

judgements. They do not consider economic impacts or the technological feasibility of meeting the criteria in ambient water. Section 304(a) criteria recommendations provide a scientific basis to States and tribes for adopting water quality standards. The criteria also provide a scientific basis for EPA to develop water quality standards where appropriate under section 303(c) of the CWA.

## II. Why Is EPA Re-Evaluating its Aquatic Life Ambient Water Quality Criteria for Ammonia?

EPA published "Ambient Water Quality Criteria for Ammonia—1984." Since that time, results of additional toxicity tests on ammonia have been published that could affect the freshwater criterion for ammonia. The Agency published a 1998 Update to revise the 1984/1985 ammonia criteria document by addressing important issues to the extent possible. EPA obtained public comment on the 1998 Update. In response to those comments, EPA modified its criteria recommendations and prepared a 1999 Update. The 1999 Update differed from the 1998 Update primarily in the handling of the temperature-dependency for the chronic criterion (CCC) and, therefore, the formulation of the CCC and the expression of the national criterion.

Today, EPA is notifying the public of its intent to re-evaluate the aquatic life criteria for ammonia to determine if revisions are warranted based on new toxicity data on aquatic organisms. In particular, recent studies on freshwater mussels suggest that some freshwater mussel species may be more sensitive to ammonia exposure than the aquatic organisms considered in deriving the current ammonia criteria.

## III. What Type of Information Does EPA Want From the Public?

EPA recently completed a comprehensive review of the available toxicity data for ammonia. The list of pertinent references identified by the Agency for this chemical is available from EPA's electronic public docket under Docket ID No. OW-2004-0012. EPA is soliciting additional pertinent toxicity data or information it might use to re-evaluate the ammonia criteria. In particular, EPA is interested in obtaining from the public any new data, not identified by the Agency's literature review, on the acute or chronic toxicity of ammonia to aquatic life and scientific views on the interpretation of submitted data, particularly new data on the toxicity of ammonia to freshwater mussels. You should adequately

document any data you submit. It should also contain enough supporting information to show that acceptable test procedures were used and that the results are reliable. Please refer to the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" (EPA-822-R-85-100, January 1985) for guidance on data suitability. This document may be ordered online from <http://yosemite.epa.gov/water/owrcatalog.nsf> or is available from EPA's electronic public docket at <http://www.epa.gov/edocket/> under Docket ID No. OW-2004-0012.

## IV. Where Can I Find More Information on EPA's Revised Process for Developing New or Revised Criteria?

The Agency published detailed information about its revised process for developing and revising criteria in the **Federal Register** on December 10, 1998 (63 FR 68354), and in the EPA document entitled "National Recommended Water Quality-Correction" (EPA 822-Z-99-001, April 1999). The revised process provides greater opportunities for public input and makes the criteria development process more efficient.

Dated: July 1, 2004.

**Geoffrey H. Grubbs,**

*Director, Office of Science and Technology.*

[FR Doc. 04-15532 Filed 7-7-04; 8:45 am]

**BILLING CODE 6560-50-P**

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 04-1716]

### Clarification of the Use of Telecommunications Relay Services (TRS) and the Health Insurance Portability and Accountability Act (HIPAA)

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

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**SUMMARY:** In this document, the Commission clarifies that the use of Telecommunications Relay Services (TRS) programs to facilitate telephone calls between health care professionals and patients, when one of the parties to the call has a hearing or speech disability, does not violate the Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA). This document also clarifies that, consistent with HIPAA, a covered entity, such as a doctor or other health care professional, *can* contact a patient using

TRS without requiring the TRS facility or individual communications assistants (CAs) to sign a disclosure agreement (what HIPAA generally refers to as a "business associate contract").

**DATES:** Effective June 16, 2004.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**

Traci Randolph, (202) 418-0569 (voice), (202) 418-0537 (TTY), or e-mail [traci.randolph@fcc.gov](mailto:traci.randolph@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Public Notice*, DA 04-1716 released June 16, 2004.

The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI, Inc. at their Web site: <http://www.bcpiweb.com> or call 1-800-378-3160.

To request this document in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Formats at <http://www.fcc.gov/cgb/dro>.

### Synopsis

As background, TRS, as mandated by Title IV of the Americans with Disabilities Act of 1990, makes the telephone system accessible to individuals with hearing or speech disabilities. See 47 U.S.C. 225. This is accomplished through TRS facilities that are staffed by specially trained CAs using special technology. The CA relays conversations between persons using various types of assistive communication devices and persons who do not require such assistive devices. Department of Health and Human Services (HHS) enacted HIPAA in 1996, which included provisions mandating the adoption of federal privacy protections for individual's health information. See Public Law Number 104-191 (1996). In response to the HIPAA mandate, HHS published the Privacy Rule, stating that as of April 14, 2003 (April 14, 2004, for small health plans), covered entities must implement

standards to protect and guard against the misuse of individually identifiable health information. See 45 CFR Parts 160 and 164. Some health professionals have been concerned that contacting patients and discussing health related information via TRS poses a possible violation of the Privacy Rule because a "third party," the TRS CA, hears the information being discussed as the call is relayed. Some state TRS facilities have informed the FCC that health professionals are requiring all of the facility's CAs to sign disclosure forms before they will use TRS to contact patients with hearing or speech disabilities.

We therefore emphasize that all forms of TRS, including "traditional" TTY based relay, Internet Protocol (IP) Relay, Video Relay Service (VRS), and Speech-to-Speech (STS), can be used to facilitate calls between health care professionals and patients without violating HIPPA's Privacy Rule. For further information on this issue see HHS's FAQ sheet which is available at <http://www.hhs.gov/ocr/hipaa> or on the FCC's Disability Rights Office's Web site at <http://www.fcc.gov/cgb/dro/trs.html>.

Federal Communications Commission.

**P. June Taylor,**  
Chief of Staff, Consumer & Governmental Affairs Bureau.

[FR Doc. 04-15539 Filed 7-7-04; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Exchange Delisting: Bank of Guam

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Deposit Insurance Corporation (FDIC) is publishing for notice and comment that the Bank of Guam, an FDIC Insured state non-member bank, has filed an application with the FDIC to withdraw its common stock from listing and registration on the Pacific Exchange.

**DATES:** Written comments must be received no later than August 9, 2004.

**ADDRESSES:** You may submit comments by any of the following methods:

- <http://www.fdic.gov/regulations/law/federal/propose.html>.

• E-mail: comments@fdic.gov.

Include "Exchange Delisting: Bank of Guam" in the subject line of the message.

• Mail: Dennis Chapman, Senior Staff Accountant, the Federal Deposit

Insurance Corporation, 550 17th Street, NW, Washington, DC 20429.

• **Hand Delivery:** Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7 a.m. and 5 p.m.

**Public Inspection:** You may inspect comments at the FDIC Public Information Center, Room 100, 801 17th Street, NW, between 9 a.m. and 4:30 p.m. on business days. Information about this notice, including copies of the collected comments, may be obtained by calling or writing the FDIC contact listed above.

**SUPPLEMENTARY INFORMATION:** Bank of Guam, an FDIC Insured state non-member bank, has filed an application with the FDIC, pursuant to Section 12(i) and (d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder (as authorized by 12 CFR 335.101 and 12 CFR 335.231),<sup>2</sup> to withdraw its common stock, \$.208 par value ("Security"), from listing and registration on the Pacific Exchange also called the Archipelago Exchange ("Exchange") operated by PCX Equities, Inc.

On March 22, 2004, the Board of Directors ("Board") of the Issuer approved a resolution to withdraw the Issuer's Security from listing on the Exchange. The Board states that the reasons for such action include: (i) The number of stockholders of record in the Issuer's Security; (ii) the limited extent of trading in the Issuer's Security; and (iii) the material costs of the listing.

The Issuer stated in its application that it has met the requirements of Exchange Rules concerning an issuer's voluntary withdrawal of a security from listing and registration. The Exchange approved the delisting April 22, 2004 and notified the bank of the approval by letter dated April 23, 2004.

The Issuer's application relates solely to the withdrawal of the Security from listing on the Exchange and from registration under Section 12(b) of the Act<sup>3</sup> and shall not affect its obligation to be registered under Section 12(g) of the Act.<sup>4</sup>

The FDIC is accepting comments on the Exchange Delisting of the Bank of Guam, and specifically on the facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the FDIC for the protection of investors. The

FDIC, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the FDIC determines to order a hearing on the matter.

Dated at Washington, DC, this 1st day of July, 2004.

Federal Deposit Insurance Corporation.

**Valerie J. Best,**

*Assistant Executive Secretary.*

[FR Doc. 04-15469 Filed 7-7-04; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meetings

**DATE & TIME:** *Tuesday, July 13, 2004 at 10 a.m.*

**PLACE:** 999 E Street, NW., Washington, DC.

**STATUS:** This meeting will be closed to the public.

**ITEMS TO BE DISCUSSED:** Compliance matters pursuant to 2 U.S.C. 437g, Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and title 26, U.S.C. Matters concerning participation in civil actions or proceedings or arbitration. Internal personnel rules and procedures or matters affecting a particular employee.

**DATE & TIME:** *Thursday, July 15, 2004 at 10 a.m.*

**PLACE:** 999 E Street, NW., Washington, DC (ninth floor).

**STATUS:** This meeting will be open to the public.

**ITEMS TO BE DISCUSSED:** Correction and Approval of Minutes.

Advisory Opinion 2004-18: Friends of Joe Lieberman by counsel, Cassandra Lentchner.

Advisory Opinion 2004-20: Diane Farrell for Congress by Adam Wood.

Routine Administrative Matters.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Biersack, Acting Press Officer, Telephone: (202) 694-1220.

**Mary W. Dove,**  
*Secretary of the Commission.*

[FR Doc. 04-15664 Filed 7-6-04; 3:01 pm]

**BILLING CODE 6715-01-M**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12

<sup>1</sup> 15 U.S.C. 78l (i) and (d).

<sup>2</sup> 12 CFR 335.101, 12 CFR 335.231 and 17 CFR 240.12d2-2(d).

<sup>3</sup> 15 U.S.C. 78l (b).

<sup>4</sup> 15 U.S.C. 78l (g).