

Highgate, VT, Franklin County State, RNAV (GPS) RWY 19, Orig  
 Madison, WI, Dane County Regional-Truax Field, VOR/DME OR TACAN RWY 18, Amdt 1  
 Douglas, WY, Converse County, VOR RWY 29, Amdt 1  
 Douglas, WY, Converse County, RNAV (GPS) RWY 29, Orig

The FAA published an Amendment in Docket No. 30404, Amdt No. 3089 to Part 97 of the Federal Aviation Regulations (Vol 69, FR No. 25, page 5685; dated February 6, 2004) under Section 97.33 effective 15 April 2004, which is hereby rescinded:

Platinum, AK, Platinum, RNAV (GPS) RWY 13, Orig  
 Platinum, AK, Platinum, GPS RWY 13, Orig, CANCELLED

The FAA published an Amendment in Docket No. 30406, Amdt No. 3091 to Part 97 of the Federal Aviation Regulations (Vol 69, FR No. 45, Page 10615; dated March 8, 2004) under Section 97.33 effective 15 April 2004, which is hereby rescinded:

Los Alamos, NM, Los Alamos, RNAV (GPS) RWY 27, Orig

The FAA published an Amendment in Docket No. 30406, Amdt No. 3091 to Part 97 of the Federal Aviation Regulations (Vol 69, FR No. 45, Page 10614; dated March 8, 2004) under Section 97.33 effective 13 May 2004, which is hereby rescinded:

Madison, WI, Dane County Regional-Truax Field, VOR/DME OR TACAN RWY 18, Amdt 1

[FR Doc. 04-6146 Filed 3-18-04; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 299

RIN 0790-AG96

#### National Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act Program

**AGENCY:** Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This part implements the Freedom of Information Act, as amended. It assigns responsibility for responding to written requests made pursuant to the Act and provides for the review required to determine the appropriateness of classification.

On May 23, 2003 (68 FR 28132), the Department of Defense published an interim final rule with a request for comments. No comments were received.

This final rule adopts the interim final rule as written with no changes.

**DATES:** This rule is effective March 19, 2004.

**FOR FURTHER INFORMATION CONTACT:** Pamela Phillips, 301-688-6527.

#### SUPPLEMENTARY INFORMATION:

##### Executive Order 12866

It has been determined that 32 CFR part 299 is not a significant regulatory action. The rule does not (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of the recipients thereof; or (4) raise novel legal or policy issues arising of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

##### Unfunded Mandates Reform Act

It has been certified that 32 CFR part 299 does not contain a Federal Mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

##### Regulatory Flexibility Act

It has been determined that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

##### Paperwork Reduction Act

It has been certified that 32 CFR part 299 does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 44).

##### Executive Order 13132

It has been certified that 32 CFR part 299 does not have federalism implications, as set forth in Executive Order 13132.

Dated: February 27, 2004.

**Patricia L. Toppings,**

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

[FR Doc. 04-6183 Filed 3-18-04; 8:45 am]

BILLING CODE 5001-06-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### 42 CFR Part 71

##### Foreign Quarantine

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Amendment of February 4, 2004, order to lift the embargo of birds and bird products from the Hong Kong Special Administrative Region (Hong Kong).

**SUMMARY:** On February 4, 2004, final rule published in the **Federal Register** on February 13, 2004 (69 FR 7165), the Centers for Disease Control and Prevention (CDC) issued an order immediately banning the import of all birds (Class: Aves) from specified Southeast Asian countries, subject to limited exemptions for pet birds and certain bird-derived products. CDC took this step because birds from these affected countries potentially can infect humans with avian influenza (Influenza A [(H5N1)]). The February 4 order complemented a similar action taken by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS). CDC and APHIS are now lifting the embargo of birds and bird products from Hong Kong because of the documented public health and animal health measures taken by Hong Kong officials to prevent spread of the outbreak within Hong Kong and the lack of avian influenza cases in Hong Kong's domestic and wild bird populations. All other portions of the February 4, 2004 order remain in effect until further notice.

**DATES:** This action is effective on March 10, 2004 and will remain in effect until further notice.

**FOR FURTHER INFORMATION CONTACT:** Paul Arguin, National Center for Infectious Diseases, centers for Disease Control Prevention, Mailstop C-14, 1600 Clifton Rd., Atlanta, GA 30330, telephone, 404-498-1600.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 19, 2004, a single peregrine falcon was found dead near a residential development in Hong Kong. The bird carcass was submitted to public health authorities and was found to be positive for Influenza A (H5N1) by laboratory tests. On January 26, 2004, the Office of International Epizootics, an international organization that reports

the occurrence of animal diseases detected worldwide, listed Hong Kong among the countries in which an outbreak of avian influenza was occurring. CDC and APHIS subsequently issued embargoes of birds and bird products imported from these countries, including Hong Kong.

The Hong Kong Health, Welfare, and Food Bureau provided information to CDC and APHIS documenting their avian influenza surveillance and prevention and control measures. According to the Secretary for Health, Welfare, and Food, on January 30, 2004, Hong Kong suspended importation of all live birds from countries affected by the outbreak. Hong Kong also has imposed a vaccination, inspection, and surveillance program for poultry farms, live poultry markets, and pet bird dealers; implemented measures to prevent spread of the virus through human traffic across the border; and required local poultry farms to implement strict biosecurity programs. In addition, according to the Secretary for Health, Welfare, and Food, there have been no additional cases of Influenza A (H5N1) in birds in Hong Kong since the positive peregrine falcon.

Given the documented absence of Influenza A (H5N1) in infected birds in Hong Kong and the strict control measures in place in Hong Kong to guard against new introduction of avian influenza, CDC is lifting the embargo of birds and bird products imported from Hong Kong. APHIS-imposed disease control measures, including a 30-day quarantine, are not affected by this order and will remain in place as directed by APHIS.

#### Immediate Action

Therefore, pursuant to 42 CFR 71.32(b), the February 4, 2004 order is amended to lift the embargo of birds and products derived from birds (including hatching eggs) imported from Hong Kong by removing Hong Kong from the list of countries subject to the order. All other portions of the February 4, 2004 order shall remain in effect until further notice. The February 4, 2004 order may be further amended as necessary as the situation develops, for example, to add or remove more countries subject to the embargo.

Dated: March 11, 2004.

**Julie Louise Gerberding,**

*Director, Centers for Disease Control and Prevention.*

[FR Doc. 04-6205 Filed 3-18-04; 8:45 am]

BILLING CODE 4160-17-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 65

#### Changes in Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

**EFFECTIVE DATES:** The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

**ADDRESSES:** The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Doug Bellomo, P.E., Hazard Identification Section, Mitigation Division, Emergency Preparedness and Response Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** Federal Emergency Management Agency makes the final determinations listed below of the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of the Emergency Preparedness and Response Directorate has resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National

Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in BFEs are in accordance with 44 CFR 65.4.

*National Environmental Policy Act.* This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

*Regulatory Flexibility Act.* The Mitigation Division Director of the Emergency Preparedness and Response Directorate certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

*Regulatory Classification.* This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 12612, Federalism.* This rule involves no policies that have federalism implication under Executive Order 12612, Federalism, dated October 26, 1987.

*Executive Order 12778, Civil Justice Reform.* This rule meets the applicable