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**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

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## **AGENCY FOR INTERNATIONAL DEVELOPMENT**

### **22 CFR Part 211**

[A.I.D. Reg 11]

RIN 0412-AA54

#### **Transfer of Food Commodities for Use in Disaster Relief, Economic Development and Other Assistance**

**AGENCY:** Agency for International Development.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The USAID Office of Food for Peace proposes to amend and update 22 CFR part 211, the primary regulatory document governing the transfer of commodities to non-governmental organizations under Title II of the Agricultural Trade Development and Assistance Act of 1954. The purpose of rewriting this regulation is to bring the rule in line with legislative changes made in both the 1996 and 2002 Farm Bills, (Farm Security and Rural Investment Act of 2002, and Federal Agriculture Improvement and Reform Act of 1996), as well as to update the overall financial and programmatic procedural and reporting requirements. Changes are expected to update and clarify standard operating procedures, resulting in more efficient and streamlined management of Title II programs.

**DATES:** Submit comments on or before September 18, 2004.

**ADDRESSES:** Mail or hand deliver comments to Lisa Witte, USAID/DCHA/FFP, 1300 Pennsylvania Avenue, NW., Rm. 7.06-102; Washington, DC 20523. Telephone: (202) 712-5162. Submit electronic comments and other relevant data to [reg11@usaid.gov](mailto:reg11@usaid.gov).

**FOR FURTHER INFORMATION CONTACT:** Lisa Witte, (202) 712-5162.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Access and Filing**

You may submit comments and data by sending electronic mail (e-mail) to: [reg11@usaid.gov](mailto:reg11@usaid.gov). Submit comments as a Word file avoiding the use of special characters and any form of encryption.

#### **Background**

Title II of Pub. L. 480, as amended authorizes appropriation of resources intended to combat hunger and malnutrition through support to activities that raise the level of availability, access and utilization of food in recipient countries. Title II programs are the responsibility of the United States Agency for International Development Bureau for Democracy, Conflict and Humanitarian Assistance, Office of Food for Peace.

22 CFR part 211 is the primary regulatory document governing the transfer of commodities to non-governmental organization (NGO) programs. The document is out of date as it was last revised in 1992 following the 1990 Farm Bill. Thus, a re-written regulation with up to date guidance reflecting the significant legislative changes that have occurred (1996 and 2002 Farm Bills) and revised financial and programmatic reporting requirements is necessary. This effort will be a tremendous benefit to the overall management of Title II programs.

For the reasons discussed in the preamble, examples of what USAID proposes to amend in 22 CFR part 211 are as follows:

1. Revise the overall organization of 22 CFR part 211 in accordance with all **Federal Register** publication requirements and Office of the Federal Register document drafting resources.
2. Update legislative regulatory references and references to agency policy and program guidelines.
3. Update and clarify definitions of and references to FFP/W, Missions, USAID, diplomatic posts, M/OP/TRANS, M/FM, USDA/Washington and Kansas City. Ensure references to these entities are used consistently throughout the regulation in terms of roles, decision-making and re-delegations of authority. Update existing definitions as well as new conceptual terms in accordance with Food for Peace's new strategic plan, policy and legislation.
4. Update program application process, program procedures, closeout and disposition guidance, and terminology used throughout the regulation. Ensure consistency with 22 CFR part 226 and OMB Circular A-110.
5. Update deposit and account information.
6. Update commodity and shipping procedures as well as the ocean carrier loss and damage section.
7. Revise language on displacement of sales to be written in the context of usual marketing requirements (UMR) as promulgated by USDA.

8. Revise commodity transfer language in § 211.5(o) in accordance with Development Assistance Program (DAP) guidance.

9. Revise to increase dollar thresholds throughout regulation to reflect more appropriate levels of USAID mission and PVO responsibility, considering use of blanket waivers in lieu of thresholds where suitable.

10. Clarify the use of collected claims proceed types in § 211.9: monetized commodity, program income and commodity loss; clarify where to deposit claims proceeds; revise thresholds. Clarify the differences in (a) marine claims/losses, and (b) inland and/or third party losses.

This request for comments provides a summary description of possible changes and is not limited to the foregoing. USAID/DCHA/FFP also seeks comments and/or suggestions concerning other issues that may affect the implementation of the Transfer of Food Commodities under Title II of Pub. L. 480 and whether FFP's regulations should be amended or modified in light of such issues.

#### **List of Subjects in 22 CFR Part 211**

Agricultural commodities, Disaster assistance, Food assistance programs, Foreign aid, Non-profit organizations, Reporting and recordkeeping requirements.

**Authority:** 7 U.S.C. 1726a(c).

Dated: August 13, 2004.

**Lauren Landis,**

*Office Director for the Office of Food for Peace, Bureau of Democracy, Conflict and Humanitarian Assistance, United States Agency for International Development.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[RME Docket Number R08-OAR-2004-UT-0002; FRL-7791-8]

#### **Approval and Promulgation of Air Quality Implementation Plans; Utah; Revisions to New Source Review Rules**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to take direct final action approving a State Implementation Plan (SIP) revision submitted by the State of Utah on November 9, 2001, and September 16, 2003. The revisions incorporate new

and revise existing definitions in the State's New Source Review (NSR) rules. The revisions update the State's NSR rules so that they are consistent with the revisions EPA made to its NSR rules on July 21, 1992. These revisions were referred to as the WEPCO rule (for the Wisconsin Electric Power Company court ruling). In the July 1992 action, EPA adopted a broad NSR exclusion for utility pollution control projects and an "actual to future actual" methodology for determining whether all other non-routine physical or operational changes at utilities (other than the replacement of a unit or addition of a new unit) are subject to NSR, and modified its regulations to reflect changes made by Congress in the 1990 Amendments to the Clean Air Act to the applicability of new source requirements to clean coal technology (CCT) and repowering projects, and to "very clean" units. The purpose of this action is to make the changes to the State's rule federally enforceable. This action is being taken under section 110 of the Clean Air Act. In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

**DATES:** Written comments must be received on or before September 20, 2004.

**ADDRESSES:** Submit your comments, identified by RME Docket Number R08-OAR-2004-UT-0002, by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- Agency Web site: <http://docket.epa.gov/rmepub/index.jsp>. Regional Materials in EDOCKET (RME),

EPA's electronic public docket and comment system for regional actions, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

- E-mail: [long.richard@epa.gov](mailto:long.richard@epa.gov) and [daly.carl@epa.gov](mailto:daly.carl@epa.gov).
- Fax: (303) 312-6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).

- Mail: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency (EPA), Region 8, Mailcode 8P-AR, 999 18th Street, Suite 300, Denver, Colorado 80202-2466.
- Hand Delivery: Richard R. Long, Director, Air and Radiation Program, Environmental Protection Agency, Region 8, Mailcode 8P-AR, 999 18th Street, Suite 300, Denver, Colorado 80202-2466. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding Federal holidays. Special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the rules section of this **Federal Register** for detailed instructions on how to submit comments.

**FOR FURTHER INFORMATION CONTACT:** Carl Daly, Air & Radiation Program, Mailcode 8P-AR, EPA, Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, (303) 312-6446, [daly.carl@epa.gov](mailto:daly.carl@epa.gov).

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action of the same title which is located in the rules and regulations section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: July 14, 2004.

**Max H. Dodson,**

*Acting Regional Administrator, Region 8.*

[FR Doc. 04-18935 Filed 8-18-04; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 67

[Docket No. FEMA-D-7596]

#### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response

Directorate, Department of Homeland Security.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed 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, Emergency Preparedness and Response Directorate, FEMA, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified BFEs, 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 proposed 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.

*National Environmental Policy Act.*

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.