

* * * of an agency in a matter other than rule making but including licensing." APA section 551(8) defines "license" to "include * * * an agency permit * * *". The APA thus categorizes a permit as an order, which by the APA's definition is not a rule. Section 553 of the APA establishes "rule making" requirements. APA section 551(5) defines "rule making" as "the agency process for formulating, amending, or repealing a rule." By its terms, section 553 applies only to rules and not to orders, exempting by definition permits.

V. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their "regulatory actions" to refer to regulations. (See, e.g., UMRA section 401, "Each agency shall * * * assess the effects of Federal regulatory actions * * * (other than to the extent that such regulations incorporate requirements specifically set forth in law).") UMRA section 102 defines "regulation" by reference to 2 U.S.C. 658 which in turn defines "regulation" and "rule" by reference to section 601(2) of the RFA. That section of the RFA defines "rule" as "any rule for which the agency publishes a notice of proposed rule making pursuant to section 553(b) of the APA, or any other law."

As discussed in the RFA section of this notice, NPDES general permits are not "rules" by definition under the APA and thus not subject to the APA requirement to publish a notice of proposed rule making. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide an opportunity for a hearing. Therefore, NPDES general permits are not "rules" for RFA or UMRA purposes.

VI. Paperwork Reduction Act

EPA HQ has reviewed the requirements imposed on regulated facilities resulting from the construction general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of the construction general permit for large construction activities have already been approved by the Office of Management and Budget (OMB) (OMB Control No. 2040-0188) in previous submissions made for the NPDES permit program under the provisions of the CWA. Information collection requirements of the

construction general permit for small construction activities (OMB Control No. 2040-0211) were approved by OMB on June 12, 2003, and published in the **Federal Register** on July 25, 2003 (68 FR 44076).

James D. Giattina,

Director, Water Management Division.

[FR Doc. 04-5371 Filed 3-9-04; 8:45 am]

BILLING CODE 6560-50-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.: 011409-009.

Title: Transpacific Carrier Services, Inc. Agreement.

Parties:

Westbound Transpacific Stabilization Agreement,
Transpacific Space Utilization Agreement,
Asia North America Eastbound Rate Agreement,
Transpacific Stabilization Agreement and their constituent member lines:
American President Lines, Ltd.;
APL Co. Pte Ltd.;
Evergreen Marine Corporation;
Hanjin Shipping Co., Ltd.;
Hapag-Lloyd Container Linie GmbH;
Hyundai Merchant Marine Co., Ltd.;
Kawasaki Kisen Kaisha, Ltd.;
A.P. Moller-Maersk A/S;
Mitsui O.S.K. Lines, Ltd.;
Nippon Yusen Kaisha, Ltd.;
Orient Overseas Container Line Limited;
P&O Nedlloyd B.V.;
P&O Nedlloyd Limited;
Yang Ming Marine Transport Corp.;
COSCO Container Lines Co., Ltd.;
CMA CGM, S.A.; and
China Shipping Container Lines Co., Ltd.

Synopsis: The amendment updates the agreement language as well as several member lines' corporate names.

Agreement No.: 011702-002.

Title: Hapag-Lloyd/Lykes Space Charter Agreement.

Parties:

Hapag-Lloyd Container Linie GmbH and
Lykes Lines Limited LLC.

Synopsis: The amendment adds Malta to the geographic scope of the agreement. The parties request expedited review.

Agreement No.: 011839-001.

Title: Med-Gulf Space Charter Agreement.

Parties:

Lykes Lines Limited LLC,
Compania Chilena de Navegacion Interoceanica, and
Compania Sud Americana de Vapores S.A.

Synopsis: The amendment adds Malta to the geographic scope of the agreement. The parties request expedited review.

Agreement No.: 011870.

Title: Indian Subcontinent Discussion Agreement.

Parties:

Evergreen Marine Corp. (Taiwan) Ltd.,
Hapag-Lloyd Container Linie GmbH,
Nippon Yusen Kaisha,
P&O Nedlloyd Limited, and
P&O Nedlloyd B.V.

Synopsis: The agreement authorizes the parties to exchange information and discuss and reach voluntary agreement on variety of commercial issues in the trade from ports and points in India, Pakistan, Bangladesh, and Sri Lanka to all ports and points in the United States.

Agreement No.: 201155

Title: Los Angeles/Long Beach Regional Goods Movement Efficiency Team Agreement.

Parties:

Port of Los Angeles,
Port of Long Beach,
P&O Nedlloyd Limited,
Mitsui O.S.K. Lines, and
Pasha Stevedoring & Terminals.

Synopsis: The proposed agreement would authorize the parties to confer, discuss, exchange information, and make recommendations with respect to rates, charges, practices, legislation, regulations, terminal operations, and port administration on matters concerning the establishment of extended gate programs, night-time terminal operations, and rail utilization for the ports of Los Angeles and Long Beach. The parties request expedited review.

Dated: March 5, 2004.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 04-5387 Filed 3-9-04; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL MARITIME COMMISSION**Ocean Transportation Intermediary License Applicants**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel Operating Common Carrier Ocean Transportation Intermediary Applicants:

Alton Container, Inc., 3020 Old Ranch Parkway, Suite 300, Seal Beach, CA 90740. Officers: Sam Yong Ryu, Vice President (Qualifying Individual), Eunice H. Kim, CEO.

Kingsmart Express Container, Inc., 219 S. Chandler Avenue, #E, Monterey Park, CA 91754. Officers: Zheng (Robert) Wang, Secretary (Qualifying Individual), Wan-Lan Zhang, CFO.

Amerikan Fracht Inc. 368 Sycamore Grove Street, Simi Valley, CA 93065. Officers: Alice Lin, Corporate Secretary (Qualifying Individual), Lan Ju, Director.

Concordia Shipping Line Inc., 168 SE 1st Street, Miami, FL 33131. Officer: Vernon St. Anthony Scott, President (Qualifying Individual).

Fargo Transportation Service, 9660 Flair Drive, Suite 226, El Monte, CA 91731. Officers: Lucia Y. Babb, Corporate Secretary (Qualifying Individual).

Logistics Pan-America Corp., 130-27 59th Avenue, 2nd FL, Flushing, NY 11355. Officers: Yachuan Gu, President (Qualifying Individual), Tian Shen, Vice President.

Port Asia-USA Cargo Management LLC, 1231 East 230th Street, Carson, CA 90745. Officer: Jesus C. Domingo, President (Qualifying Individual).

Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicant:

Ship Smart, Inc., 640 Dowd Avenue, Elizabeth, NJ 07201. Officers: Mark Smolec, Owner (Qualifying Individual), Bogdan Sokolowski, President.

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants:
Auto City Center Inc., 15846 W Warren Avenue, Detroit, MI 48228. Officers: Nachaat Mazeh, Manager (Qualifying Individual), Ghassan H. Tarraf, President.
Capital Exports, Inc., 21164 Twinridge Square, Sterling, VA 20164. Officer: Said Masrou, President (Qualifying Individual).

Dated: March 5, 2004.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 04-5388 Filed 3-9-04; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL RESERVE SYSTEM**Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 5, 2004.

A. Federal Reserve Bank of Atlanta (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *BankEast Corporation*, Knoxville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank of Gainesboro, Gainesboro, Tennessee.

2. *Farmers Bancorp, Inc.*, Lynchburg, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers Bank of Lynchburg, Lynchburg, Tennessee.

B. Federal Reserve Bank of Chicago (Patrick M. Wilder, Managing Examiner) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *Heartland Financial USA, Inc.*, Dubuque, Iowa; to acquire 100 percent of the voting shares of Rocky Mountain Bancorporation, Inc., Billings, Montana, and thereby indirectly acquire Rocky Mountain Bank, Billings, Montana.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *FSB Bancshares, Inc.*, Henderson, Tennessee; to acquire 35 percent of the voting shares of Merchants and Planters Bancshares, Inc., Toone, Tennessee, and thereby indirectly acquire Merchants and Planters Bank, Toone, Tennessee.

Board of Governors of the Federal Reserve System, March 4, 2004.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 04-5307 Filed 3-9-04; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM**Sunshine Act Meeting**

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 12:00 p.m., Monday, March 15, 2004.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

FOR FURTHER INFORMATION CONTACT: Michelle A. Smith, Director, Office of Board Members; 202-452-2955.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications