, Associate General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), Commission, dated February 5, 2004 (''Amendment No. 1''). In Amendment No. 1, Nasdaq amended the proposed rule text to clarify that a resting discretionary order that executes within its discretionary price range is deemed to be the liquidity accessor, unless the incoming order against which it executes is designated ''immediate-or-cancel,'' in which case the incoming order is the liquidity accessor. Nasdaq also clarified the manner that it intends to implement discretionary orders.

[4] *See* letter from John M. Yetter, Associate General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division, Commission, dated February 9, 2004 (''Amendment No. 2''). In Amendment No. 2, Nasdaq made a technical amendment to the proposed rule text.

**I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change**

Nasdaq proposes to clarify the application of Nasdaq's pricing schedule for the Nasdaq National Market Execution System (''NNMS'' or ''SuperMontage'') to discretionary orders. Nasdaq will implement the proposed rule change in conjunction with the introduction of the discretionary order in SuperMontage.[5]

The text of the proposed rule change is below. Proposed new language is in italics.

**Rule 7010. System Services**

(a)–(h) No change.

(i) Nasdaq National Market Execution System (SuperMontage).

*(1)* The following charges shall apply to the use of the Nasdaq National Market Execution System (commonly known as SuperMontage) by members:

| | |
|---|---|
| **ORDER ENTRY** | |
| Non-Directed Orders (excluding Preferenced Orders) | No charge. |
| Preferenced Orders: | |
| Preferenced Orders that access a Quote/Order of the member that entered the Preferenced Order). | No charge. |
| Other Preferenced Orders | $0.02 per order entry. |
| Directed Orders | $0.10 per order entry. |
| **ORDER EXECUTION** | |
| Non-Directed or Preferenced Order that accesses the Quote/Order of a market participant that does not charge an access fee to market participants accessing its Quotes/Orders through the NNMS: | |
| Charge to member entering order: | |
| Average daily shares of liquidity provided through the NNMS by the member during the month: | |
| 400,000 or less | $0.003 per share executed (but no more than $120 per trade for trades in securities executed at $1.00 or less per share). |
| 400,001 to 5,000,000 | $0.0027 per share executed (but no more than $108 per trade for trades in securities executed at $1.00 or less per share). |
| 5,000,001 or more | $0.0025 per share executed (but no more than $100 per trade for trades in securities executed at $1.00 or less per share). |
| Credit to member providing liquidity | $0.002 per share executed (but no more than $80 per trade for trades in securities executed at $1.00 or less per share). |
| Non-Directed or Preferenced Order that accesses the Quote/Order of a market participant that charges an access fee to market participants accessing its Quotes/Orders through the NNMS: | |
| Charge to member entering order: | |
| Average daily shares of liquidity provided through the NNMS by the member during the month: | |
| 400,000 or less | $0.001 per share executed (but no more than $40 per trade for trades in securities executed at $1.00 or less per share). |
| 400,001 or more | $0.001 per share executed (but no more than $40 per trade for trades in securities executed at $1.00 or less per share, and no more than $10,000 per month). |
| Directed Order | $0.003 per share executed. |
| Non-Directed or Preferenced Order entered by a member that accesses its own Quote/Order submitted under the same or a different market participant identifier of the member. | No charge. |
| **ORDER CANCELLATION** | |
| Non-Directed and Preferenced Orders | No charge. |
| Directed Orders | $0.10 per order cancelled. |

*(2) For purposes of assessing NNMS fees and credits hereunder, (A) a Discretionary Order that executes prior to being displayed as a Quote/Order will always be deemed to be accessing liquidity unless it is executed by (or receives delivery of) a displayed Discretionary Order at a price in the discretionary price range of the*

[5] The discretionary order had previously been scheduled for introduction within three weeks of its date of approval by the Commission. *See* Securities Exchange Act Release No. 49085 (January 15, 2004), 69 FR 3412 n.8 (January 23, 2004) (SR–NASD–2003–165). As a matter of operational efficiency, however, Nasdaq has determined that it would be preferable to coordinate implementation of the order with the elimination of certain order execution algorithms proposed in Securities Exchange Act Release No. 48501 (September 17, 2003), 68 FR 56358 (September 30, 2003) (SR–NASD–2003–128). Accordingly, Nasdaq will defer introduction of the discretionary order for a few additional weeks, and will inform market participants of the exact implementation date via a Head Trader Alert on *www.nasdaqtrader.com*. If the Commission disapproves SR–NASD–2003–128 or if approval of SR–NASD–2003–128 is significantly delayed, Nasdaq will introduce the discretionary order separately, and will inform market participants of the exact implementation date via a Head Trader Alert on *www.nasdaqtrader.com*. *See* Amendment No. 2, *supra* note 4.

The Commission notes that it approved File No. NASD–2003–128 on February 11, 2004. *See* Securities Exchange Act Release No. 49220.

*displayed Discretionary Order, and (B) a Discretionary Order that executes after being displayed as a Quote/Order will always be deemed to be providing liquidity, unless the displayed Discretionary Order executes against (or is delivered to) a Quote/Order or Non-Directed Order that has not been designated ''Immediate or Cancel,'' at a price in its discretionary price range.*

(j)–(u) No change.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, Nasdaq 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. Nasdaq 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 Commission recently approved the introduction of the discretionary order as a new order type for use in SuperMontage.[6] As described more fully in Nasdaq's filing to establish the discretionary order,[7] a discretionary order may execute either at its displayed bid or offer price or at non-displayed discretionary price(s) at which the participant is also willing to buy or sell, if necessary. For example, a market participant may enter a discretionary order to buy at $20.00, with a discretionary price range of $0.05, thereby indicating that the market participant wishes to buy at $20.00, but is also willing to pay up to $20.05. An incoming discretionary order will attempt to execute at its displayed price and then at successively higher prices, up to its highest discretionary price. If an incoming discretionary order is not filled through interaction with Quotes/Orders on the SuperMontage book, the discretionary order will be posted and available for interaction with incoming orders, either at its displayed price or at discretionary price(s).

Nasdaq's current fee schedule for SuperMontage features a per share charge for the execution of Non-Directed or Preferenced Orders that access liquidity provided by Quotes/Orders resting on the SuperMontage book, as well as a per share credit to a member that provides the liquidity for an execution and does not charge an access fee. The purpose of this rule change is to clarify the conditions under which a discretionary order is deemed to access liquidity (and is therefore assessed an execution charge) and the conditions under which it is deemed to provide liquidity (and is therefore eligible for a liquidity provider credit).

An incoming discretionary order that executes against a Quote/Order on the SuperMontage book is always considered the liquidity accessor and is charged accordingly, unless it is executed by (or receives delivery of) a displayed discretionary order at a price in the discretionary price range of the displayed discretionary order. A resting discretionary order that executes at its displayed price is always deemed to be the liquidity provider. A resting discretionary order that executes within its discretionary price range is deemed to be the liquidity accessor, unless the incoming order against which it executes is designated ''immediate-or-cancel,'' in which case the incoming order is the liquidity accessor.

Nasdaq believes that designating the liquidity provider and accessor in this manner will ensure that fees and credits for order executions are assigned in accordance with the reasonable expectations of the parties to transactions involving discretionary orders. Specifically, because discretionary prices are not displayed, market participants entering orders will not be able to base their expectations about whether their orders will execute or be displayed on knowledge about available discretionary prices. Moreover, although a participant entering a discretionary order is willing to trade at discretionary prices if necessary, it is not willing to advertise these prices to the market. Thus, if the best bid of $20.00 was set by a discretionary order with discretion up to $20.04 and the best offer was $20.05, a market participant entering a ''Day'' limit order to sell at $20.04 would expect the order to establish a new best offer, but the order would instead be executed by (or receive delivery of) the discretionary order at $20.04. Under these circumstances, Nasdaq believes that the participant entering the Day limit order should be treated as the liquidity provider, while the participant with the discretionary order should be treated as the liquidity accessor. This principal would apply if the incoming limit order was itself a discretionary order that was executed by (or received delivery of) a resting discretionary order at its discretionary price, since the participant entering the incoming discretionary would not be aware of the discretionary prices of the resting order.[8] Moreover, since the two interacting discretionary orders would execute at the price most favorable to the resting order, it is reasonable to treat the incoming discretionary order as the provider of liquidity to the price sought by the resting order. When an incoming order is designated ''Immediate or Cancel,'' however, a resting discretionary order with which the IOC order interacts would be deemed the liquidity provider, since a participant entering an IOC order would never expect the order to post on the SuperMontage book, and would therefore be deemed the liquidity accessor in all circumstances.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act,[9] in general, and with Section 15A(b)(5) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers, and other persons using any facility or system which the NASD operates or controls. The proposed rule change clarifies the circumstances under which a discretionary order is deemed to provide liquidity or access liquidity for purposes of assessment of execution fees and credits, based upon the reasonable expectations of parties to transactions involving discretionary orders.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

[6] *See* Securities Exchange Act Release No. 49085 (January 15, 2004), 69 FR 3412 (January 23, 2004) (Order approving File No. SR–NASD–2003–165).

[7] *See* Securities Exchange Act Release No. 48868 (December 3, 2003), 68 FR 68677 (December 9, 2003) (Notice for File No. SR–NASD–2003–165).

[8] Telephone conversation between John M. Yetter, Associate General Counsel, Nasdaq and Marc McKayle, Special Counsel, Division, Commission on February 17, 2004.

[9] 15 U.S.C. 78*o*–3.

[10] 15 U.S.C. 78*o*–3(b)(5).

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[11] and subparagraph (f)(2) of Rule 19b–4 thereunder,[12] because it establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.[13]

### 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. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–NASD–2004–019. 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, comments should be sent in hard copy or by e-mail, but not by both methods. 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 will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2004–019 and should be submitted by March 16, 2004.

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 240.19b–4(f)(2).

[13] For the purpose of calculating the 60-day abrogation period, and the date that the proposed rule change is immediately effective, the Commission considers the proposed rule change to have been filed on February 10, 2004; the date Nasdaq filed Amendment No. 2.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3887 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49263; File No. SR–PCX–2004–05]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. To Amend Its Rules To Impose a Connectivity Fee Applicable to Non-Members That Maintain a Connectivity Line With the Exchange

February 17, 2004.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2004, the Pacific Exchange, Inc. (''PCX'' 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 Exchange. 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 is proposing to amend the Floor, Market Maker and Remote Market Maker Fees portion of its Schedule of Fees and Charges (''Schedule''). The text of the proposed change to the fee schedule is available at the Exchange and at the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

#### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange is proposing to amend the Floor, Market Maker and Remote Market Maker portion of its Schedule in order to create a connectivity fee of $300 per line per month that would be applicable to non-members that maintain a connectivity line with the Exchange.

On December 12, 2003, the Exchange filed a proposed rule change to implement a connectivity fee applicable to members of the Exchange.[3] This fee became effective upon filing.[4] At this time, the Exchange wishes to implement the same connectivity fee applicable non-members.[5] As the Exchange previously stated, it maintains a significant number of telecommunications lines that support connectivity from various routing firms from both members and non-members of the Exchange. Thus, the PCX dedicates a significant amount of resources to installation and maintenance. The installation and maintenance costs for these lines are the same for members and non-members. Therefore, the Exchange believes that the proposed fee will provide for the cost recovery of the expenses incurred as part of the initial deployment and ongoing testing of these lines.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act,[6] in general, and Section 6(b)(4) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose

[3] *See* Securities Exchange Act Release No. 48970 (December 22, 2003), 68 FR 75306 (December 30, 2003) (SR–PCX–2003–67).

[4] *See* Section 19(b)(3)(A)(ii) of the Act. 15 U.S.C. 78s(b)(3)(A)(ii).

[5] The Exchange does not anticipate that a significant number of non-members will be billed as a result of this proposed rule change. However, the proposed rule change attempts to align the connectivity fee with the parties that are establishing connections with this market center, irrespective of whether the parties are members. Accordingly, the Exchange is expanding the scope of the connectivity fee so that it can appropriately assess the fee on non-member firms such as correspondents and service bureaus.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments were neither solicited nor received with respect to the proposed rule change.

**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 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Comments may also be submitted electronically at the following e-mail address: *rule-comments@sec.gov.* All comment letters should refer to File No. SR–PCX–2004–05. 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, comments should be sent in hardcopy or by e-mail but not by both methods. 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 will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–2004–05 and should be submitted by March 16, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3885 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–49264; File No. SR–PCX–2003–49]**

## Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 by the Pacific Exchange, Inc. Eliminating the Requirement That Market Makers With No Public Accounts and Who Do Not Solicit Public Accounts, Maintain Certain Information Barriers

February 17, 2004.

**I. Introduction**

On September 16, 2003 the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to eliminate the Information Barrier requirement set forth in PCXE Rule 7.26 for certain Market Makers. On December 16, 2003, PCX amended the proposed rule change.[3] The proposed rule change, as amended, was published for comment in the **Federal Register** on January 12, 2004.[4] No comment letters were received on the proposal. This order approves the proposed rule change.

**II. Description of the Proposal**

The Information Barrier requirements set forth in PCXE Rule 7.26 are designed to provide safeguards to prevent the use or communication of material non-public information by market making firms (and affiliated broker-dealers) to inappropriately benefit business activities in which they may engage, such as investment banking or options market making. Such information could relate to, for example, the Market Maker's customer and directed order flow or other information obtained by the Market Maker in the course of its business. PCX believes that such barriers help to ensure that market making firms do not illegally take advantage of or communicate such information to benefit their business activities, to the detriment of investors, customers, issuers and the integrity of the market.

For business reasons, certain registered Market Makers, or broker-dealers with which such Market Makers are affiliated, engage solely in proprietary trading. Accordingly, such firms do not maintain public customer accounts or solicit or accept orders or funds (and hence, would not accept directed order flow) from or on behalf of public customers, including broker-dealers and other securities firms. Under such circumstances, because the market making firm does not engage in any other business activities that may benefit from information obtained by the Market Maker in the course of the firm's market making activities, the Exchange believes that the concerns noted above which form the basis for the Information Barrier requirements set forth in PCXE Rule 7.26 do not apply.[5] Nevertheless, PCXE Rule 7.26 would require such a firm to develop and implement Information Barriers.

Under such circumstances, the Exchange believes that an Information Barrier requirement is not necessary and would impose an undue burden on the market making firm. Accordingly, the PCX proposes to eliminate this requirement in the limited circumstances where a market making firm and its affiliated broker-dealer neither maintain public customer accounts, nor solicit or accept public customer orders, including from broker-dealers and other securities firms (and does not accept directed order flow or utilize any order type which presupposes the participation of public customers), and engage solely in proprietary trading. The Exchange believes that this limited modification is consistent with the purposes of the rule. However, if the market making firm or its affiliated broker-dealer subsequently decides to maintain public customer accounts or solicit public customer accounts (and directed order flow or order types which presuppose the participation of public customers), then the requirements of PCXE Rule 7.26

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* December 15, 2003 letter from Steven B. Matlin, Senior Counsel, Regulatory Policy, PCX, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, Commission, and attachment (''Amendment No. 1''). Amendment No. 1 replaced and superseded the PCX's original filing in its entirety.

[4] Securities Exchange Act Release No. 49018 (January 5, 2004), 69 FR 01771.

[5] The proposed rule change is designed to accommodate the needs of these Market Makers. The current rule did not foresee the business conditions that currently exist which necessitate this change.

would apply. Furthermore, this limited modification would not alter or adjust any other obligation imposed on Market Makers, including those set forth in PCXE Rules 7.21 (Obligations of Market Maker Authorized Traders)[6] and 7.23 (General Obligations of Market Makers).

### III. Discussion

The Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations promulgated thereunder applicable to a national securities exchange[7] and, in particular, with the requirements of Section 6(b)(5) of the Act.[8] Specifically, the Commission finds that approval of the proposed rule change, as amended, is consistent with the Act in that it is designed to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and in general, to protect investors and the public interest.

The proposed rule change would amend PCXE Rule 7.26 to carve an exception where, even though a firm is registered as a Market Maker, or is an affiliated broker-dealer, it has no customer accounts, and engages solely in proprietary trading. The Commission believes that it is not necessary for a Market Maker, or its affiliated broker-dealer, that fits this limited exception, to be required to maintain an information barrier between the market making and other business activities. The Commission believes it is reasonable to remove a requirement that could become unduly burdensome, since the Market Maker, or its affiliated broker-dealers, is not engaged in activities that would inappropriately benefit other business activities within the firm. Furthermore, the Commission believes that the modification of PXCE Rule 7.26 may remove impediments that could hinder competition between a Market Maker fitting the limited exception, or its affiliated broker-dealer, and those Market Makers engaged in broader businesses. However, the Commission notes that, if in the future these Market Makers, or their affiliated broker-dealers, engage in other business activities, such as investment banking or options market making, or maintain customer accounts, solicit or accept public customer orders, the Commission expects that the Exchange will require compliance with the Information Barrier requirements of PCXE Rule 7.26.

### IV. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5).[9]

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–PCX–2003–49), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 04–3886 Filed 2–23–04; 8:45 am]

**BILLING CODE 8010–01–P**

[6] *See* PCXE Rule 1.1(v) (definition of ''Market Maker Authorized Trader'').

[7] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

## DEPARTMENT OF STATE

**[Public Notice 4628]**

### Bureau of Political-Military Affairs; Administrative Debarments Involving Kam-Tech Systems, Ltd. and David Menashe

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Department of State has imposed administrative debarment pursuant to section 127.7(a) and (b)(2) of the International Traffic in Arms Regulations (''ITAR'') (22 CFR parts 120 to 130) on persons convicted of a violation of such as to provide a reasonable basis for the Directorate of Defense Trade Controls to believe that the violators cannot be relied upon to comply with the Arms Export Control Act (''AECA'') (22 U.S.C. 2778) or the ITAR in the future and which violation was established in accordance with part 128 of the ITAR.

**EFFECTIVE DATE:** Date of Order as specified for each person.

**FOR FURTHER INFORMATION CONTACT:** David Trimble, Director, Directorate of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 663–2700.

**SUPPLEMENTARY INFORMATION:** Section 127.7 of the ITAR authorizes the Assistant Secretary of State for Political-Military Affairs to issue an Order for Administrative Debarment against any person who has been found pursuant to Part 128 of the ITAR to have committed a violation of the AECA or the ITAR of such character as to provide a reasonable basis for the Office of Defense Trade Controls Compliance to believe that the violator cannot be relied upon to comply with the AECA or ITAR in the future. Such an Order of Debarment prohibits the subject from participating directly or indirectly in the export of defense articles or defense services for which a license or approval is required by the ITAR.

The period for debarment will normally be three years from the date of Order. At the end of the debarment period, licensing privileges may be reinstated only at the request of the debarred person following the necessary Departmental review. Unless licensing privileges are reinstated, the person/entity will remain debarred.

Debarred persons are generally ineligible to participate in activity regulated under the ITAR (*See e.g.*, sections 120.1(c) and (d), 126.7, 127.1(c), and 127.11(a)). The Department of State will not consider applications for licenses or requests for approvals that involve any debarred person.

Pursuant to section 38 of the AECA and section 127.7(a) and (b)(2) of the ITAR, the following persons have been administratively debarred by the Assistant Secretary of State for Political-Military Affairs for a period of three years effective the date the Order is signed by Assistant Secretary of State for Political-Military Affairs:

(1) Kam-Tech Systems, Ltd. (''Kam-Tech''), an Israeli company located in Tel Aviv, Israel, and

(2) David Menashe (''Menashe''), owner and business manager of Kam-Tech.

Kam-Tech and Menashe pleaded guilty and, on June 18, 2003, were convicted of making false statements to the Bureau of Customs and Border Protection, U.S. Department of Homeland Security (formerly United States Customs Service (USCS)) in violation of 18 U.S.C. 1001. (U.S. District Court, Central District of California (Western Division), Docket # 03–CR–139–ALL.) Under the plea agreements entered in connection with the prosecution, Kam-Tech and Menashe agreed to a statement of facts that they caused a package to be shipped to the United States bearing an air waybill that falsely stated the contents consisted of ''samples for evaluation'' and were valued at $245, when the defendants knew the package contained an AIM–9 Missile Seeker Section valued at $19,600 and that this defense article was to be transshipped to

China. They further agreed to administrative debarment under section 127.7(a) and (b)(2) of the ITAR on the basis of the aforementioned statement of facts and to waive all rights under Part 128 of the ITAR, including the provision for issuance of a charging letter and all rights to seek administrative or judicial consideration or review or otherwise to contest the validity of the Order of Debarment. The Directorate of Defense Trade Controls believes that the actions of Kam-Tech and Menashe support a finding of a violation of section 127 of the ITAR of such character that neither could be relied upon to comply with the ITAR in the future. Furthermore, as set forth above, such violation was established in accordance with part 128 of the ITAR.

As noted above, at the end of the three-year period, the above named persons will remain debarred unless licensing privileges are reinstated.

This notice is provided in order to make the public aware that the persons listed above are prohibited from participating directly or indirectly in any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR. Specific case information may be obtained from the Office of the Clerk for each respective U.S. District Court citing the court docket number where provided.

Exceptions may be made to this denial policy on a case-by-case basis at the discretion of the Directorate of Defense Trade Controls. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: Whether an exception is warranted by overriding U.S. foreign policy or national security interest; whether an exception would further law enforcement concerns that are consistent with the foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and do not conflict with law enforcement concerns.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercise of this foreign affairs function is discretionary, it is excluded from review under the Administrative Procedure Act.

Dated: February 1, 2004.

**Lincoln P. Bloomfield, Jr.,**

*Assistant Secretary, Bureau of Political-Military Affairs, Department of State.*

[FR Doc. 04–4003 Filed 2–23–04; 8:45 am]

**BILLING CODE 4710–25–P**

## DEPARTMENT OF STATE

**[Public Notice 4631]**

### Culturally Significant Objects Imported for Exhibition; Determinations: ''Coming of Age in Ancient Greece: Images of Childhood from the Classical Past''

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999 (64 FR 56014), Delegation of Authority No. 236 of October 19, 1999 (64 FR 57920), as amended, and Delegation of Authority No. 257 of April 15, 2003 (68 FR 19875), I hereby determine that the objects to be included in the exhibition, ''Coming of Age in Ancient Greece: Images of Childhood from the Classical Past,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the exhibit objects at the Cincinnati Museum of Art, Cincinnati, Ohio, from on or about May 21, 2004, to on or about August 1, 2004, the J. Paul Getty Museum, Los Angeles, California, from on or about September 14, 2004, to on or about December 5, 2004, and at possible additional venues yet to be determined, is in the national interest. Public notice of these determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: February 11, 2004.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary for Educational and Cultural Exchanges, Department of State.*

[FR Doc. 04–4002 Filed 2–23–04; 8:45 am]

**BILLING CODE 4710–08–P**

## DEPARTMENT OF STATE

**[Public Notice 4630]**

### Culturally Significant Objects Imported for Exhibition; Determinations: ''Courtly Art of the Ancient Maya''

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Courtly Art of the Ancient Maya,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, Washington, DC from on or about April 4, 2004 to on or about July 25, 2004, the Fine Arts Museums of San Francisco, CA from on or about September 4, 2004 to on or about January 2, 2005, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit objects, contact Carol B. Epstein, Attorney-Adviser, Office of the Legal Adviser, Department of State, (telephone: 202/619–6981). The address is Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: February 17, 2004.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 04–4006 Filed 2–23–04; 8:45 am]

**BILLING CODE 4710–08–P**

## DEPARTMENT OF STATE

**[Delegation of Authority 269]**

### Exemptions From US–VISIT

By virtue of the authority vested in me as Secretary of State, including the authority of Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended, and the authority conferred on me by 8 CFR 215.8(a)(2) and 235.1(d)(1)(iv), I hereby delegate the following functions as indicated.

**Section 1. Functions Delegated to the Assistant Secretary for Consular Affairs, the Chief of Protocol, the Permanent Representative to the United Nations, Chiefs of Mission, Other Principal Officers, or Deputy Chiefs of Mission, and the Director and Deputy Director of American Institute of Taiwan**

*a. Functions Delegated*

The functions vested in me as Secretary of State by 8 CFR 215.8(a)(2) and 235.1(d)(1)(iv) (relating to exempting individual aliens from arriving or departing requirements for fingerprinting and photographing or for providing other specified biometric identifiers), to be exercised under the standards and procedures set forth below.

*b. Standards*

(1) A determination by the Assistant Secretary for Consular Affairs to exempt an individual may be made in any case in which an exemption is in the national interest.

(2) A determination by the Chief of Protocol to exempt an individual may be made only after consultation with the Assistant Secretary for CA, or her designee, and only in cases in which: (a) Protocol has responsibility for the movement of a high-ranking foreign government official or members of that official's delegation; and (b) the individual could have traveled on a visa that would have qualified for an exemption under 8 CFR 215.8(a)(2)(ii) or (iii), or 235.1(d)(1)(iv)(A), (B), or (C).

(3) A determination by the Permanent Representative to the United Nations to exempt an individual may be made only if the individual is a member of a Permanent Observer Mission or Office to the United Nations who is granted a ''B'' visa by virtue of the member's status with the United Nations or an immediate family member of such member who is granted a ''B'' visa for purposes of accompanying the member.

(4) A determination by a Chief of Mission, other Principal Officer, Deputy Chief of Mission, or the Director or Deputy Director of American Institute of Taiwan may be made only for an individual nonimmigrant alien who qualifies for a Class A Referral under guidelines currently found at 9 FAM 302, App. K, which guidelines may be changed from time to time in accordance with Department procedures.

*c. Procedures*

Any individual exceptions granted pursuant to this delegation, and the factual basis therefore, shall be granted and documented in accordance with instructions from the Bureau of Consular Affairs.

**Section 2. Additional Functions Delegated to the Assistant Secretary for Consular Affairs**

The functions vested in me as Secretary of State by 8 CFR 215.8(a)(2)(iii) and 235.1(d)(1)(iv)(C) (relating to exempting jointly with the Secretary of Homeland Security classes of aliens from arriving or departing requirements for fingerprinting and photographing or for providing other specified biometric identifiers).

**Section 3. Technical Provisions**

The Assistant Secretary for Consular Affairs and the Permanent Representative to the United Nations may redelegate the functions delegated to them by this delegation.

Notwithstanding any provision of this Delegation of Authority, the Secretary of State, the Deputy Secretary of State, the Under Secretary for Political Affairs, and the Under Secretary of State for Management may at any time exercise any function delegated by this delegation of authority.

The statutes, regulations, and procedures referenced in this delegation shall be deemed to be such statutes, regulations, or procedures as amended from time to time.

This delegation shall be published in the **Federal Register**.

Dated: January 30, 2004.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 04–4007 Filed 2–23–04; 8:45 am]

**BILLING CODE 4710–10–P**

## DEPARTMENT OF STATE

**[Delegation of Authority No. 271]**

### Functions Relating to Arrivals and Departures from the United States

By virtue of the authority vested in me as Secretary of State, including the authority conferred on me by Executive Order 13323, I hereby delegate to the Assistant Secretary for Consular Affairs the functions vested in me as Secretary of State by Executive Order 13323.

Notwithstanding any provision of this Delegation of Authority, the Secretary of State, the Deputy Secretary of State, the Under Secretary for Political Affairs, and the Under Secretary of State for Management may at any time exercise any function delegated by this delegation of authority.

The functions delegated by this delegation of authority may not be redelegated.

The statutes, regulations, and procedures referenced in this delegation shall be deemed to be such statutes, regulations or procedures as amended from time to time.

This delegation shall be published in the **Federal Register**.

Dated: January 30, 2004.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 04–4010 Filed 2–23–04; 8:45 am]

**BILLING CODE 4710–10–P**

## DEPARTMENT OF STATE

**[Delegation of Authority 270]**

### Exemptions From US–VISIT

By virtue of the authority vested in me as Secretary of State, including the authority of section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a), as amended, and the authority conferred on me by 8 CFR 215.8(a)(2)(iv) and 235.1 (d)(1)(iv)(D), I hereby delegate to Richard H. Jones the authority to determine that requirements for fingerprinting and photographing or for providing other specified biometric identifiers shall not apply to an individual nonimmigrant alien upon arrival or departure from the United States. Such a determination may be made only for an individual when it is in the national interest to do so and it will not compromise national security interests. All such exemptions and the factual basis for them shall be documented.

Mr. Jones may exercise this delegated authority only during the period of his detail to the Coalition Provisional Authority in Iraq and only in his capacity as a State Department employee operating under the direction and supervision of the Secretary of State.

Notwithstanding any provision of this Delegation of Authority, the Secretary of State, the Deputy Secretary of State, the

Under Secretary for Political Affairs, and the Under Secretary of State for Management may at any time exercise any function delegated by this delegation of authority.

The authority delegated by this delegation may not be redelegated.

The statutes, regulations, and procedures referenced in this delegation shall be deemed to be such statutes, regulations or procedures as amended from time to time.

This delegation shall be published in the **Federal Register**.

Dated: January 30, 2004.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 04–4009 Filed 2–23–04; 8:45 am]

**BILLING CODE 4710–10–P**

## DEPARTMENT OF STATE

**[Delegation of Authority 273]**

### Delegation of Authority Under Presidential Proclamation No. 7750 of January 12, 2004 Suspending Entry of Persons Engaged in or Benefiting From Corruption

**1. General Delegation**

By virtue of the authority vested in me as Secretary of State, I hereby delegate to the Under Secretary for Political Affairs, to the extent authorized by law, the functions vested in the Secretary of State by Presidential Proclamation No. 7750.

**2. Technical Provisions**

(a) Notwithstanding this delegation of authority, the Secretary of State and the Deputy Secretary of State may exercise any function delegated to the Under Secretary for Political Affairs by this delegation.

(b) As used in this delegation of authority, the term ''functions'' includes any duty, obligation, power, authority, responsibility, right, privilege, discretion, determination, or activity, including the authority to issue, amend, revise, or otherwise provide for standards and procedures implementing Presidential Proclamation No. 7750 of January 12, 2004.

(c) The functions delegated by this delegation of authority may not be redelegated.

Dated: February 4, 2004.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 04–4004 Filed 2–23–04; 8:45 am]

**BILLING CODE 4710–17–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Generalized System of Preferences (GSP): Notice Regarding the 2003 Product and Country Practice Review and On Certain Product Petitions From Previous Reviews on Which Decisions Were Deferred

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** The Office of the United States Trade Representative (USTR) received petitions in 2003 to modify the list of products that are eligible for duty-free treatment under the GSP program and to modify the GSP status of certain GSP beneficiary developing countries because of country practices. This notice announces the product and country practice petitions that are accepted for further review in the 2003 GSP Annual Review and sets forth the schedule for comment and public hearing on these petitions and on certain product petitions from previous reviews on which there was a deferral of decisions, for requesting participation in the hearing, and for submitting pre-hearing and post-hearing briefs.

**FOR FURTHER INFORMATION CONTACT:** Contact the GSP Subcommittee of the Trade Policy Staff Committee, Office of the United States Trade Representative, 1724 F Street, NW., Room F–220, Washington, DC 20508. The telephone number is (202) 395–6971.

**SUPPLEMENTARY INFORMATION:** The GSP provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974 (19 U.S.C. 2461, *et seq.*), as amended (the ''1974 Act''), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations.

In a **Federal Register** notice dated July 16, 2003, USTR extended the due date for the filing of product and country practice petitions for the 2003 GSP Annual Review to September 2, 2003 (68 FR 42156). The product petitions received requested changes in the list of eligible products by adding or removing products, or by waiving the ''competitive need limitations'' (CNLs) for a country for eligible articles. Authorization for granting CNL waivers is set forth in section 503(d) of the 1974 Act (19 U.S.C. 2463(d)). The country practice petitions received requested the review of certain practices in certain beneficiary developing countries to determine whether such countries are in compliance with the eligibility criteria set forth in sections 502(b) and 502(c) of the 1974 Act.

The interagency GSP Subcommittee of the Trade Policy Staff Committee (TPSC) has reviewed both the product and country practice petitions, and the TPSC has decided to initiate a full review of the product petitions listed in Annex II and not to initiate a full review of the country practice petitions submitted. Annex II to this notice sets forth, for each type of change requested: the case number, the Harmonized Tariff Schedule of the United States (HTS) subheading number, a brief description of the product (*see* the HTS for an authoritative description available on the U.S. International Trade Commission (USITC) Web site *http://www.usitc.gov/taffairs.htm),* and the petitioner for each petition included in this review. Acceptance of a petition for review does not indicate any opinion with respect to the disposition on the merits of the petition. Acceptance indicates only that the listed petitions have been found eligible for review by the TPSC and that such review will take place.

Modifications to the list of articles eligible for duty-free treatment under the GSP resulting from the 2003 Annual Review will be announced on or about June 30, 2004, in the **Federal Register**, and any changes will take effect on the effective date to be announced.

In a **Federal Register** notice dated July 3, 2003, USTR announced decisions in the 2001 Special Three Country Review for Argentina, Philippines, and Turkey, the 2001 GSP-AGOA (African Growth and Opportunity Act) Review, and the 2002 Annual Product Review (68 FR 40012), including the deferral of decisions on certain product petitions requesting the addition or removal of certain products from the Generalized System of Preferences. These petitions are described in Annex III.

**Opportunities for Public Comment and Inspection of Comments**

The GSP Subcommittee of the TPSC invites comments in support of or in opposition to any petition which is included in this Annual Review (Annex II) or any petition on which there was a deferral of decision (Annex III). Submissions should comply with 15 CFR part 2007, except as modified below. All submissions should identify the subject article(s) in terms of the case number and HTS subheading number as shown in Annexes II and III. The GSP regulations (15 CFR part 2007) provide the schedule of dates for conducting an annual review unless otherwise

specified in a **Federal Register** notice. This notice specifies the revised schedule for public comment and hearings, set out in Annex I.

*Requirements for Submissions*

In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic e-mail submissions in response to this notice. Hand delivered submissions will not be accepted. These submissions should be single copy transmissions in English with the total submission not to exceed 50 single-spaced standard letter-size pages. E-mail submissions should use the following subject line: ''2003 GSP Annual Review'' followed by the Case Number and HTS subheading number found in the Annex II or Annex III (for example, 2003–07 4107.11.80) and, as appropriate ''Written Comments'', ''Notice of Intent To Testify'', ''Pre-hearing brief'', ''Post-hearing brief'' or ''Comments on USITC Advice''. (For example, an e-mail subject line might read ''2003–07 4107.11.80 Written Comments''.) Documents, in English, must be submitted in either of the following formats: WordPerfect (.WPD), MSWord (.DOC) , or text (.TXT) files. Documents cannot be submitted as electronic image files or contain imbedded images (for example, ''.JPG'', ''.PDF'', ''.BMP'', or ''.GIF'') as these graphic type files are generally excessively large. E-mail submissions containing such files will not be accepted. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel files, formatted for printing only on 8½ x 11 inch paper. To the extent possible, any data attachments to the submission should be included in the same file as the submission itself, and not as separate files.

If the submission contains business confidential information, a non-confidential version of the submission must also be submitted that indicates where confidential information was redacted by inserting asterisks where material was deleted. In addition, the confidential submission must be clearly marked ''BUSINESS CONFIDENTIAL'' at the top and bottom of each and every page of the document. The public version, which does not contain business confidential information, must also be clearly marked at the top and bottom of each and every page (either ''PUBLIC VERSION'' or ''NON-CONFIDENTIAL''). Documents that are submitted without any marking might not be accepted or will be considered public documents.

For any document containing business confidential information submitted as an electronic attached file to an e-mail transmission, the file name of the business confidential version should begin with the characters ''BC-'', and the file name of the public version should begin with the characters ''P-''. The ''P-'' or ''BC-'' should be followed by the name of the party (government, company, union, association, *etc.*) which is making the submission.

E-mail submissions should not include separate cover letters or messages in the message area of the e-mail; information that might appear in any cover letter should be included directly in the attached file containing the submission itself, including identifying information on the sender, including sender's e-mail address. The e-mail address for these submissions is *FR0081@USTR.GOV.* Documents not submitted in accordance with these instructions might not be considered in this review. If unable to provide submissions by e-mail, please contact the GSP Subcommittee to arrange for an alternative method of transmission.

Information submitted will be subject to public inspection shortly after the relevant due dates by appointment with the staff of the USTR public reading room, except for information submitted and properly marked that is granted ''business confidential'' status pursuant to 15 CFR 2003.6 and other qualifying information submitted in confidence pursuant to 15 CFR 2007.7. Public versions of all documents relating to this review will be available for review after the relevant due date by appointment in the USTR public reading room, 1724 F Street, NW., Washington, DC. Appointments may be made from 9:30 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, by calling (202) 395–6186.

*Notice of Public Hearings*

Hearings will be held by the GSP Subcommittee of the TPSC on April 1, 2004, beginning at 10 a.m. at the U.S. International Trade Commission, Main Hearing Room, 500 E Street, SW., Washington, DC 20436. The hearings will be open to the public and a transcript of the hearings will be made available for public inspection or can be purchased from the reporting company. No electronic media coverage will be allowed.

All interested parties wishing to make an oral presentation at the hearings must submit, following the above ''Requirements for Submissions'', the name, address, telephone number, and facsimile number and email address, if available, of the witness(es) representing their organization to the Chairman of the GSP Subcommittee by 5 p.m., March 15, 2004. Requests to present oral testimony in connection with the public hearings must be accompanied by a written brief or statement, in English, and also must be received by 5 p.m., March 15, 2004. Oral testimony before the GSP Subcommittee will be limited to five-minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Post-hearing briefs or statements will be accepted if they conform with the regulations cited above and are submitted, in English, by 5 p.m., April 15, 2004. Parties not wishing to appear at the public hearings may submit post-hearing written briefs or statements, in English, by 5 p.m., April 15, 2004.

In accordance with sections 503(a)(1)(A) and 503(e) of the 1974 Act and the authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, the U.S. Trade Representative has requested that the USITC provide its advice, with respect to the probable economic effect on United States industries producing like or directly competitive articles and on consumers of the following actions: (1) The elimination of U.S. import duties for all beneficiary developing countries and, with respect to certain articles, the effect of the elimination of United States import duties for least-developed beneficiary developing countries, (2) the removal from eligibility for duty-free treatment under the GSP for such article, and (3) whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limits specified in section 503(d)(1) of the 1974 Act for the country specified. Comments by interested persons on the USITC Report prepared as part of the product review should be submitted by 5 p.m., 10 days after the date of USITC publication of its report.

**Steven Falken,**

*Executive Director for GSP, Chairman, GSP Subcommittee of the Trade Policy Staff Committee.*

**BILLING CODE 3190–W3–P**

# Annex I

## EXECUTIVE OFFICE OF THE PRESIDENT
## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

## GSP – 2003 ANNUAL REVIEW
## PUBLIC COMMENT AND HEARING SCHEDULE

| | |
|---|---|
| March 15, 2004 | Due Date for Requests to Appear at Public Hearings and Submission of Pre-hearing Briefs. |
| March 15, 2004 | Due Date for Providing the Name, Address, Telephone, Fax, Email Address and Organization of Witnesses. |
| March 31, 2004 | U.S. International Trade Commission scheduled hearings on economic effect on U.S. industries. |
| April 1, 2004 | USTR's TPSC GSP Subcommittee Public Hearings to Be Held at U.S. International Trade Commission, Main Hearing Room, 500 E Street, S.W., Washington, D.C. 20436. |
| April 15, 2004 | Due Date for Submission of Post-hearing and Rebuttal Briefs. |
| May 2004 | USITC Scheduled to Publish Report to the President. |
| | Comments on the USITC Report to the President due 10 days after USITC date of publication. |
| June 30, 2004 | Annual Review Decisions Scheduled to Be Announced on or about this Date. |

For Further Information Contact GSP Information Center, Office of the U.S. Trade Representative, 1724 F Street, N.W. Washington, D.C. 20508 Telephone: 202-395-6971

For Public Documents Related to this Review: USTR Public Reading Room, 1724 F Street N.W., Washington, D.C. Appointments May Be Made from 9:30 A.M. to Noon and 1 P.M. to 4 P.M., Monday Through Friday by Calling (202) 395-6186.\

Notification of Any Changes Will Be Given in the *Federal Register*.

# Annex II

The Harmonized Tariff Schedule of the United States (HTS) subheadings listed below have been accepted as product petitions for the 2003 Generalized System of Preferences (GSP) Annual Review for modification of the (GSP). The tariff nomenclature in the HTS for the subheadings listed below are definitive; the product descriptions in this list are for informational purposes only (except in those cases where only part of a subheading is the subject of a petition). The descriptions below are not intended to delimit in any way the scope of the subheading. The HTS may be viewed on http://www.usitc.gov/taffairs.htm.

| Case No. | HTS Subheading | Brief Description | Petitioner |
|---|---|---|---|
| A. | Petitions to add products to the list of eligible articles for the Generalized System of Preferences. | | |
| 2003-01 | 8708.92.50 | Mufflers and exhaust pipes of the motor vehicles of headings 8701 to 8705 except for tractors suitable for agricultural use | Government of Argentina; Conforma S.R.L., Argentina |
| 2003-02 | 8714.92.10 | Wheel rims for bicycles and other cycles, not motorized | Eninco Engeharia, Industria e Comercio Ltda, Brazil |
| B. | Petition to remove duty-free status for a product on the list of eligible articles for Generalized System of Preferences. | | |
| 2003-03 | 3907.60.0010 | Bottle-grade polyethylene terephthalate resins | Voridian, Kingsport, TN; Wellman, Inc., Shrewsbury, NJ; M&G Polymers USA, LLC, Houston, TX; DAK Americas, Inc., Chadds Ford, PA; Nan Ya Plastics Corporation, Lake City, SC |
| 2003-04 | 2917.12.10 | Adipic acid | INVISTA Inc., Wilmington, DE |
| 2003-05 | 3901.10.00(pt) | Linear polyethylene having a specific gravity of less than 0.94 and a relative viscosity of 1.44 or more | Ticona LLC, Summit, NJ |
| | 3901.20.00(pt) | Linear polyethylene having a specific gravity of 0.94 or more and a relative viscosity of 1.44 or more | do. |
| 2003-06 | 3920.62.00 | Poly(ethylene terephthalate) plates, sheets, film, foil and strip, noncellular and not reinforced, laminated or supported or similarly combined with other materials | Dupont Teijin Films, Wilmington, DE; Mitsubishi Polyester Film of America, Greer, SC; Toray Plastics (America), Inc., North Kingdom, RI SKC America, Inc., |

| | | | |
|---|---|---|---|
| | | | Covington, GA |

C. Petitions for waiver of competitive need limits for a product on the list of eligible products for the Generalized System of Preferences.

| | | | |
|---|---|---|---|
| 2003-07 | 4107.11.80 (Argentina) | Other fancy full grain whole hides and skins, unsplit, further prepared after tanning or crusting, of bovine (other than buffalo) or equine animals | Camara de la Curtidora Argentina, Argentina |
| 2003-08 | 7615.19.30 (Thailand) | Aluminum cooking and kitchen ware (other than cast), enameled or glazed or containing nonstick interior finishes | Meyer Corporation, Vallejo, CA |
| 2003-09 | 8525.40.80 (Indonesia) | Still image video cameras (other than digital) and other video camera recorders; digital cameras | P.T. Matsushita Kotobuki Electronics Industries Indonesia, Indonesia |

## Annex III

The Harmonized Tariff Schedule of the United States (HTS) subheadings listed below were accepted as product petitions for the 2001 Special Three Country Review for Argentina, Philippines, and Turkey (part (A) below), the 2001 GSP-AGOA (African Growth and Opportunity Act) Review (part (B) below), and the 2002 Annual Product Review (part (C) below), and decisions were deferred. The tariff nomenclature in the HTS for the subheadings listed below are definitive; the product descriptions in this list are for informational purposes only (except in those cases where only part of a subheading is the subject of a petition). The descriptions below are not intended to delimit in any way the scope of the subheading. The HTS may be viewed on http://www.usitc.gov/taffairs.htm.

| Case No. | HTS Subheading | Brief Description | Petitioner |
|---|---|---|---|

A. Petitions to add a product to the list of eligible articles for the Generalized System of Preferences, deferred in the 2001 Special Three Country Review.

| | | | |
|---|---|---|---|
| 2001-SR-07 | 2009.41.20 | Pineapple juice, not concentrated | |
| 2001-SR-08 | 2009.41.20 | Pineapple juice, not concentrated - other | |

B. Petitions to remove a product from the list of eligible articles for the Generalized System of Preferences, deferred in the 2001 GSP-AGOA (African Growth and Opportunity Act) Review.

| | | | |
|---|---|---|---|
| 2001-AGOA-2 | 2008.40.00 | Canned Pears | |

C. Petition to remove duty-free status for a product from, the list of eligible articles for the Generalized System of Preferences, deferred in the 2002 Annual Review.

| | | | |
|---|---|---|---|
| 2002-33 | 8908.90.60 (Russia) | Wrought titanium, not elsewhere specified or included | |

[FR Doc. 04–3868 Filed 2–23–04; 8:45 am]
BILLING CODE 3190–W3–C

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Request for Comments and Notice of Public Hearing Concerning Proposed United States—Panama Free Trade Agreement

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of intent to initiate negotiations on a free trade agreement between the United States and the Republic of Panama, request for comments, and notice of public hearing.

**SUMMARY:** The United States intends to initiate negotiations with the Republic of Panama on a free trade agreement (FTA). The interagency Trade Policy

Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the United States Trade Representative (USTR) in amplifying and clarifying negotiating objectives for the proposed agreement and to provide advice on how specific goods and services and other matters should be treated under the proposed agreement.

**DATES:** Persons wishing to testify orally at the hearing must provide written notification of their intention, as well as their testimony, by March 16, 2004. A hearing will be held in Washington, DC beginning on March 23, 2004, and will continue as necessary on subsequent days. Written comments are due by noon, April 5, 2004.

**ADDRESSES:** Submissions by electronic mail: *FR0413@ustr.gov* (notice of intent to testify and written testimony); *FR0414@ustr.gov* (written comments). Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–6143. The public is strongly encouraged to submit documents electronically rather than by facsimile. (*See* requirements for submissions below.)

**FOR FURTHER INFORMATION CONTACT:** For procedural questions concerning written comments or participation in the public hearing, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395–3475. All other questions should be directed to Andrea Gash Durkin, Director for Central America and the Caribbean, (202) 395–6135 or James Wolfe, Coordinator for Central American FTA Negotiation and Outreach, (202) 395–9628.

**SUPPLEMENTARY INFORMATION:**

**1. Background**

Under section 2104 of the Bipartisan Trade Promotion Authority Act of 2002 (TPA Act) (19 U.S.C. 3804), for agreements that will be approved and implemented through TPA procedures, the President needs to provide the Congress with at least 90 days written notice of his intent to enter into negotiations and identify the specific objectives for the negotiations. Before and after the submission of this notice, the President is to consult with appropriate Congressional committees and the Congressional Oversight Group regarding the negotiations. Under the Trade Act of 1974, as amended, the President must (i) afford interested persons an opportunity to present their views regarding any matter relevant to any proposed agreement, (ii) designate an agency or inter-agency committee to hold a public hearing regarding any proposed agreement, and (iii) seek the advice of the U.S. International Trade Commission (ITC) regarding the probable economic effects on U.S. industries and consumers of the removal of tariffs and non-tariff barriers on imports pursuant to any proposed agreement.

On November 18, 2003, after consulting with relevant Congressional committees and the Congressional Oversight Group, the USTR notified the Congress that the President intends to initiate free trade agreement negotiations with the Republic of Panama and identified specific objectives for the negotiations. In addition, the USTR has requested the ITC's probable economic effects advice. The ITC intends to provide this advice on April 8, 2004. This notice solicits views from the public on these negotiations and provides information on a hearing which will be conducted pursuant to the requirements of the Trade Act of 1974.

**2. Public Comments and Testimony**

To assist the Administration as it continues to develop its negotiating objectives for the proposed agreement, the Chairman of the TPSC invites written comments and/or oral testimony of interested persons at a public hearing. Comments and testimony may address the reduction or elimination of tariffs or non-tariff barriers on any articles provided for in the Harmonized Tariff Schedule of the United States (HTSUS) that are products of Panama, any concession which should be sought by the United States, or any other matter relevant to the proposed agreement. The TPSC invites comments and testimony on all of these matters and, in particular, seeks comments and testimony addressed to:

(a) General and commodity-specific negotiating objectives for the proposed agreement.

(b) Economic costs and benefits to U.S. producers and consumers of removal of tariffs and non-tariff barriers to U.S.-Panama trade.

(c) Treatment of specific goods (described by Harmonized System tariff numbers) under the proposed agreement, including comments on:

(1) Product-specific import or export interests or barriers,

(2) Experience with particular measures that should be addressed in the negotiations, and

(3) In the case of articles for which immediate elimination of tariffs is not appropriate, a recommended staging schedule for such elimination.

(d) Adequacy of existing customs measures to ensure Panamanian origin of imported goods, and appropriate rules of origin for goods entering the United States under the proposed agreement.

(e) Existing Panamanian sanitary and phytosanitary measures and technical barriers to trade.

(f) Existing barriers to trade in services between the United States and Panama that should be addressed in the negotiations.

(g) Relevant trade-related intellectual property rights issues that should be addressed in the negotiations.

(h) Relevant investment issues that should be addressed in the negotiations.

(i) Relevant government procurement issues that should be addressed in the negotiations.

(j) Relevant electronic commerce issues that should be addressed in the negotiations.

(k) Relevant environmental issues that should be addressed in the negotiations.

(l) Relevant labor issues that should be addressed in the negotiations.

Comments identifying as present or potential trade barriers laws or regulations that are not primarily trade-related should address the economic, political and social objectives of such regulations and the degree to which they discriminate against producers of the other country. At a later date, the USTR, through the TPSC, will publish notice of reviews regarding (a) the possible environmental effects of the proposed agreement and the scope of the U.S. environmental review of the proposed agreement, and (b) the impact of the proposed agreement on U.S. employment and labor markets.

A hearing will be held on March 23, 2004, in Rooms 1 and 2, 1724 F Street, NW., Washington, DC. If necessary, the hearing will continue on subsequent days. Persons wishing to testify at the hearing must provide written notification of their intention by March 16, 2004. The notification should include: (1) The name, address, and telephone number of the person presenting the testimony; and (2) a short (one or two paragraph) summary of the presentation, including the subject matter and, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects (such as investment, intellectual property and/or government procurement) to be discussed. A copy of the testimony must accompany the notification. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC. Persons with mobility impairments who will need special assistance in gaining access to the hearing should contact the TPSC Executive Secretary.

Interested persons, including persons who participate in the hearing, may submit written comments by noon, April 5, 2004. Written comments may include rebuttal points demonstrating errors of fact or analysis not pointed out in the hearing. All written comments must state clearly the position taken, describe with particularity the supporting rationale, and be in English. The first page of written comments must specify the subject matter, including, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects (such as investment, intellectual property and/or government procurement).

**3. Requirements for Submissions**

In order to facilitate prompt processing of submissions, the Office of the United States Trade Representative strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: ''United States—Panama Free Trade Agreement'' followed by (as appropriate) ''Notice of Intent to Testify,'' ''Testimony,'' or ''Written Comments.'' Documents should be submitted as either WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets are acceptable as Quattro Pro or Excel. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters ''BC–'', and the file name of the public version should begin with the characters ''P–''. The ''P–'' or ''BC–'' should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. To the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments, notice of testimony, and testimony will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except business confidential information exempt from public inspection in accordance with 15 CFR 2003.6. Business confidential information submitted in accordance with 15 CFR 2003.6 must be clearly marked ''Business Confidential'' at the top of each page, including any cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file must be scheduled at least 48 hours in advance and may be made by calling (202) 395–6186.

General information concerning the Office of the United States Trade Representative may be obtained by accessing its Internet Web site (*http://www.ustr.gov*).

**Carmen Suro-Bredie,**

*Chairman, Trade Policy Staff Committee.*

[FR Doc. 04–3872 Filed 2–23–04; 8:45 am]

**BILLING CODE 3190–W3–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Aviation Proceedings, Agreements Filed the Week Ending February 13, 2004

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

*Docket Number:* OST–2003–17070.

*Date Filed:* February 9, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC3 0686 dated 5 December 2003.

TC3 Areawide Resolutions.

PTC3 0687 dated 5 December 2003.

TC3 Within South Asian Subcontinent Resolutions.

PTC3 0688 dated 5 December 2003.

TC3 Within South West Pacific except between French Polynesia and American Samoa Resolutions.

PTC3 0689 dated 5 December 2003.

TC3 between South East Asia and South Asian Subcontinent Resolutions.

PTC3 0690 dated 5 December 2003.

TC3 between South Asian Subcontinent and South West Pacific Resolutions.

PTC3 0691 dated 5 December 2003.

TC3 between South East Asia and South West Pacific except between Malaysia and American Samoa Resolutions.

PTC3 0692 dated 5 December 2003.

TC3 between Japan-Korea Resolutions.

PTC3 0693 dated 5 December 2003.

TC3 between Japan, Korea and South West Pacific except between Korea (Rep. of) and American Samoa Resolutions.

PTC3 0694 dated 5 December 2003.

TC3 between French Polynesia and American Samoa Resolutions.

PTC3 0695 dated 5 December 2003.

TC3 between Malaysia and American Samoa Resolutions.

PTC3 0696 dated 5 December 2003.

TC3 between Korea (Rep. of) and American Samoa Resolutions.

PTC3 0697 dated 12 December 2003.

TC3 Within South East Asia except between Malaysia and Guam Resolutions.

PTC3 0698 dated 12 December 2003.

TC3 between Japan, Korea and South Asian Subcontinent Resolutions.

PTC3 0699 dated 12 December 2003.

TC3 between Japan, Korea and South East Asia except between Korea (Rep. of ) and Guam, Northern Mariana Island Resolutions.

PTC3 0700 dated 12 December 2003.

TC3 between Malaysia-Guam Resolutions.

PTC3 0701 dated 12 December 2003.

TC3 between Korea (Rep. of) and Guam, Northern Mariana Islands.

Resolutions r1-r194.

Corrects—PTC3 0705 dated 23 December 2003.

TC3 between Japan, Korea and South Asian Subcontinent Resolutions.

Minutes—PTC3 0717 dated 10 February 2004.

Tables—PTC3 Fares 0263 dated 19 December 2003.

TC3 Within South Asian Subcontinent Fares Tables.

PTC3 Fares 0264 dated 19 December 2003.

TC3 within South East Asia Fares Tables.

PTC3 Fares 0265 dated 19 December 2003.

TC3 Within South West Pacific Fares Tables.

PTC3 Fares 0266 dated 19 December 2003.

TC3 between Japan-Korea Fares Tables.

PTC3 Fares 0267 dated 19 December 2003.

TC3 between South East Asia and South Asian Subcontinent Fares Tables.

PTC3 Fares 0268 dated 19 December 2003.

TC3 between South Asian Subcontinent and South West Pacific Fares Tables.

PTC3 Fares 0269 dated 19 December 2003.

TC3 between Japan, Korea and South Asian Subcontinent Fares Tables.

PTC3 Fares 0270 dated 19 December 2003.

TC3 between South East Asia and South West Pacific Fares Tables.

PTC3 Fares 0271 dated 19 December 2003.

TC3 between Japan, Korea and South East Asia Fares Tables.

PTC3 Fares 0272 dated 19 December 2003.

TC3 between Japan, Korea and South West Pacific Fares Tables.

Intended effective date: 1 April 2004.

*Docket Number:* OST–2003–17117.

*Date Filed:* February 12, 2004.

*Parties:* Members of the International Air Transport Association.

*Subject:* PTC COMP 1125 dated 13 February 2004, Mail Vote 350—Resolution 010j, Special Amending Resolution from Poland r1-r3, Intended effective date: 1 March 2004.

**Maria Gulczewski,**

*Acting Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 04–3909 Filed 2–23–04; 8:45 am]

**BILLING CODE 4910–62–P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending February 13, 2004

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* OST–2004–17121.

*Date Filed:* February 13, 2004.

*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* March 5, 2004.

*Description:* Application of Allegiant Air, Inc., requesting the Department disclaim jurisdiction over, or in the alternative that it approve, the transfer of Allegiant's certificate of public convenience and necessity to Allegiant Air, LLC, and that the Department reissue the certificate in the name of Allegiant Air, LLC.

**Maria Gulczewski,**

*Acting Program Manager, Docket Operations, Federal Register Liaison.*

[FR Doc. 04–3910 Filed 2–23–04; 8:45 am]

**BILLING CODE 4910–62–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Austin-Bergstrom International Airport, Austin, TX

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

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Austin-Bergstrom International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before March 25, 2004.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jim Smith, Executive Director, Austin-Bergstrom International Airport at the following address: 3600 Presidential Blvd., Austin, Texas 78719.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under section 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–611, 2601 Meacham Blvd., Fort Worth, Texas 76193–0610; (817) 222–5613.

The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Austin-Bergstrom International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On January 27, 2004, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 25, 2004.

The Following is a brief overview of the application.

*Level of the proposed PFC:* $4.50.

*Proposed charge effective date:* January 1, 2020.

*Proposed charge expiration date:* May 1, 2020.

*Total estimated PFC revenue:* $4,125,000.

*PFC application number:* 04–05–C–00–AUS.

Brief description of proposed project(s):

**Projects To Impose and Use PFCs**

EDS Installation and Associated Baggage Handling System Proposed class or classes of air carriers to be exempted from collecting PFCs: Air Taxi/Commercial Operators Filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW–610, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Austin-Bergstrom International Airport.

Issued in Fort Worth, Texas on January 29, 2004.

**Naomi L. Saunders,**

*Manager, Airports Division.*

[FR Doc. 04–3633 Filed 2–23–04; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

### Marine Transportation System National Advisory Council

**AGENCY:** Department of Transportation, Maritime Administration.

**ACTION:** Notice of advisory committee charter renewal.

**SUMMARY:** The Maritime Administration announces the charter renewal for the Marine Transportation System National Advisory Council (MTSNAC). The MTSNAC advises the Secretary of Transportation via the Council Sponsor, the Administrator of the Maritime Administration, on matters relating to the Marine Transportation System (MTS)—waterways, ports and their intermodal connections.

**DATES:** The effective date of the charter renewal for the MTSNAC is January 27, 2004.

**ADDRESSES:** You may request a copy of the charter for the Council by writing to Richard Lolich, Maritime Administration, MAR–830, Room 7201, 400 Seventh St., SW., Washington, DC 20590, by calling (202) 366–0704, by faxing (202) 366–6988, or by e-mail: *Richard.Lolich@marad.dot.gov.*

**FOR FURTHER INFORMATION CONTACT:** Raymond Barberesi, (202) 366–4357; Maritime Administration, MAR 830, Room 7201, 400 Seventh St., SW., Washington, DC 20590; *Raymond.Barberesi@marad.dot.gov.*

(Authority: 49 CFR 1.66)

By Order of the Maritime Administrator.

Dated: February 19, 2004.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 04–3951 Filed 2–23–04; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 17, 2004.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW, Washington, DC 20220.

*Dates:* Written comments should be received on or before March 25, 2004 to be assured of consideration.

**Departmental Offices/Community Development Financial Institutions (CDFI) Fund**

*OMB Number:* New.

*Form Number:* CDFI 0009.

*Type of Review:* New collection.

*Title:* Native American CDFI Assistance (NACA) Program Application.

*Description:* Through the Native American CDFI Assistance Program, the CDFI Fund will provide technical assistance to CDFIs already serving Native American communities as well as technical assistance to help Native American communities form new CDFIs.

*Respondents:* Business or other for-profit, Not-for-profit institution, State, Local or Tribal Government.

*Estimated Number of Respondents:* 50.

*Estimated Burden Hours Per Respondent:* 60 hours.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 3,000 hours.

*Clearance Officer:* Lois K. Holland, (202) 622–1563, Departmental Offices, Room 11309, 1750 Pennsylvania Avenue, NW, Washington, DC 20220.

*OMB Reviewer:* Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Treasury PRA Clearance Officer.*

[FR Doc. 04–3949 Filed 2–23–04; 8:45 am]

**BILLING CODE 4811–16–P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 17, 2004.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Pub. L. 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW Washington, DC 20220.

*Dates:* Written comments should be received on or before March 25, 2004 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545–1316.

*Form Number:* IRS Form 9452.

*Type of Review:* Extension.

*Title:* Filing Assistance Program (Do you have to file a tax return?).

*Description:* The RUF (Reduce Unnecessary Filing) Program was initiated in 1992. Each year approximately 72% of the taxpayers contacted through the RUF Program stop filing unnecessary returns. This has reduced taxpayer burden and been cost effective for the service. This is in accord with the Service's compliance initiatives.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 1,650,000.

*Estimated Burden Hours Respondent:* 30 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 825,000 hours.

*OMB Number:* 1545–1565.

*Notice Number:* Notice 97–64.

*Type of Review:* Extension.

*Title:* Temporary Regulations to be Issued under section 1(h) of the Internal Revenue Code (Applying section 1(h) to Capital Gain Dividends of Regulated Investment Companies (RICs) and Real Estate Investment Trusts (REITs)).

*Description:* Notice 97–64 provides notice of forthcoming temporary regulations that will permit Regulated Investment Companies (RICs) and Real Estate Investment Trusts (REITs) to distribute multiple classes of capital gain dividends.

*Respondents:* Business or other for-profit, Individuals or households.

*Estimated Number of Respondents:* 1.

*Estimated Burden Hours Respondent:* 1.

*Frequency of Response:* Other (once).

*Estimated Total Reporting Burden:* 1 hour.

*OMB Number:* 1545–1568.

*Announcement Number:* Announcement 97–122.

*Type of Review:* Extension.

*Title:* Interim Guidance for Roth IRAs.

*Description:* This announcement provides interim guidance concerning the establishment of Roth IRAs (described in section 408A of the Internal Revenue Code as added by section 302 of the Taxpayer Relief Act of 1997). The guidance is directed mainly at banks, etc., that will market prototype Roth IRAs to the public.

*Respondents:* Business or other for-profit, Not-for-profit institutions.

*Estimated Number of Respondents:* 4,000.

*Estimated Burden Hours Respondent:* 2 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 8,000 hours.

*OMB Number:* 1545–1813.

*Form Number:* IRS Form 1099-H.

*Type of Review:* Extension.

*Title:* Health Coverage Tax Credit (HCTC) Advance Payments.

*Description:* Form 1099–H is used to report advance payments of health insurance premiums to qualified recipients for their use in computing the allowable health insurance credit on Form 8885.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 300.

*Estimated Burden Hours Respondent/Recordkeeper:* 18 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 33,000 hours.

*OMB Number:* 1545–1865.

*Notice Number:* Notice 2003–75.

*Type of Review:* Extension.

*Title:* Registered Retirement Savings Plans (RRSP) and Registered Retirement Income Funds (RRIF) Information Reporting.

*Description:* This notice announces an alternative, simplified reporting regime for the owners of certain Canadian individual retirement plans that have been subject to reporting on Forms 3520 and 3520–A, and it describes the interim reporting rules that taxpayers must follow until a new form is available.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 750,000.

*Estimated Burden Hours Respondent:* 2 hours.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 1,500,000 hours.

*Clearance Officer:* Glenn P. Kirkland, (202) 622–3428, Internal Revenue Service, Room 6411–03, 1111 Constitution Avenue, NW, Washington, DC 20224.

*OMB Reviewer:* Joseph F. Lackey, Jr., (202) 395–7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Treasury PRA Clearance Officer.*

[FR Doc. 04–3950 Filed 2–23–04; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

## Office of the Comptroller of the Currency

**[Docket No. 04–07]**

## FEDERAL RESERVE SYSTEM

## FEDERAL DEPOSIT INSURANCE CORPORATION

## DEPARTMENT OF THE TREASURY

## Office of Thrift Supervision

**[No. 2004–08]**

## Joint Report: Differences in Accounting and Capital Standards Among the Federal Banking Agencies; Report to Congressional Committees

**AGENCIES:** Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC); and Office of Thrift Supervision (OTS), Treasury.

**ACTION:** Report to the Committee on Financial Services of the United States House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the United States Senate regarding differences in accounting and capital standards among the federal banking agencies.

**SUMMARY:** The OCC, Board, FDIC, and OTS (the Agencies) have prepared this report pursuant to section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)). Section 37(c) requires the Agencies to jointly submit an annual report to the Committee on Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate describing differences between the capital and accounting standards used by the Agencies. The report must be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:**

*OCC:* Nancy Hunt, Risk Expert (202/874–4923), Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

*Board:* John Connolly, Supervisory Financial Analyst (202/452–3621), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

*FDIC:* Robert F. Storch, Chief Accountant (202/898–8906), Division of Supervision and Consumer Protection, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

*OTS:* Michael D. Solomon, Senior Program Manager for Capital Policy (202/906–5654), Supervision Policy, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

**SUPPLEMENTARY INFORMATION:** The text of the report follows:

### Report to the Committee on Financial Services of the United States House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the United States Senate Regarding Differences in Accounting and Capital Standards Among the Federal Banking Agencies

### Introduction

The Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), and the Office of Thrift Supervision (OTS) (the federal banking agencies or the agencies) must jointly submit an annual report to the Committee on Financial Services of the U.S. House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the U.S. Senate describing differences between the accounting and capital standards used by the agencies. The report must be published in the **Federal Register**.

This report, which covers differences existing as of December 31, 2003, is the second joint annual report on differences in accounting and capital standards to be submitted pursuant to section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)), as amended. Prior to the agencies' first joint annual report, section 37(c) required a separate report from each agency.

Since the agencies filed their first reports on accounting and capital differences in 1990, the agencies have acted in concert to harmonize their accounting and capital standards and eliminate as many differences as possible. Section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4803) also directs the agencies to work jointly to make uniform all regulations and guidelines implementing common statutory or supervisory policies. The results of these efforts must be ''consistent with the principles of safety and soundness, statutory law and policy, and the public interest.'' During the past decade, the agencies have revised their capital standards to address changes in credit and certain other risk exposures within the banking system and to align the amount of capital institutions are required to hold more closely with the

credit risks and certain other risks to which they are exposed. These revisions have been made in a uniform manner whenever possible and practicable to minimize interagency differences.

While the differences in capital standards have diminished over time, a few differences remain. Some of the remaining capital differences are statutorily mandated. Others were significant historically but now no longer affect in a measurable way, either individually or in the aggregate, institutions supervised by the federal banking agencies. In addition to the specific differences noted below, the agencies may have differences in how they apply certain aspects of their rules. These differences usually arise as a result of case-specific inquiries that have only been presented to one agency. Agency staffs seek to minimize these occurrences by coordinating responses to the fullest extent reasonably practicable.

The federal banking agencies have substantially similar capital adequacy standards. These standards employ a common regulatory framework that establishes minimum leverage and risk-based capital ratios for all banking organizations (banks, bank holding companies and savings associations). The agencies view the leverage and risk-based capital requirements as minimum standards and most institutions are expected to operate with capital levels well above the minimums, particularly those institutions that are expanding or experiencing unusual or high levels of risk.

The OCC, the FRB, and the FDIC, under the auspices of the Federal Financial Institutions Examination Council, have developed uniform Reports of Condition and Income (Call Reports) for all insured commercial banks and FDIC-supervised savings banks. The OTS requires each OTS-supervised savings association to file the Thrift Financial Report (TFR). The reporting standards for recognition and measurement in the Call Reports and the TFR are consistent with generally accepted accounting principles (GAAP). Thus, there are no significant differences in regulatory accounting standards for regulatory reports filed with the federal banking agencies. Only one minor difference remains between the accounting standards of the OTS and those of the other federal banking agencies, and that difference relates to push-down accounting, as more fully explained below.

**Differences in Capital Standards Among the Federal Banking Agencies**

*Financial Subsidiaries*

The Gramm-Leach-Bliley Act (GLBA) establishes the framework for financial subsidiaries of banks.[1] GLBA amends the National Bank Act to permit national banks to conduct certain expanded financial activities through financial subsidiaries. Section 121(a) of the GLBA (12 U.S.C. 24a) imposes a number of conditions and requirements upon national banks that have financial subsidiaries, including specifying the treatment that applies for regulatory capital purposes. The statute requires that a national bank deduct from assets and tangible equity the aggregate amount of its equity investments in financial subsidiaries. The statute further requires that the financial subsidiary's assets and liabilities not be consolidated with those of the parent national bank for applicable capital purposes.

GLBA also amends the Federal Deposit Insurance Act to provide that an insured state bank is, among other conditions and limitations, subject to the capital deduction and deconsolidation requirements that apply to a national bank if the state bank holds an interest in a subsidiary that engages as principal in activities that would only be permissible for a national bank to conduct through a financial subsidiary.

The OCC, the FDIC, and the FRB adopted final rules implementing their respective provisions of Section 121 of GLBA for national banks in March 2000, for state nonmember banks in January 2001, and for state member banks in August 2001. GLBA did not provide new authority to OTS-regulated institutions to own, hold, or operate financial subsidiaries, as defined.

*Subordinate Organizations Other Than Financial Subsidiaries*

Banks supervised by the OCC, the FRB, and the FDIC generally consolidate all significant majority-owned subsidiaries for regulatory capital purposes. This practice assures that capital requirements are related to the aggregate credit (and, where applicable, market) risks to which the banking organization is exposed. For subsidiaries other than financial subsidiaries that are not consolidated on a line-for-line basis for financial reporting purposes, joint ventures, and associated companies, the parent banking organization's investment in each such entity is, for risk-based capital purposes, deducted from capital or assigned to the 100 percent risk-weight category, depending upon the circumstances. The FRB's and the FDIC's rules also permit the banking organization to consolidate the investment on a pro rata basis in appropriate circumstances. These options for handling unconsolidated subsidiaries, joint ventures, and associated companies for purposes of determining the capital adequacy of the parent banking organization provide the agencies with the flexibility necessary to ensure that institutions maintain capital levels that are commensurate with the actual risks involved.

Under the OTS's capital regulations, a statutorily mandated distinction is drawn between majority-owned subsidiaries engaged in activities that are permissible for national banks and subsidiaries engaged in ''impermissible'' activities for national banks. Where subsidiaries engage in activities that are impermissible for national banks, the OTS requires the deduction of the parent's investment in these subsidiaries from the parent's assets and capital. If a subsidiary's activities are

[1] A national bank that has a financial subsidiary must satisfy a number of statutory requirements in addition to the capital deduction and deconsolidation requirements described in the text. The bank (and each of its depository institution affiliates) must be well capitalized and well managed. Asset size restrictions apply to the aggregate amount of assets of all of the bank's financial subsidiaries. Certain debt rating requirements apply, depending on the size of the national bank. The national bank is required to maintain policies and procedures to protect the bank from financial and operational risks presented by the financial subsidiary. It is also required to have policies and procedures to preserve the corporate separateness of the financial subsidiary and the bank's limited liability. Finally, transactions between the bank and its financial subsidiary must comply with the Federal Reserve Act's (FRA) restrictions on affiliate transactions and with the anti-tying provisions of the Bank Holding Company Act. *See* 12 U.S.C. 5136A.

State member banks may have financial subsidiaries if they comply with all of the same restrictions that apply to national banks. *See* 12 U.S.C. 335 (state member banks subject to the ''same conditions and limitations'' that apply to national banks that hold financial subsidiaries).

State nonmember banks may also have financial subsidiaries, but are subject only to a subset of the requirements that apply to national banks and state member banks. The applicable requirements are as follows. The bank must be well capitalized and must comply with the capital deduction and deconsolidation requirements. It must also satisfy the requirements for policies and procedures to protect the bank from financial and operational risks and to preserve corporate separateness and limited liability for the bank. Further, the bank is subject to the affiliate transactions restrictions of the FRA. *See* 12 U.S.C. 1831w.

Finally, national banks, state member, and state nonmember banks may not establish or acquire a financial subsidiary or commence a new activity in a financial subsidiary if the bank, or any of its insured depository institution affiliates, has received a less than satisfactory rating as of its most recent examination under the Community Reinvestment Act. *See* 12 U.S.C. 1841(*l*)(2).

permissible for a national bank, that subsidiary's assets are generally consolidated with those of the parent on a line-for-line basis. If a subordinate organization, other than a subsidiary, engages in impermissible activities, the OTS will generally deduct investments in and loans to that organization. If a subordinate organization, other than a subsidiary, engages solely in permissible activities, the OTS may, depending upon the nature and risk of the activity, either assign investments in and loans to that organization to the 100 percent risk-weight category or require full deduction of the investments and loans.

*Collateralized Transactions*

The FRB and the OCC assign a zero percent risk weight to claims collateralized by cash on deposit in the institution or by securities issued or guaranteed by the U.S. Government, U.S. Government agencies, or the central governments of other countries that are members of the Organization for Economic Cooperation and Development (OECD). The OCC and the FRB rules require the collateral to be marked to market daily and a positive margin of collateral protection to be maintained daily. The FRB requires qualifying claims to be fully collateralized, while the OCC rule permits partial collateralization.

The FDIC and the OTS assign a zero percent risk weight to claims on qualifying securities firms that are collateralized by cash on deposit in the institution or by securities issued or guaranteed by the U.S. Government, U.S. agencies, or other OECD central governments. The FDIC and the OTS accord a 20 percent risk weight to such claims on other parties.

*Noncumulative Perpetual Preferred Stock*

Under the federal banking agencies' capital standards, noncumulative perpetual preferred stock is a component of Tier 1 capital. The capital standards of the OCC, the FRB, and the FDIC require noncumulative perpetual preferred stock to give the issuer the option to waive the payment of dividends and to provide that waived dividends neither accumulate to future periods nor represent a contingent claim on the issuer.

The practical effect of these requirements is that if a bank supervised by the OCC, the FRB, or the FDIC issues perpetual preferred stock and is required to pay dividends in a form other than cash, *e.g.*, stock, when cash dividends are not or cannot be paid, the bank does not have the option to waive or eliminate dividends, and the stock would not qualify as noncumulative. If an OTS-supervised savings association issues perpetual preferred stock that requires the payment of dividends in the form of stock when cash dividends are not paid, the stock may, subject to supervisory approval, qualify as noncumulative.

*Equity Securities of Government-Sponsored Enterprises*

The FRB, the FDIC, and the OTS apply a 100 percent risk weight to equity securities of government-sponsored enterprises (GSEs), other than the 20 percent risk weighting of Federal Home Loan Bank stock held by banking organizations as a condition of membership. The OCC applies a 20 percent risk weight to all GSE equity securities.

*Limitation on Subordinated Debt and Limited-Life Preferred Stock*

The OCC, the FRB, and the FDIC limit the amount of subordinated debt and intermediate-term preferred stock that may be treated as part of Tier 2 capital to 50 percent of Tier 1 capital. The OTS does not prescribe such a restriction. The OTS does, however, limit the amount of Tier 2 capital to 100 percent of Tier 1 capital, as do the other agencies.

In addition, for banking organizations supervised by the OCC, the FRB, and the FDIC, these maturing instruments must be discounted by 20 percent of the original amount (less redemptions) in each of the last five years before maturity. The OTS provides thrifts the option of using either the discounting approach used by the other federal banking agencies, or an approach which, during the last seven years of the instrument's life, allows for the full inclusion of all such instruments, provided that the aggregate amount of such instruments maturing in any one year does not exceed 20 percent of the thrift's total capital.

*Pledged Deposits, Nonwithdrawable Accounts, and Certain Certificates*

The OTS capital regulations permit mutual savings associations to include in Tier 1 capital pledged deposits and nonwithdrawable accounts to the extent that such accounts or deposits have no fixed maturity date, cannot be withdrawn at the option of the accountholder, and do not earn interest that carries over to subsequent periods. The OTS also permits the inclusion of net worth certificates, mutual capital certificates, and income capital certificates complying with applicable OTS regulations in savings associations' Tier 2 capital. In the aggregate, however, these deposits, accounts, and certificates are only a negligible amount of the Tier 1 capital of institutions supervised by the OTS. The OCC, the FRB, and the FDIC do not expressly address these instruments in their regulatory capital standards, and they generally are not recognized as Tier 1 or Tier 2 capital components.

*Core Deposit Intangibles*

The OCC, the FRB, and the FDIC require institutions to deduct core deposit intangibles from regulatory capital. Although the OTS's capital rules generally require the same treatment for core deposit intangibles, they contain one difference that, with the passage of time, continues to decrease in significance. Under its rules, the OTS has grandfathered, *i.e.*, does not deduct from regulatory capital, core deposit intangibles acquired before February 1994 up to 25 percent of Tier 1 capital. These grandfathered assets, however, are only a negligible amount of the assets of institutions supervised by OTS.

*Covered Assets*

The OCC, the FRB, and the FDIC generally place assets subject to guarantee arrangements by the FDIC or the former Federal Savings and Loan Insurance Corporation in the 20 percent risk-weight category. The OTS places these ''covered assets'' in the zero percent risk-weight category.

*Tangible Capital Requirement*

Savings associations supervised by the OTS, by statute, must satisfy a 1.5 percent minimum tangible capital requirement. Other subsequent statutory and regulatory changes, however, imposed higher capital standards rendering it unlikely, if not impossible, for the 1.5 percent tangible capital requirement to function as a meaningful regulatory trigger. This statutory tangible capital requirement does not apply to institutions supervised by the OCC, the FRB, or the FDIC.

**Differences in Accounting Standards Among the Federal Banking Agencies**

*Push-Down Accounting*

Push-down accounting is the establishment of a new accounting basis for a depository institution in its separate financial statements as a result of a substantive change in control. Under push-down accounting, when a depository institution is acquired in a purchase, yet retains its separate corporate existence, the assets and liabilities of the acquired institution are restated to their fair values as of the

acquisition date. These values, including any goodwill, are reflected in the separate financial statements of the acquired institution, as well as in any consolidated financial statements of the institution's parent.

The OCC, the FRB, and the FDIC require the use of push-down accounting for regulatory reporting purposes when there is at least a 95 percent change in ownership. This approach is generally consistent with accounting interpretations issued by the staff of the Securities and Exchange Commission. The OTS requires the use of push-down accounting when there is at least a 90 percent change in ownership.

Dated: February 18, 2004.

**John D. Hawke, Jr.,**

*Comptroller of the Currency.*

Dated: February 9, 2004.

By order of the Board of Governors of the Federal Reserve System.

**Jennifer J. Johnson,**

*Secretary of the Board.*

Dated at Washington, DC this 10th day of February, 2004.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

Dated: February 17, 2004.

By the Office of Thrift Supervision.

**James Gilleran,**

*Director.*

[FR Doc. 04–3959 Filed 2–23–04; 8:45 am]

**BILLING CODE 4810–33–P, 6720–01–P, 6210–01–P, 6714–01–P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

### Financial Management Service; Proposed Collection of Information: Annual Financial Statement of Surety Companies—Schedule F

**AGENCY:** Financial Management Service, Fiscal Service, Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Financial Management Service, 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 a continuing information collection. By this notice, the Financial Management Service solicits comments concerning the ''Annual Financial Statement of Surety Companies—Schedule F.''

**DATES:** Written comments should be received on or before April 26, 2004.

**ADDRESSES:** Direct all written comments to Financial Management Service, 3700 East-West Highway, Records and Information Management Program Staff, Room 135, Hyattsville, Maryland 20782.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Robert Cline, Surety Bond Branch, 3700 East West Highway, Hyattsville, Maryland 20782, (202) 874–6850.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), the financial Management Service solicits comments on the collection of information described below:

*Title:* Annual Financial Statement of Surety Companies—Schedule F.

*OMB Number:* 1510–0012.

*Form Number:* FMS 6314.

*Abstract:* This form provides information that is used to determine the amount of unauthorized reinsurance of a Treasury Certified Company, and to compute its underwriting limitations. This computation is necessary to ensure the solvency of companies certified by Treasury, and their ability to carry out contractual surety requirements.

*Current Actions:* Extension of currently approved collection.

*Type of Review:* Regular.

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

*Estimated Number of Respondents:* 368.

*Estimated Time Per Respondent:* Varies from 8 hours to 80 hours.

*Estimated Total Annual Burden Hours:* 15,635.

*Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget 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 cost of operation, maintenance and purchase of services to provide information.

**Wanda Rogers,**

*Assistant Commissioner, Financial Operations.*

[FR Doc. 04–3874 Filed 2–23–04; 8:45 am]

**BILLING CODE 4810–35–M**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

### Surety Companies Acceptable on Federal Bonds: Termination—Cumberland Casualty and Surety Company

**AGENCY:** Financial Management Service, Fiscal Service, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This is Supplement No. 8 to the Treasury Department Circular 570; 2003 Revision, published July 1, 2003 at 68 FR 39186.

**FOR FURTHER INFORMATION CONTACT:** Surety Bond Branch at (202) 874–6850.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Certificate of Authority issued by the Treasury to the above named Company, under the United States Code, title 31, sections 9304–9308, to qualify as an acceptable surety on Federal bonds is terminated effective today.

The Company was last listed as an acceptable surety on Federal bonds at 68 FR 39196, July 1, 2003.

With respect to any bonds, including continuous bonds, currently in force with above listed Company, bond-approving officers should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding. In addition, in no event, should bonds that are continuous in nature be renewed.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570.* A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04643–2.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F07, Hyattsville, MD 20782.

Dated: February 13, 2004.

**Wanda J. Rogers,**

*Assistant Commissioner, Financial Operations, Financial Management Service.*

[FR Doc. 04–3875 Filed 2–23–04; 8:45 am]

**BILLING CODE 4810–35–M**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Notice 2004–11

**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 2004–11, Research Credit Record Retention Agreements.

**DATES:** Written comments should be received on or before April 26, 2004 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of notice should be directed to Carol Savage at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3945, or through the internet at *CAROL.A.SAVAGE@irs.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Research Credit Record Retention Agreements.

*OMB Number:* 1545–1859.

*Notice Number:* Notice 2004–11.

*Abstract:* Notice 2004–11 announces a pilot program in which the Internal Revenue Service and large and mid-size business taxpayers may enter into research credit recordkeeping agreements (RCRAs). If the taxpayer complies with the terms of the RCRA, the Service will deem the taxpayer to satisfy the recordkeeping requirements of section 6001 for purposes of the credit for increasing research activities under section 41 of the Internal Revenue Code.

*Current Actions:* There are no changes being made to the notice at this time.

*Type of Review:* Extension of a currently approved collection.

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

*Estimated Number of Respondents:* 65.

*Estimated Average Time Per Respondent:* 18 hours.

*Estimated Total Annual Burden Hours:* 1,170.

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: February 17, 2004.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. 04–3995 Filed 2–23–04; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

**[TD 8223, TD 8432, and TD 8657]**

### Proposed Collection; Comment Request for Regulation Project

**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 existing final and temporary regulations, TD 8223, Branch Tax; TD 8432, Branch Profits Tax; and TD 8657, Regulations on Effectively Connected Income and the Branch Profits Tax (§§ 1.884–1, 1.884–2, 1.884–2T, 1.884–4, 1.884–5).

**DATES:** Written comments should be received on or before April 26, 2004 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 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 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202)622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

**SUPPLEMENTARY INFORMATION:**

*Title:* TD 8223, Branch Tax; TD 8432, Branch Profits Tax; and TD 8657, Regulations on Effectively Connected Income and the Branch Profits Tax.

*OMB Number:* 1545–1070. Regulation Project Number: TD 8223, TD 8432, and TD 8657.

*Abstract:* These regulations provide guidance on how to comply with Internal Revenue Code section 884, which imposes a tax on the earnings of a foreign corporation's branch that are removed from the branch and which subjects interest paid by the branch, and certain interest deducted by the foreign corporation, to tax.

*Current Actions:* There is no change to these existing regulations.

*Type of Review:* Extension of a currently approved collection.

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

*Estimated Number of Respondents:* 28,500.

*Estimated Time Per Respondent:* 27 minutes.

*Estimated Total Annual Burden Hours:* 12,694.

The following paragraph applies to all of the collections of 1information 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: February 17, 2004.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. 04–3996 Filed 2–23–04; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 706–QDT

**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 706–QDT, U.S. Estate Tax Return for Qualified Domestic Trusts.

**DATES:** Written comments should be received on or before April 26, 2004, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland Internal Revenue Service, Room 6411, 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 Larnice Mack at Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

**SUPPLEMENTARY INFORMATION:**

*Title:* U.S. Estate Tax Return for Qualified Domestic Trusts.

*OMB Number:* 1545–1212.

*Form Number:* 706–QDT.

*Abstract:* Form 706–QDT is used by the trustee or the designated filer to compute and report the Federal estate tax imposed on qualified domestic trusts by Internal Revenue Code section 2056A. The IRS uses the information to enforce this tax and to verify that the tax has been properly computed.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

*Estimated Number of Respondents:* 80.

*Estimated Time Per Respondent:* 4 hours, 28 minutes.

*Estimated Total Annual Burden Hours:* 357.

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: February 17, 2004.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. 04–3997 Filed 2–23–04; 8:45 am]

**BILLING CODE 4830–01–P**

## 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 Tennessee)

**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 Friday, March 19, 2004, from 11 a.m. EDT to 12:30 p.m. EDT.

**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 Friday, March 19, 2004, from 11:00 am EST to 12:30 pm EST via a telephone conference call. Individual comments will be limited to 5 minutes. 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 at *http://www.improveirs.org*.

The agenda will include: Various IRS issues.

Dated: February 18, 2004.

**Bernard Coston,**

*Director, Taxpayer Advocacy Panel.*

[FR Doc. 04–3999 Filed 2–23–04; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Open Meeting of the Small Business/Self Employed—Payroll Committee of the Taxpayer Advocacy Panel

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** An open meeting of the Small Business/Self Employed—Payroll Committee of the Taxpayer Advocacy Panel will be conducted. The TAP will be discussing issues pertaining to increasing compliance and lessening the burden for Small Business/Self Employed individuals. Recommendations for IRS systemic changes will be developed.

**DATES:** The meeting will be held Friday, March 19, 2004 and Saturday, March 20, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mary O'Brien at 1–888–912–1227, or 206 220–6096.

**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 Small Business/Self Employed—Payroll Committee of the Taxpayer Advocacy Panel will be held Friday, March 19, 2004 from 8 a.m. PST to 4 p.m. PST and Saturday, March 20, 2004 from 9 a.m. PST to 11 a.m. PST at 3555 Las Vegas Blvd South, Las Vegas, Nevada 89109. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Mary O'Brien, TAP Office, 915 Second Avenue MS W–406, Seattle, WA 98174. Due to limited space, notification of intent to participate in the meeting must be made with Mary O'Brien. Ms. O'Brien can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: Various IRS issues.

Dated: February 18, 2004.

**Bernard Coston,**

*Director, Taxpayer Advocacy Panel.*

[FR Doc. 04–4000 Filed 2–23–04; 8:45 am]

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# Corrections

**Federal Register**

Vol. 69, No. 36

Tuesday, February 24, 2004

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

### Intent To Prepare an Environmental Impact Statement for a Marine Container Terminal at the Charleston Naval Complex in the City of North Charleston, Charleston County, SC

*Correction*

In notice document 04–3609 beginning on page 7728 in the issue of Thursday, February 19, 2004, make the following corrections:

1. On page 7728, in the first column, under **FOR FURTHER INFORMATION CONTACT**, in the seventh line, ''CESAC–RE–P'' should read, ''CESAC–RD–P.''

2. On the same page, in the second column, under **SUPPLEMENTARY INFORMATION**, in the 17th—19th lines, the second Web site address should read, ''*http://www.sac.usace.army.mil/newinternet/org/regulatory/index.html#permit.*''

[FR Doc. C4–3609 Filed 2–23–04; 8:45 am]

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Federal Register

**Tuesday,**

**February 24, 2004**

## Part II

# Federal Trade Commission

**16 CFR Part 603**

**Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency; Interim Final Rule**

**FEDERAL TRADE COMMISSION**

**16 CFR Part 603**

**RIN 3084–AA94**

## Prohibition Against Circumventing Treatment as a Nationwide Consumer Reporting Agency

**AGENCY:** Federal Trade Commission (FTC or Commission).

**ACTION:** Interim final rule, request for comment.

**SUMMARY:** The recently enacted Fair and Accurate Credit Transactions Act of 2003 (FACT Act or the Act) requires the FTC to adopt rules to prevent consumer reporting agencies from avoiding treatment as nationwide consumer reporting agencies. In this action, the FTC is adopting, and seeking comment on, an interim final rule that prohibits consumer reporting agencies from avoiding these obligations through any means, including corporate structuring or technological methods.

**DATES:** The interim final rule is effective on March 3, 2004. Comments must be received by April 23, 2004.

**ADDRESSES:** Interested parties are invited to submit written comments. Comments should refer to ''FACTA Interim Final Rule Prohibiting Circumvention, Project No. P044804'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/ Office of the Secretary, Room 159–H (Annex C), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, as explained in the Supplementary Information section. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

An electronic comment can be filed by (1) clicking on *http://www.regulations.gov*; (2) selecting ''Federal Trade Commission'' at ''Search for Open Regulations;'' (3) locating the summary of this Notice; (4) clicking on ''Submit a Comment on this Regulation;'' and (5) completing the form. For a given electronic comment, any information placed in the following fields—''Title,'' ''First Name,'' ''Last Name,'' ''Organization Name,'' ''State,'' ''Comment,'' and ''Attachment''—will be publicly available on the FTC Web site. The fields marked with an asterisk on the form are required in order for the FTC to fully consider a particular comment. Commenters may choose not to fill in one or more of those fields, but if they do so, their comments may not be considered.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov*. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

**FOR FURTHER INFORMATION CONTACT:** Helen Foster or Sandra Farrington, Attorneys, Division of Financial Practices, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–3224.

**SUPPLEMENTARY INFORMATION:**

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## I. Introduction

The FACT Act was signed into law on December 4, 2003. Public Law 108–159, 117 Stat. 1952. In part, the Act amends the Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*, (FCRA) by imposing new requirements on consumer reporting agencies that compile and maintain files on consumers nationwide (nationwide CRAs), as such entities are defined by section 603(p) of the FCRA, 15 U.S.C. 1681a(p). These additional requirements include the obligation to provide, upon request, one free file disclosure to the consumer annually.

The FTC is adopting this interim final rule to implement section 211(b) of the FACT Act, Public Law 108–159, 117 Stat. 1952, 15 U.S.C. 1681y, (sec. 629 of the FCRA) which directs the FTC to issue regulations to prevent consumer reporting agencies from circumventing or evading the obligations imposed on nationwide CRAs. The interim final rule prohibits such circumvention through any means, including but not limited to corporate organization, reorganization, structuring, or restructuring, or by maintaining or merging public record and credit account information in a manner that is substantially equivalent to the manner described in section 603(p) of the FCRA.

## II. Overview of Rule

### *A. Rule of Construction*

Section 603.1 of the interim final rule sets out a rule of construction to clarify the effect of the examples used in the interim final rule. Given the breadth of the statutory language, and the potential impact of the rule on a variety of entities and transactions, the Commission has elected to provide examples of conduct that would, and would not, comply with the interim final rule. This section provides that these examples are not intended to be exhaustive; rather they are intended to illustrate how the interim final rule would apply in specific circumstances. The Commission invites comment on whether including examples in the rule is useful and suggestions on additional or different examples that may be helpful.

### *B. General Prohibition*

Section 603.2 of the interim final rule prohibits consumer reporting agencies from using any means to circumvent or evade treatment as a nationwide CRA, and thereby avoiding the obligations that the FCRA and FACT Act impose on such entities. Nationwide CRAs are defined under the FCRA as consumer reporting agencies that ''regularly engage[] in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer's credit worthiness, credit standing, or credit capacity'' both public record information and ''credit account information from persons who furnish

that information regularly and in the ordinary course of business' regarding consumers residing nationwide. FCRA section 603(p), 15 U.S.C. 1681a(p).

Even prior to the FACT Act, nationwide CRAs were subject to special obligations in addition to the obligations placed on all consumer reporting agencies. Specifically, under the FCRA, prior to the FACT Act, nationwide CRAs were required to: (1) Participate in a joint opt-out notification system for prescreened credit or insurance offers, FCRA section 604(e)(6), 15 U.S.C. 1681b(e)(6); (2) maintain a toll-free telephone number during normal business hours with personnel accessible to consumers who have received their file disclosures, FCRA section 609(c)(1)(B), 15 U.S.C. 1681g(c)(1)(B); and (3) utilize an automated system through which furnishers of information may report reinvestigation results, FCRA section 611(a)(5)(D), 15 U.S.C. 1681i(a)(5)(D). The FACT Act places several new obligations upon nationwide CRAs, including requirements to: Place fraud alerts in consumer files and communicate such alerts to other nationwide CRAs, Public Law 108–159, 117 Stat. 1952, section 112(a), FCRA section 605A(a), 15 U.S.C. 1681j(a); provide free file disclosures once annually upon request through a centralized source, Public Law 108–159, 117 Stat. 1952, section 211(a), FCRA section 612(a), 15 U.S.C. 1681j(a); and participate in a process of consumer complaint sharing and review, Public Law 108–159, 117 Stat. 1952, section 313(a), FCRA section 611(e), 15 U.S.C. 1681i(e).

Section 603.2 prohibits any method of circumvention or evasion of treatment as a nationwide CRA, including, but not limited to, a corporate organization, reorganization, structuring, or restructuring, or by maintaining or merging public record and credit account information in a manner that is substantially equivalent to the manner described in section 603(p) of the FCRA.

The language of §603.2 closely tracks the language of the FACT Act, with two exceptions. First, the interim final rule prohibits circumvention ''by any means.'' The FACT Act describes two types of conduct that Congress sought to prevent when used as means of circumventing treatment as a nationwide CRA. The first type is ''corporate reorganization or restructuring, including a merger, acquisition, dissolution, divestiture, or asset sale of a consumer reporting agency.'' The second is ''maintaining or merging public record and credit account information in a manner that is substantially equivalent to that described in paragraphs (1) and (2) of section 603(p), in the manner described in section 603(p).'' The Act does not, however, limit the Commission's authority to prohibit circumvention to these two types. Accordingly, the Commission concludes that Congress has granted it broad authority to prevent all circumvention, by any means, including, but not limited to, the specific types of circumvention described in the FACT Act.

Second, the FACT Act section 211(b)(1) includes ''reorganization or restructuring'' as examples of circumvention to be prevented. The interim final rule addresses ''organization'' and ''structuring'' as well as reorganization and restructuring. The references to ''organization'' and ''structuring'' are included in the interim final rule to make it clear that the prohibition against circumvention applies not only to existing nationwide CRAs, but also to any new entrants into the marketplace. The Commission believes that, in order to ensure a level playing field in the industry, newly formed consumer reporting agencies should be prohibited from circumvention or evasion of nationwide CRA responsibilities in the initial organization and structuring of their entities, just as existing nationwide CRAs are prohibited from it in reorganization or restructuring.

*C. Limitation on Applicability*

Section 603.3 clarifies the application of this interim final rule to entities that comply with all obligations of nationwide CRAs. It states that an entity that is otherwise in violation of the rule, but which complies with all obligations of nationwide CRAs, will be deemed in compliance with the interim final rule. The purpose of the circumvention provision of the FACT Act is to prevent evasion of the obligations of nationwide CRAs-if there is no evasion of these obligations, it would be anomalous to impose liability under the interim final rule.

## III. Good Cause for Interim Final Rule and Immediate Effective Date

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, generally requires an agency to publish a notice of a proposed rule and afford interested persons an opportunity to provide comments prior to promulgation of the rule. Notice of the proposed rule and an opportunity for public comment are not required ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(3)(B). Furthermore, a rule may not be made effective fewer than thirty days after publication, unless otherwise provided by the agency for good cause found and published with the rule. 5 U.S.C. 553(d). *See also* 16 CFR 1.26(e).

The Commission finds good cause for adopting this interim final rule and making it effective without advance public notice or comment and within thirty days of its publication. The FACT Act requires that the prohibition against circumventing the requirements imposed on nationwide consumer reporting agencies become effective ''not later than 90 days after the date of enactment of this section.'' Therefore, the prohibition must become effective on or before March 3, 2004. The 90-day effective date requirement imposed upon this rulemaking is significantly shorter than the rulemaking timelines imposed by Congress in the FACT Act's other substantive provisions. *See*, *e.g.* Public Law 108–159, 117 Stat. 1952. In imposing this deadline, Congress manifested an intent for the prohibition on circumventing the obligations imposed on nationwide consumer reporting agencies to be in place on an expedited basis, prior to the promulgation of the rules that will extend those obligations. To delay promulgation of an effective rule would frustrate Congress' purpose in imposing an accelerated rulemaking deadline for this provision.

In addition, the other upcoming FACT Act rules that are to be promulgated by the Commission in a six-month or longer time frame, place significant new obligations on nationwide CRAs. Increased regulatory burden provides an incentive for organizations to avoid or minimize that burden. The FACT Act itself, however, does not prohibit circumvention directly, but rather only requires the promulgation of a rule. Without the rule, there is no prohibition on circumvention. Thus, it is in the public interest for the Commission to promulgate this as an effective interim final rule as quickly as possible, to prevent organizations from attempting to circumvent the new FACT Act obligations.

For these reasons, the FTC finds that issuing this rule with prior notice and comment is impracticable, unnecessary, and contrary to the public interest. Accordingly, the Commission finds that there is good cause for adopting this interim final rule as effective less than thirty days from when it is published, on March 3, 2004, without prior public comment. Nonetheless, the FTC invites

public comment on the interim final rule. Based on comments received, the FTC may adjust the interim final rule as necessary.

**IV. Invitation to Comment**

All persons are hereby given notice of the opportunity to submit written data, views, facts, and arguments concerning the interim final rule. The Commission invites written comments to assist it in ascertaining the facts necessary to reach a determination as to whether to adopt as final the interim final rule. Written comments must be submitted on or before April 23, 2004. Comments should refer to ''FACTA Interim Final Rule Prohibiting Circumvention, Project No. P044804'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room 159–H (Annex C), 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled ''Confidential.'' [1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

An electronic comment can be filed by (1) clicking on *http://www.regulations.gov.;* (2) selecting ''Federal Trade Commission'' at ''Search for Open Regulations;'' (3) locating the summary of this Notice; (4) clicking on ''Submit a Comment on this Regulation;'' and (5) completing the form. For a given electronic comment, any information placed in the following fields—''Title,'' ''First Name,'' ''Last Name,'' ''Organization Name,'' ''State,'' ''Comment,'' and ''Attachment''—will be publicly available on the FTC Web site. The fields marked with an asterisk on the form are required in order for the FTC to fully consider a particular comment. Commenters may choose not to fill in one or more of those fields, but if they do so, their comments may not be considered.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

**V. Communications by Outside Parties to Commissioners and Their Advisors**

Written communications and summaries or transcripts of oral communications respecting the merits of this proceeding from any outside party to any Commissioner or Commissioner's advisor will be placed on the public record. 16 CFR 1.26(b)(5).

**VI. Paperwork Reduction Act**

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506; 5 CFR 1320 Appendix A.1, the FTC has reviewed the interim final rule. The Commission has determined that the interim final rule contains no collection of information requirements subject to Office of Management and Budget review under the Paperwork Reduction Act. The interim final rule does not require any entity to collect, maintain, disclose, or submit any records or other information.

**VII. Regulatory Flexibility Act**

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires an agency to provide an Initial Regulatory Flexibility Analysis (IRFA) with a proposed rule and a Final Regulatory Flexibility Analysis (FRFA) with the final rule, if any, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. *See* 5 U.S.C. 603–605.

The FTC does not anticipate that the interim final rule will have a significant economic impact on a substantial number of small entities. The interim final rule applies to only those entities that compile and maintain files on consumers on a nationwide basis, as defined under section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p). The Commission believes that there are few, if any, small entities that meet this definition. This document serves as notice to the Small Business Administration of the agency's certification of no effect. Nonetheless, the Commission has determined that it is appropriate to publish an IRFA in order to inquire into the impact of the interim final rule on small entities. Therefore, the Commission has prepared the following analysis:

A. *Description of the Reasons That Action by the Agency Is Being Taken.* The recently enacted Fair and Accurate Credit Transactions Act of 2003 (FACT Act or the Act) requires the FTC to adopt rules to prevent consumer reporting agencies from avoiding the statutory obligations imposed on nationwide consumer reporting agencies. In this action, the FTC is adopting an interim final rule that prohibits consumer reporting agencies from avoiding these obligations through any means, including corporate organization, reorganization, structuring, restructuring, and/or technological or data merging methods.

B. *Statement of the Objectives of, and Legal Basis for, the Interim Final Rule.* The objective of the interim final rule is to prohibit entities from using any means of circumventing or evading treatment as a nationwide consumer reporting agency. It is authorized by and based upon section 211(b) of the FACT Act, which added new section 629 of the FCRA, 15 U.S.C. 1681y.

C. *Small Entities to Which the Interim Final Rule May Apply.* The Commission has not identified any small entities that are subject to the interim final rule. The Commission invites comment and information on this issue.

D. *Projected Reporting, Recordkeeping and Other Compliance Requirements.* The interim final rule contains no recordkeeping, filing, or disclosure requirements.

E. *Duplicative, Overlapping, or Conflicting Federal Rules.* The Commission has not identified any other federal statutes, rules, or policies that would duplicate, overlap, or conflict with the interim final rule.

F. *Significant Alternatives to the Interim Final Rule.* The interim final rule does not contain reporting requirements, timetables, or design standards. The Commission is not aware of any alternative method of compliance that would further reduce the impact (if any) of the interim final rule on small entities. The Commission invites comment and information on this issue.

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

## VIII. Questions for Comment on the Interim Final Rule

The Commission seeks comment on all aspects of the interim final rule. Without limiting the scope of issues on which it seeks comment, the Commission is particularly interested in receiving comments on the questions that follow. Responses to these questions should include detailed, factual supporting information whenever possible.

1. Is section 603.2(a) of the interim final rule adequate to prevent a consumer reporting agency from circumventing or evading treatment as a consumer reporting agency described in section 603(p) of the FCRA, 15 U.S.C. 1681a(p)? What other methods of possible circumvention or evasion, if any, should the Commission consider prohibiting in the final rule, consistent with the authority granted to it in section 629 of the FCRA, 15 U.S.C. 1681y?

2. Do the examples provided offer helpful guidance for complying with the rule? What additional examples might be helpful if included?

3. Please provide comment on any or all of the provisions in the interim final rule with regard to (a) the impact of the provision(s) (including any benefits and costs), if any, and (b) what alternatives, if any, the Commission should consider, as well as the costs and benefits of those alternatives, paying specific attention to the effect of the interim final rule on small entities in light of the above analysis. Costs to ''implement and comply'' with the interim final rule should include expenditures of time and money for any employee training, attorney, computer programmer or other professional time.

4. Please describe ways in which the interim final rule could be modified, consistent with the FACT Act's mandated requirements, to reduce any costs or burdens for small entities.

5. Please provide any information quantifying the economic costs and benefits of the interim final rule for regulated entities, including small entities.

6. Please identify any relevant federal, state, or local rules that may duplicate, overlap or conflict with the interim final rule.

## List of Subjects in 16 CFR Part 603

Fair Credit Reporting Act, Consumer reports, Consumer reporting agencies, Credit, Trade practices.

■ Accordingly, for the reasons set forth in the preamble, the FTC adds 16 CFR Part 603 as follows:

## PART 603—PROHIBITION AGAINST CIRCUMVENTING TREATMENT AS A NATIONWIDE CONSUMER REPORTING AGENCY

Sec.

603.1 Rule of construction.
603.2 General prohibition.
603.3 Limitation on applicability.

**Authority:** Pub. L. 108–159, sec. 211(b); 15 U.S.C. 1681y.

### § 603.1 Rule of construction.

The examples in this part are illustrative and not exclusive. Compliance with an example, to the extent applicable, constitutes compliance with this part.

### § 603.2 General prohibition.

(a) A consumer reporting agency shall not circumvent or evade treatment as a ''consumer reporting agency that compiles and maintains files on consumers on a nationwide basis'' as defined under section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p), by any means, including, but not limited to:

(1) Corporate organization, reorganization, structure, or restructuring, including merger, acquisition, dissolution, divestiture, or asset sale of a consumer reporting agency; or

(2) Maintaining or merging public record and credit account information in a manner that is substantially equivalent to that described in paragraphs (1) and (2) of section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. 1681a(p).

(b) *Examples:*

(1) *Circumvention Through Reorganization By Data Type.* XYZ Inc. is a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. It restructures its operations so that public record information is assembled and maintained only by its corporate affiliate, ABC Inc. XYZ continues operating as a consumer reporting agency but ceases to comply with the FCRA obligations of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, asserting that it no longer meets the definition found in FCRA section 603(p), because it no longer maintains public record information. XYZ's conduct is a circumvention or evasion of treatment as a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, and thus violates section 603.2 of this part.

(2) *Circumvention Through Reorganization By Regional Operations.* PDQ Inc. is a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. It restructures its operations so that corporate affiliates separately assemble and maintain all information on consumers residing in each state. PDQ continues to operate as a consumer reporting agency but ceases to comply with the FCRA obligations of a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, asserting that it no longer meets the definition found in FCRA section 603(p), because it no longer operates on a nationwide basis. PDQ's conduct is a circumvention or evasion of treatment as a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, and thus violates section 603.2 of this part.

(3) *Circumvention By a Newly Formed Entity.* Smith Co. is a new entrant in the marketplace for consumer reports that bear on a consumer's credit worthiness, standing and capacity. Smith Co. organizes itself into two affiliated companies: Smith Credit Co. and Smith Public Records Co. Smith Credit Co. assembles and maintains credit account information from persons who furnish that information regularly and in the ordinary course of business on consumers residing nationwide. Smith Public Records Co. assembles and maintains public record information on consumers nationwide. Neither Smith Co. nor its affiliated organizations comply with FCRA obligations of consumer reporting agencies that compile and maintain files on consumers on a nationwide basis. Smith Co.'s conduct is a circumvention or evasion of treatment as a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, and thus violates section 603.2 of this part.

(4) *Bona Fide, Arms-Length Transaction With Unaffiliated Party.* Foster Ltd. is a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. Foster Ltd. sells its public record information business to an unaffiliated company in a bona fide, arms-length transaction. Foster Ltd. ceases to assemble, evaluate and maintain public record information on consumers residing nationwide, and ceases to offer reports containing public record information. Foster Ltd.'s conduct is not a circumvention or evasion of treatment as a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis. Foster Ltd.'s conduct does not violate this part.

**§ 603.3 Limitation on applicability**

Any person who is otherwise in violation of § 603.2 shall be deemed to be in compliance with this part if such person is in compliance with all obligations imposed upon consumer reporting agencies that compile and maintain files on consumers on a nationwide basis under the Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 04–3978 Filed 2–23–04; 8:45 am]

BILLING CODE 6750–01–P

Federal Register

Tuesday,
February 24, 2004

Part III

# Federal Trade Commission

**Public Workshop: Monitoring Software on Your PC: Spyware, Adware, and Other Software; Notice**

## FEDERAL TRADE COMMISSION

### Public Workshop: Monitoring Software on Your PC: Spyware, Adware, and Other Software

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Notice Announcing Public Workshop and Requesting Public Comment.

**SUMMARY:** The FTC is planning to host a public workshop, ''Monitoring Software on Your PC: Spyware, Adware, and Other Software,'' to explore the issues associated with the distribution and effects of software that aids in gathering information about a person or organization without their knowledge and which may send such information to another entity without the consumer's consent, or asserts control over a computer without the consumer's knowledge.

**DATES:** The workshop will be held on April 19, 2004, from 8:30 a.m. to 5:30 p.m. at the Federal Trade Commission's Satellite Building located at 601 New Jersey Avenue, NW., Washington, DC. The event is open to the public and there is no fee for attendance. Pre-registration is not required.

*Requests to Participate as a Panelist:* As discussed below, written requests to participate as a panelist in the workshop must be filed on or before Friday, March 5, 2004. Persons filing requests to participate as a panelist will be notified on or before Friday, March 19, 2004, if they have been selected.

*Written and Electronic Comments:* Whether or not selected to participate, persons may submit written or electronic comments on the topics to be discussed by the panelists. Such comments must be filed on or before Friday, March 19, 2004. For further instructions on submitting comments, please see the **ADDRESSES** and the ''Form and Availability of Comments'' sections below. To read our policy on how we handle the information you submit, please visit *http://www.ftc.gov/ftc/privacy.htm*.

**ADDRESSES:** Comments and requests to participate as a panelist in the workshop filed in paper form should be mailed or delivered, as prescribed in the ''Form and Availability of Comments'' sections below, to the following address: Federal Trade Commission/Office of the Secretary, Room 159–H (Annex B), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Because paper mail in the Washington area and at the Agency is subject to delay, please consider submitting your comments via electronic mail. Comments and requests to participate filed in electronic form (except comments and requests containing any confidential material) should be sent, as prescribed in the ''Form and Availability of Comments'' section below, to the following e-mail box: *spywareworkshop2004@ftc.gov*. All federal government agency rulemaking initiatives are also available online at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Beverly Thomas, 202–326–2938, Dean Forbes, 202–326–2831, or David Koehler, 202–326–3627, Division of Advertising Practices, Federal Trade Commission. The above staff can be reached by mail at: Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580. A detailed agenda and additional information on the workshop will be posted on the FTC's Web site, at *http://www.ftc.gov/bcp/workshops/spyware/index.htm*, by Friday, March 19, 2004.

**SUPPLEMENTARY INFORMATION:**

#### Background and Workshop Goals

The FTC has addressed online privacy and security issues affecting consumers for nearly a decade. Through a series of workshops and hearings, the Commission has sought to understand the online marketplace and its information practices, to assess the impact of these practices on consumers, and to encourage and facilitate effective self-regulation. The Commission's efforts include bringing industry and consumer and privacy advocates together to address online privacy and security issues and challenging industry leaders to develop and implement meaningful self-regulatory programs. The Commission has also undertaken a wide variety of education and civil enforcement initiatives to reduce the harms caused by the disclosure of personal information, such as identity theft, violations of privacy promises, and breaches of customer databases.

As part of these ongoing efforts, the Commission is announcing a workshop designed to explore the issues surrounding the distribution and effects of software, sometimes identified as ''spyware,'' that aids in gathering information about a person or organization without their knowledge and that may send such information to another entity without the consumer's consent, or that asserts control over a computer without the consumer's knowledge. The Commission is especially interested in the issue of spyware disseminated through peer-to-peer software because of the widespread use of peer-to-peer file-sharing software among young people who may download it to their families' computers without their parents' knowledge.

Questions to be addressed at the workshops may include:

*A. Defining and Understanding Spyware*

- What types of software (particularly downloaded software) should be considered ''spyware''?
- How is adware different from spyware?

*B. Distribution of Spyware*

- How is spyware distributed?
- What role does peer-to-peer file-sharing play in the distribution of spyware?
- To what extent is spyware bundled with other software, especially freeware?
- Do consumers know that spyware is being placed on their personal computers?
- How does spyware operate once it has been placed on a personal computer?

*C. The Effects of Spyware*

- Does spyware affect the functioning of personal computers? Does spyware interfere with use of the Internet or programs on personal computers? If so, how?
- Does spyware raise privacy concerns for consumers?
  - Does spyware collect personal information about consumers?
  - How is the personal information spyware collects used? Is it combined with data from other sources? Is it transferred or disclosed to third-parties?
  - Does spyware capture the key strokes of consumers? Is key stroke information combined with data from other sources? Is it transferred or disclosed to third-parties?
  - To what extent is spyware used for identity theft?
  - Does spyware raise security concerns for consumers? Does spyware expose personal computers to increased risk from hackers? If so, how?
  - Are there special or unique consumer privacy or security risks associated with spyware disseminated through peer-to-peer file-sharing software? If so, what are these risks?
  - To what extent are the privacy, security, and other concerns spyware raises for consumers different from those associated with other types of software?
  - Does spyware create security risks for or cause harm to businesses, including harm to the reputation of software companies and others in the high-technology industries?

- Does spyware benefit consumers or competition? If so, what are the nature and extent of these benefits?

*D. Possible Responses to Spyware Concerns*

- What can consumers do to prevent the harms related to spyware?
  - What can consumers do to avoid downloading unwanted spyware?
  - What can parents do to minimize the risk that their children will download spyware, especially spyware disseminated via peer-to-peer file-sharing software?
  - Can consumers detect and remove installed spyware? If so, how difficult is it to do so?
  - Can consumers detect and remove peer-to-peer file-sharing software? If so, how difficult is it to do?
- What can government do to prevent the harms related to spyware?
  - Can law enforcement action reduce the harms related to spyware? If so, how, to what extent, and by whom? What should be the focus of these law enforcement efforts?
  - Can government-sponsored consumer education play a role in addressing spyware? Is there a special need for the government to educate teenagers and their parents about the risks of spyware, especially spyware disseminated through peer-to-peer file-sharing software?
  - What can government do to assist industry in addressing the harms caused by spyware?
- What can industry do to prevent the harms related to spyware?
  - Can technological tools reduce consumer concerns about spyware? If so, how and to what extent?
  - Can industry best practices or self-regulation decrease consumer concerns about spyware? If so, how and to what extent?
  - Can industry-sponsored efforts to educate consumers and employees help to reduce the harms related to spyware?
  - Can high-tech industry partner with the government to address spyware?
  - How can businesses work effectively with each other to address spyware?
  - What would be the effect on the market for software if spyware were eliminated or reduced?
  - Would the elimination or reduction of spyware affect the price of software that is currently bundled with spyware?
  - Would the elimination or reduction of spyware affect the free distribution of peer-to-peer file-sharing software?

**Requests to Participate as a Panelist in the Workshop**

Parties seeking to participate as panelists in the workshop must notify the FTC in writing of their interest in participating on or before Friday, March 5, 2004, either by mail to the Secretary of the FTC or by e-mail to *spywareworkshop2004@ftc.gov*. Requests to participate as a panelist should be filed in the same manner as comments (as detailed in the ''Form and Availability of Comments'' section below), and should be captioned ''Spyware Workshop—Request to Participate, P044509.'' Parties are asked to include in their requests a statement setting forth their expertise in or knowledge of the issues on which the workshop will focus and their contact information, including a telephone number, facsimile number, and email address (if available), to enable the FTC to notify them if they are selected. An original and two copies of each document should be submitted. Panelists will be notified on or before Friday, March 19, 2004, whether they have been selected.

Using the following criteria, FTC staff will select a limited number of panelists to participate in the workshop:

1. The party has expertise in or knowledge of the issues that are the focus of the workshop.

2. The party's participation would promote a balance of interests being represented at the workshop.

3. The party has been designated by one or more interested parties (who timely file requests to participate) as a party who shares group interests with the designator(s).

In addition, there will be time during the workshop for those not serving as panelists to ask questions.

**Form and Availability of Comments**

The FTC requests that interested parties submit written comments on the above questions to foster greater understanding of the issues. Especially useful are any studies, surveys, research, and empirical data. Comments should be captioned ''Spyware Workshop—Comment, P044509''; should be filed on or before Friday, March 19, 2004; and may be filed with the Commission in either paper or electronic form.

1. A public comment filed in paper form should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission/Office of the Secretary, Room 159–H (Annex B), 600 Pennsylvania Avenue, NW., Washington, DC 20580. Both the comment itself and its envelope should be captioned ''Spyware Workshop—Comment, P044509.'' If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled ''Confidential.'' [1]

2. A public comment that does not contain any material for which confidential treatment is requested may instead be filed in electronic form (in ASCII, PDF, WordPerfect, or Microsoft Word format), as part of or as an attachment to an email message sent to the following e-mail box: *spywareworkshop2004@ftc.gov*.

3. The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. Regardless of the form in which they are filed, all timely comments will be considered by the Commission, and will be available (to the extent technologically possible, and with confidential material redacted) for public inspection and copying on the Commission Web site at *http://www.ftc.gov* and at its principal office. As a matter of discretion, the Commission makes every effort to remove home contact information for individuals from the public comments it receives, before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm*.

By direction of the Commission.

**Donald S. Clark,**

*Secretary*.

[FR Doc. 04–3979 Filed 2–23–04; 8:45 am]

**BILLING CODE 6750–01–P**

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must also be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

Federal Register

Tuesday,
February 24, 2004

## Part IV

# The President

**Notice of February 20, 2004—Notice of Intention to Enter Into a Free Trade Agreement with Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua (the "CAFTA Countries")**

Federal Register
Vol. 69, No. 36
Tuesday, February 24, 2004

# Presidential Documents

**Title 3—**

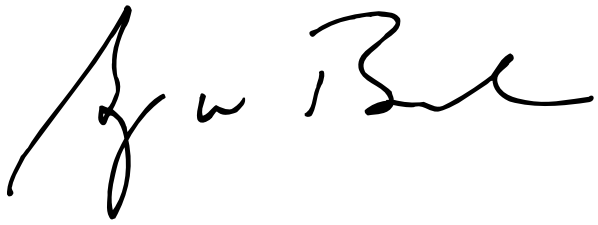
## The President

**Notice of February 20, 2004**

## Notice of Intention to Enter Into a Free Trade Agreement with Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua (the ''CAFTA Countries'')

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, I have notified the Congress of my intention to enter into a Free Trade Agreement with the Governments of the CAFTA countries.

Consistent with section 2105(a)(1)(A) of that Act, this notice shall be published in the **Federal Register**.



THE WHITE HOUSE,
*Washington, February 20, 2004.*

[FR Doc. 04–4229
Filed 2–23–04; 8:49 am]
Billing code 3190–01–M

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