

# Proposed Rules

Federal Register

Vol. 69, No. 139

Wednesday, July 21, 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.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1030

[Docket No. AO-361-A39; DA-04-03]

#### Milk in the Upper Midwest Marketing Area; Delay of Hearing Date

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

**ACTION:** Proposed rule; notice of hearing delay.

**SUMMARY:** The Agricultural Marketing Service is delaying the hearing date for the proposed rule that appeared in the **Federal Register** of June 23, 2004 (69 FR 34963), which gave notice of a public hearing being held to consider proposals that would amend certain provisions of the Upper Midwest milk marketing order. The hearing scheduled to begin July 19, 2004, has been delayed until Monday, August 16, 2004. The hearing must be completed by or adjourned by noon on Friday, August 20, 2004. To expedite the hearing process, the presiding Administrative Law Judge requests that the statements of all witnesses be exchanged with known participants on or before August 13, 2004.

**DATES:** The hearing will convene at 1 p.m. on Monday, August 16, 2004.

**ADDRESSES:** The hearing will be held at the Sofitel Minneapolis Hotel (I-494 and Highway 100), 5601 West 78th Street, Bloomington, Minnesota 55439; (952) 835-1900.

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

**SUPPLEMENTARY INFORMATION:** In the proposed rule beginning on page 34963 of the **Federal Register** for Wednesday, June 23, 2004, the hearing date in the

first and second column on page 34963 is changed in both the **DATES** and **SUPPLEMENTARY INFORMATION** sections to read as follows:

**DATES:** The hearing will convene at 1 p.m. on Monday, August 16, 2004.

**SUPPLEMENTARY INFORMATION:**

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Notice is hereby given of a public hearing to be held at the Sofitel Minneapolis Hotel (I-494 and Highway 100), 5601 West 78th Street, Bloomington, Minnesota 55439; (952) 835-1900, beginning at 1 p.m., on Monday, August 16, 2004, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Midwest milk marketing area. The hearing is delayed at the request of some of the proponents of the proposed amendments to allow for more time to prepare for the hearing.

**Authority:** 7 U.S.C. 601-674.

Dated: July 14, 2004.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 04-16485 Filed 7-20-04; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 2 and 3

[Docket No. 98-106-5]

RIN 0579-AB69

#### Animal Welfare; Regulations and Standards for Birds, Rats, and Mice

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

**ACTION:** Advance notice of proposed rulemaking; extension of comment period.

**SUMMARY:** We are extending the comment period for our advance notice of proposed rulemaking regarding several changes we are considering to the Animal Welfare Act (AWA) regulations to help promote the humane handling, care, treatment, and

transportation of birds, rats, and mice not specifically excluded from coverage under the AWA. This action will allow interested persons additional time to prepare and submit comments.

**DATES:** We will consider all comments that we receive on or before November 1, 2004.

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

- **Webform:** The preferred method is to use the webform located at <http://comments.aphis.usda.gov>. This webform is designed to allow commenters to associate each of their comments with the issues identified in the advance notice, and to allow APHIS to more easily analyze the comments received regarding each issue.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 98-106-4, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 98-106-4.

- **E-mail:** Address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 98-106-4" on the subject line.

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov> and follow the instructions for locating this docket and submitting comments.

**Reading Room:** You may read any comments that we receive on Docket No. 98-106-4 in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

**Other Information:** You may view APHIS documents published in the **Federal Register** and related information, including the names of groups and individuals who have commented on APHIS dockets, on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jerry DePoyster, Senior Veterinary Medical Officer, Animal Care, APHIS,

4700 River Road Unit 84, Riverdale, MD 20737-1234; (301) 734-7586.

**SUPPLEMENTARY INFORMATION:** On June 4, 2004, we published in the **Federal Register** (69 FR 31537-31541, Docket No. 98-106-4) an advance notice of proposed rulemaking regarding several changes we are considering to the Animal Welfare Act (AWA) regulations in 9 CFR parts 2 and 3 to help promote the humane handling, care, treatment, and transportation of birds, rats, and mice not specifically excluded from coverage under the AWA.

Comments on the advance notice of proposed rulemaking were required to be received on or before August 3, 2004. We are extending the comment period on Docket No. 98-106-4 for an additional 90 days. This action will allow interested persons additional time to prepare and submit comments.

**Authority:** 7 U.S.C. 2131-2159; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 15th day of July, 2004.

**Kevin Shea,**

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

[FR Doc. 04-16541 Filed 7-20-04; 8:45 am]

**BILLING CODE 3410-34-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Docket No. FAA-2004-17774; Airspace Docket No. 04-ACE-32]

RIN 2120-AA66

#### Proposed Modification of Restricted Areas 3601A and 3601B; Brookville, KS

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to revise Restricted Areas 3601A (R-3601A) and 3601B (R-3601B), at Brookville, KS. Currently, R-3601 A and B are laterally adjacent to each other and have different ceilings. This action proposes to combine their lateral boundaries, divide the combined area vertically instead of laterally, and expand the vertical limits to flight level 230 (FL230). The lower portion of the combined area (surface to FL180) would be re-designated as R-3601A and the upper portion (FL180 to FL230) as R-3601B. Additionally, this action proposes to change the using agency from "Commander, Kansas ANG, McConnell AFB, KS" to "Air National

Guard, 184th Air Refueling Wing, Detachment 1, Smoky Hill ANG Range, Salina, KS." These modifications are proposed to fulfill new United States Air Force (USAF) requirements for high altitude release bomb training for fighter aircraft and medium-to-high altitude release bomb training for bombers.

**DATES:** Comments must be received on or before September 7, 2004.

**ADDRESSES:** Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify "FAA Docket No. FAA-2004-17774 and Airspace Docket No. 04-ACE-32," at the beginning of your comments. You may also submit comments on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Steve Rohring, Airspace and Rules, Office of System Operations and Safety, ATO-R, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2004-17774 and Airspace Docket No. 04-ACE-32) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://dms.dot.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2004-17774 and Airspace Docket No. 04-ACE-32." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may

be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM's

An electronic copy of this document may be downloaded through the Internet at <http://dms.dot.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at <http://www.faa.gov> or the **Federal Register's** webpage at <http://www.gpo.access.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person at the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, Central Region Headquarters, 901 Locust, Kansas City, MO 64106-2641.

Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267-9677, for a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### History

On May 21, 2003, the USAF requested that the FAA take action to revise R-3601A and R-3601B. R-3601A and R-3601B are currently located adjacent to each other laterally and have different ceilings (FL180 and 6,500 feet above mean sea level (MSL), respectively). Specifically, the requested action would combine the current lateral boundaries of R-3601A and B, divide the combined area vertically instead of laterally, and expand the vertical limits to FL230. The lower portion of the combined area (surface to FL180) would be re-designated as R-3601A and the upper portion (FL180 to FL230) as R-3601B. The net result of the requested action would be to expand the vertical limits of the restricted area airspace from FL180 to FL230 over the area currently designated as R-3601A and from 6,500 feet MSL to FL230 over the area currently designated as R-3601B. The USAF indicated that the modifications are needed to fulfill new USAF requirements for high altitude release bomb training for fighter aircraft and