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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2004-19891; Directorate Identifier 2004-NM-136-AD; Amendment 39-14006; AD 2005-05-17]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Modified In Accordance With Supplemental Type Certificate (STC) ST00127BO

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Boeing Model 737-300, -400, and -500 series airplanes modified in accordance with STC ST00127BO. This AD requires installation of bonding straps to the safe side harnesses of the digital transient suppression device of the fuel quantity indicating system. This AD is prompted by the results of fuel system reviews conducted by the STC holder. We are issuing this AD to prevent unsafe levels of current or energy from entering the fuel tank, due to hot short faults or threat conditions associated with the safe side harness assembly, which could result in a fire or explosion of the fuel tank.

DATES: This AD becomes effective April 18, 2005.

The incorporation by reference of Goodrich Service Bulletin 737-300766-28-2, Revision 2, dated July 28, 2004, as listed in the AD, is approved by the Director of the Federal Register as of April 18, 2005.

ADDRESSES: For service information identified in this AD, contact Goodrich Fuel & Utility Systems, Goodrich

Corporation, 100 Panton Road, Vergennes, Vermont 05491.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Washington, DC. This docket number is FAA-2004-19891; the directorate identifier for this docket is 2004-NM-136-AD.

FOR FURTHER INFORMATION CONTACT:

Richard Spencer, Aerospace Engineer, Boston Aircraft Certification Office, ANE-150, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (781) 238-7184; fax (781) 238-7170.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with an AD for Boeing Model 737-300, -400, and -500 series airplanes modified in accordance with STC ST00127BO. That action, published in the **Federal Register** on December 16, 2004 (69 FR 75280), proposed to require installation of bonding straps to the safe side harnesses of the digital transient suppression device of the fuel quantity indicating system.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been submitted on the proposed AD or on the determination of the cost to the public.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

There are about 404 airplanes of the affected design in the worldwide fleet. This AD affects about 2 airplanes of U.S. registry. The actions take about 9 work hours per airplane, at an average labor rate of \$65 per work hour. For airplanes equipped with a Cinch rectangular

connector, required parts will cost about \$1,650 per airplane. For all other airplanes, required parts will cost about \$1,500 per airplane. Based on these figures, the estimated cost of the AD for U.S. operators is between \$2,085 and \$2,235 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2005-05-17 Boeing: Amendment 39-14006. Docket No. FAA-2004-19891; Directorate Identifier 2004-NM-136-AD.

Effective Date

(a) This AD becomes effective April 18, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737-300, -400, and -500 series airplanes; certificated in any category; modified in accordance with Supplemental Type Certificate (STC) ST00127BO.

Unsafe Condition

(d) This AD was prompted by the results of fuel system reviews conducted by the STC holder. We are issuing this AD to prevent unsafe levels of current or energy from entering the fuel tank, due to hot short faults or threat conditions associated with the safe side harness assembly, which could result in a fire or explosion of the fuel tank.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Modification

(f) Within 12 months after the effective date of this AD, modify the safe side harness connectors at the tank penetrations and the digital transient suppression devices, in accordance with the Accomplishment Instructions of Goodrich Service Bulletin 737-300766-28-2, Revision 2, dated July 28, 2004.

Parts Installation

(g) As of the effective date of this AD, no person may install a safe side harness, Part Number 50357-01XX, on any airplane, unless that safe side harness has been modified in accordance with Goodrich Service Bulletin 737-300766-28-2, Revision 2, dated July 28, 2004.

Alternative Methods of Compliance (AMOCs)

(h) The Manager, Boston Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(i) You must use Goodrich Service Bulletin 737-300766-28-2, Revision 2, dated July 28, 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Goodrich Fuel & Utility Systems, Goodrich Corporation, 100 Pantown Road, Vergennes, Vermont 05491. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on March 2, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-4827 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2004-19542; Directorate Identifier 2003-NM-282-AD; Amendment 39-14005; AD 2005-05-16]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300 B4-622R and A300 F4-622R Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Model A300 B4-622R and A300 F4-622R airplanes. This AD requires doing a one-time inspection to determine if lower guide fittings for the forward doors are installed in the correct positions, and corrective action if necessary. This AD is prompted by reports that lower guide fittings for the forward doors were found installed in

the wrong positions at frames 14 and 16A. We are issuing this AD to prevent difficulty opening the forward doors, which could impede an emergency evacuation and result in injury to passengers or crewmembers.

DATES: This AD becomes effective April 18, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of April 18, 2005.

ADDRESSES: For service information identified in this AD, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, Washington, DC. This docket number is FAA-2004-19542; the directorate identifier for this docket is 2004-NM-282-AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with an AD for certain Airbus Model A300 B4-622R and A300 F4-622R airplanes. That action, published in the **Federal Register** on November 5, 2004 (69 FR 64504), proposed to require doing a one-time inspection to determine if lower guide fittings for the forward doors are installed in the correct positions, and corrective action if necessary.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been submitted on the proposed AD or on the determination of the cost to the public.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

This AD will affect about 25 airplanes of U.S. registry. The required actions

will take about 2 work hours per airplane, at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is \$3,250, or \$130 per airplane.

Authority for this Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

- Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2005-05-16 Airbus: Amendment 39-14005. Docket No. FAA-2004-19542; Directorate Identifier 2003-NM-282-AD.

Effective Date

- (a) This AD becomes effective April 18, 2005.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to Airbus Model A300 B4-622R airplanes, serial numbers 0797 and 0836 inclusive; and Model A300 F4-622R airplanes, serial numbers 0805 through 0828 inclusive; certificated in any category.

Unsafe Condition

(d) This AD was prompted by reports that lower guide fittings for the forward doors were found installed in the wrong positions at frames 14 and 16A. We are issuing this AD to prevent difficulty opening the forward doors, which could impede an emergency evacuation and result in injury to passengers or crewmembers.

Compliance

- (e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Inspection and Corrective Action

(f) Within 600 flight hours after the effective date of this AD, do a one-time detailed inspection to determine if lower guide fittings for the forward doors are installed in the correct positions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300-53-6140, Revision 01, dated November 24, 2003.

(1) If the lower guide fittings are installed in the correct positions: No further action is required by this AD.

(2) If any lower guide fitting is not installed in the correct position: Before further flight, re-install the lower guide fitting in the correct position, or replace the lower guide fitting with a new, improved guide fitting, as applicable, in accordance with the service bulletin.

Note 1: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate.

Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

Actions Accomplished In Accordance With Previous Issue of Service Bulletin

(g) Inspections and corrective actions accomplished before the effective date of this AD in accordance with Airbus Service Bulletin A300-53-6140, dated June 12, 2003, are considered acceptable for compliance with the corresponding actions specified in this AD.

No Reporting Requirement

(h) The Accomplishment Instructions of Airbus Service Bulletin A300-53-6140, Revision 01, dated November 24, 2003, describe procedures for reporting inspection findings to the manufacturer. This AD does not require this reporting.

Alternative Methods of Compliance (AMOCs)

(i) The Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Related Information

(j) French airworthiness directive 2003-292(B), dated August 6, 2003, also addresses the subject of this AD.

Material Incorporated by Reference

(k) You must use Airbus Service Bulletin A300-53-6140, Revision 01, dated November 24, 2003, excluding Appendix 01, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on March 2, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-4828 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2004-18019; Directorate Identifier 2003-NE-65-AD; Amendment 39-14004; AD 2005-05-15]

RIN 2120-AA64

Airworthiness Directives; Honeywell International Inc. TFE731-2 and -3 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Honeywell International Inc. (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) TFE731-2 and -3 series turbofan engines with certain part number (P/N) low pressure turbine (LPT) stage 1 disks installed. This AD requires for TFE731-2 and -2C series engines, initial and repetitive measurements and calculations to determine acceptance, and adjustment or replacement if necessary, of the LPT stage 1 nozzle assembly. This AD also requires for TFE731-3, -3A, -3AR, -3B, -3BR, and -3R series engines, replacement of LPT stage 1 disks with serviceable disks. This AD also allows replacement of the LPT stage 1 disk with a disk having a part number not listed in the AD as optional terminating action to the repetitive actions. This AD results from a report of an uncontained failure of the LPT stage 1 disk installed in a TFE731-3-1H turbofan engine. We are issuing this AD to prevent additional uncontained failure of the LPT stage 1 disk, and possible damage to the airplane.

DATES: This AD becomes effective April 18, 2005. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 18, 2005.

ADDRESSES: Contact Honeywell Engines and Systems (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) Technical Publications and Distribution, M/S 2101-201, P.O. Box 52170, Phoenix, AZ 85072-2170; telephone: (602) 365-2493 (General Aviation), (602) 365-5535 (Commercial Aviation), fax: (602) 365-5577 (General Aviation), (602) 365-2832 (Commercial Aviation) for the service information identified in this AD.

You may examine the AD docket on the Internet at <http://dms.dot.gov> or in Room PL-401 on the plaza level of the

Nassif Building, 400 Seventh Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Joseph Costa, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood CA 90712-4137; telephone: (562) 627-5246; fax: (562) 627-5210.

SUPPLEMENTARY INFORMATION: We proposed to amend 14 CFR part 39 with a proposed AD. The proposed AD applies to Honeywell International Inc. (formerly AlliedSignal Inc. and Garrett Turbine Engine Co.) TFE731-2 and -3 series turbofan engines with certain P/N LPT stage 1 disks installed. We published the proposed AD in the **Federal Register** on June 16, 2004 (69 FR 33590). That action proposed to require for TFE731-2 and -2C series engines, initial and repetitive measurements and calculations to determine acceptance, and adjustment or replacement if necessary, of the LPT stage 1 nozzle assembly. That action also proposed to require for TFE731-3, -3A, -3AR, -3B, -3BR, and -3R series engines, replacement of LPT stage 1 disks with serviceable disks. Also, that action proposed to allow replacement of the LPT stage 1 disk with a disk having a part number not listed in the AD as optional terminating action to the repetitive actions.

Examining the AD Docket

You may examine the docket that contains the AD, any comments received, and any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS receives them.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Question About Which Service Bulletin Is Correct

One commenter states that the service bulletin (SB) referenced in the proposed AD seems to be incorrect. The commenter was able to find references to the subject matter of the proposed AD in Honeywell International Inc. SB No. TFE731-72-3367, instead of Honeywell International Inc. SB No. TFE-72-3369RWK, which is referenced in the

proposed AD. The commenter asks which SB is correct.

Honeywell International Inc. SB No. TFE731-72-3369RWK, Revision 6, dated June 26, 2002, is the correct SB. It was initially distributed only to Honeywell-authorized service centers. We believe Honeywell corrected the distribution of this SB and it is now available to anyone that wants a copy, through Honeywell Engines and Systems at the address listed under **ADDRESSES** in this AD.

We reviewed the information in SB No. TFE731-72-3367 that the commenter thought pertains to this AD, and found that it does not pertain to this AD.

Clarification of the Compliance for the Initial and Repetitive Inspections

For clarification of the compliance for the initial and repetitive inspections, paragraphs (f)(1) and (g)(1), we have reworded the first half of the sentences from "Measure and determine the acceptance of the LPT stage 1 nozzle assembly "to Measure throat dimensions, airflow, and determine serviceability, of the LPT stage 1 nozzle assembly".

Clarification of the Compliance for TFE731-3B and -3BR Series Engines

For clarification of the compliance for TFE731-3B and -3BR series engines, we have moved references to TFE731-3B and -3BR series engines disk replacement, from paragraph (h) to paragraph (i). Also, for clarification, we have moved the phrase "after the effective date of this AD" to the beginning of paragraph (h) and paragraph (i) and deleted the phrase "or at disk life limit" because it was redundant with the "next access" compliance time. We have also changed paragraph (i) of the AD from stating "For TFE731-3B and -3BR series engines, no replacement LPT stage 1 disk is available for disk P/N 3073497-All. Conversion from the TFE731-3B and -3BR series engines to the TFE731-3C series engine changes the turbine rotor configuration to allow installation of a serviceable LPT stage 1 disk", to stating:

"(i) For TFE731-3B and -3BR series engines, do the following:

(i)(1) After the effective date of this AD, replace LPT stage 1 disk, P/N 3073497-All, with a serviceable LPT stage 1 disk, at next MPI, or at next access to the LPT stage 1 nozzle assembly, or before December 31, 2011, whichever occurs first.

(i)(2) Perform the actions specified in paragraph (i)(1) of this AD, by converting the TFE731-3B and -3BR

series engines to a TFE731-3C series engine. This conversion allows the installation of a serviceable LPT stage 1 disk."

Service Bulletin References Added to the Optional Terminating Action

We added three service bulletin references to Optional Terminating Action paragraph (j), of the AD. Paragraph (j) now states "Information on installing a serviceable disk can be found in Honeywell International Inc. SB No. TFE731-72-3704, SB No. TFE731-72-3705, and SB No. TFE731-72-3706, all dated September 15, 2004."

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 5,462 TFE731-2 and -3 series turbofan engines of the affected design in the worldwide fleet. We estimate that 3,572 engines installed on airplanes of U.S. registry will be affected by this AD. We also estimate that it will take about 8 work hours per engine to perform the measurements and calculations during major periodic inspection (MPI), and about 2 work hours per engine to replace the disk during MPI. The average labor rate is \$65 per work hour. Required replacement parts will cost about \$30,000 per engine. We expect about 1,900 engines to have the LPT stage 1 disk replaced. Based on these figures, we estimate the total cost of the AD to U.S. operators to be \$58,151,000.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority

because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2005-05-15 Honeywell International Inc.:
Amendment 39-14004. Docket No. FAA-2004-18019; Directorate Identifier 2003-NE-65-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective April 18, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Honeywell International Inc. (formerly AlliedSignal Inc.

and Garrett Turbine Engine Co.) TFE731-2 and -2C series, and TFE731-3, -3A, -3AR, -3B, -3BR, and -3R series turbofan engines, with low pressure turbine (LPT) stage 1 disks, part numbers (P/Ns) 3072070-All, 3072351-All, 3073013-All, 3073113-All, 3073497-All, and 3074103-All, (where All denotes all dash numbers), installed. These engines are installed on, but not limited to, the following airplanes:

Avions Marcel Dassault Falcon 10 and Mystere Falcon 50 series
Learjet 31, 35, 36, and 55 series
Lockheed-Georgia 1329-25 series
Israel Aircraft Industries 1124 series and 1125 Westwind series
Cessna Model 650, Citations III and VI
Raytheon British Aerospace HS-125 series
Sabreliner NA-265-65

Unsafe Condition

(d) This AD results from a report of an uncontained failure of the LPT stage 1 disk installed in a TFE731-3-1H turbofan engine. We are issuing this AD to prevent uncontained failure of the LPT stage 1 disk, and possible damage to the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

Initial Inspection for TFE731-2 and -2C Series Engines

(f) For TFE731-2 and -2C series engines with LPT stage 1 disk, P/N 3072070-All, or 3073013-All, installed, at the next major periodic inspection (MPI) or at next access to the LPT stage 1 nozzle assembly, after the effective date of this AD, whichever occurs first, but not to exceed 2,200 hours time-in-service (TIS) since the last LPT stage 1 nozzle assembly inspection, do the following:

(1) Measure throat dimensions, air flow, and determine serviceability of the LPT stage 1 nozzle assembly using paragraphs 2.A.(3) through 2.A.(5) of Honeywell International Inc. Service Bulletin (SB) No. TFE731-72-3369RWK, Revision 6, dated June 26, 2002; and

(2) If necessary, adjust the LPT stage 1 nozzle assembly using paragraph 2.B of Honeywell International Inc. SB No. TFE731-72-3369RWK, Revision 6, dated June 26, 2002, or replace with a serviceable LPT stage 1 nozzle assembly.

Repetitive Inspections for TFE731-2 and -2C Series Engines

(g) Thereafter, for TFE731-2 and -2C series engines, at every MPI, but not to exceed 2,200 hours TIS since the last LPT stage 1 nozzle assembly inspection, do the following:

(1) Measure throat dimensions, air flow, and determine serviceability of the LPT stage 1 nozzle assembly using paragraphs 2.A.(3) through 2.A.(5) of Honeywell International Inc. SB No. TFE731-72-3369RWK, Revision 6, dated June 26, 2002; and

(2) If necessary, adjust the LPT stage 1 nozzle assembly using paragraph 2.B of Honeywell International Inc. SB No. TFE731-72-3369RWK, Revision 6, dated June 26, 2002, or replace with a serviceable LPT stage 1 nozzle assembly.

Disk Replacement for TFE731-3, -3A, -3AR, and -3R Series Engines

(h) After the effective date of this AD, for TFE731-3, -3A, -3AR, and -3R series engines with LPT stage 1 disk, P/N 3072351-All, 3073113-All, or 3074103-All, installed, replace the LPT stage 1 disk with a serviceable disk, at next MPI, or at next access to the LPT stage 1 nozzle assembly, or before December 31, 2011, whichever occurs first.

Disk Replacement for TFE731-3B and -3BR Series Engines

(i) For TFE731-3B and -3BR series engines, do the following:
 (1) After the effective date of this AD, replace LPT stage 1 disk, P/N 3073497-All, with a serviceable LPT stage 1 disk, at next MPI, or at next access to the LPT stage 1 nozzle assembly, or before December 31, 2011, whichever occurs first.

(2) Perform the actions specified in paragraph (i)(1) of this AD, by converting the TFE731-3B and -3BR series engines to a TFE731-3C series engine. This conversion allows the installation of a serviceable LPT stage 1 disk.

Optional Terminating Action

(j) As optional terminating action to the repetitive inspections required by this AD, replace the applicable LPT stage 1 disk with a more robust serviceable disk. Information

on installing a serviceable disk can be found in Honeywell International Inc. SB No. TFE731-72-3704, SB No. TFE731-72-3705, and SB No. TFE731-72-3706, all dated September 15, 2004.

Definitions

- (k) For the purposes of this AD:
 (1) Next access to the LPT stage 1 nozzle assembly is defined as when the low-pressure tie-shaft is unstretched.
- (2) A serviceable LPT stage 1 disk is defined as a disk having a part number not listed in this AD.
- (3) A serviceable LPT stage 1 nozzle assembly is defined as an LPT stage 1 nozzle assembly that passes the acceptance referenced in paragraphs (f)(1) and (g)(1) of this AD.

Additional Information

(l) For additional information regarding the training and tooling recommended to perform the inspection and adjustment of the LPT stage 1 nozzle assembly, contact Honeywell Engines, Systems & Services, Customer Support Center, M/S 26-06/2102-323, P.O. Box 29003, Phoenix, AZ 85038-9003. Telephone: (Domestic) 1-800-601-3099 (International) 1-602-365-3099, FAX: 1-602-365-3343.

Alternative Methods of Compliance

(m) The Manager, Los Angeles Aircraft Certification Office, has the authority to

approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(n) You must use the Honeywell Engines and Systems service information specified in Table 1 of this AD to perform the measurements, adjustments, calculations, and replacements required by this AD. The Director of the Federal Register approved the incorporation by reference of the document in Table 1 of this AD in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Honeywell Engines and Systems Technical Publications and Distribution, M/S 2101-201, P.O. Box 52170, Phoenix, AZ 85072-2170; telephone: (602) 365-2493 (General Aviation), (602) 365-5535 (Commercial Aviation), fax: (602) 365-5577 (General Aviation), (602) 365-2832 (Commercial Aviation), for a copy of this service information. You may review copies at the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-001, on the internet at <http://dms.dot.gov>, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Table 1 follows:

TABLE 1.—INCORPORATION BY REFERENCE

Honeywell Service Bulletin No.	Page	Revision	Date
TFE731-72-3369RWK	1-2	6	June 26, 2002.
	3	5	August 9, 2001.
	4-5	6	June 26, 2002.
	6-14	5	August 9, 2001.

Related Information

(o) None.
 Issued in Burlington, Massachusetts, on March 3, 2005.
Jay J. Pardee,
Manager, Engine and Propeller Directorate, Aircraft Certification Service.
 [FR Doc. 05-4686 Filed 3-11-05; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2004-19568; Directorate Identifier 2004-NM-112-AD; Amendment 39-14000; AD 2005-05-11]

RIN 2120-AA64

Airworthiness Directives; Dornier Model 328-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Dornier Model 328-300 series airplanes. This AD requires performing repetitive inspections for discrepancies of the heat pack rotor assembly and rotor drive clips of the brake unit of the main landing gear (MLG), and replacing the assembly if any discrepancy is found. This AD is prompted by reports of cracking and breakage of the heat pack rotor assemblies. We are issuing this AD to find and fix discrepancies of the heat pack rotor assembly of the brake unit of the MLG and consequent loss of braking capability, which could result in the airplane overrunning the runway during take-off or landing.

DATES: This AD becomes effective April 18, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of April 18, 2005.

ADDRESSES: For service information identified in this AD, contact AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, on the plaza level of the Nassif Building, Washington, DC. This docket number is FAA-2004-19568; the directorate identifier for this docket is 2004-NM-112-AD.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2125; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR part 39 with an AD for certain Dornier Model 328-300 series airplanes. That action,

published in the **Federal Register** on November 12, 2004 (69 FR 65391), proposed to require performing repetitive inspections for discrepancies of the heat pack rotor assembly and rotor drive clips of the brake unit of the main landing gear (MLG), and replacing the assembly if any discrepancy is found.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been submitted on the proposed AD.

Request To Remove Certain Requirements

Two commenters advise that the actions specified in the proposed AD are already being done each time the MLG wheel is changed, as specified by job instruction card (JIC) 32-41-10-420-801-A01 for installing MLG wheels. According to the commenters, that JIC gives specific instructions for inspecting the brake rotor clips and fasteners and examining the rotors for splinters and cracks in the area of the clips. The commenters assert that the proposed AD would merely increase the burden of demonstrating AD compliance at every wheel change, creating more paper work without increasing the safety or reliability of the aircraft.

We infer that the commenters find the proposed AD unnecessary and request its withdrawal. We do not agree. JIC procedures may vary from operator to operator, and operators are not required to comply with the actions specified in JICs. Therefore, AD action is necessary to ensure the safety of the fleet. therefore, we have not changed the final rule regarding this issue.

Conclusion

We have carefully reviewed the available data, including the comments that have been submitted, and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

This AD affects about 49 airplanes of U.S. registry. The inspection will take about 1 work hour per airplane, at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is \$3,185, or \$65 per airplane, per inspection cycle.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I,

section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. this regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2005-05-11 Fairchild Dornier GmbH (Formerly Dornier Luftfahrt GmbH):
Amendment 39-14000. Docket No. FAA-2004-19568; Directorate Identifier 2004-NM-112-AD.

Effective Date

(a) This AD becomes effective April 18, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Dornier Model 328-300 series airplanes; certificated in any category; equipped with a Dunlop brake unit having part number AHA2227-3 or -4.

Unsafe Condition

(d) This AD was prompted by reports of cracking and breakage of the heat pack rotor assemblies. We are issuing this AD to find and fix discrepancies of the heat pack rotor assembly of the brake unit of the main landing gear (MLG) and consequent loss of braking capability, which could result in the airplane overrunning the runway during take-off or landing.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Repetitive Inspections/Replacement if Necessary

(f) At the next brake installation or within 24 months after the effective date of this AD, which is first: Accomplish a detailed inspection for discrepancies of the heat pack rotor assembly and rotor drive clips of the brake unit of the MLG by doing all the actions specified in the Accomplishment Instructions of Dornier Service Bulletin SB-328J-32-169, dated November 20, 2002. If any discrepancy is found, before further flight, replace the heat pack rotor assembly with a new assembly in accordance with the service bulletin. Repeat the inspection thereafter in intervals not to exceed the next brake installation or 24 months, whichever is first.

Note 1: Dornier Service Bulletin SB-328J-32-169 refers to Dunlap Aviation Service Bulletin AHA2227-32-1292, Revision 1, dated July 19, 2002, as an additional source of service information.

Note 2: For the purpose of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

Alternative Methods of Compliance (AMOCs)

(g) The Manager, International Branch, ANM-16, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

Related Information

(h) German airworthiness directive D-2004-003, dated January 8, 2004, also addresses the subject of this AD.

Material Incorporated by Reference

(i) You must use *Donner Service Bulletin SB-328J-32-169*, including the *Price/Material Information Sheet*, dated November 20, 2002, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact AvCraft Aerospace GmbH, P.O. Box 1103, D-82230 Wessling, Germany. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on February 28, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-4413 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003-SW-47-AD; Amendment 39-14009; AD 2005-06-01]

RIN 2120-AA64

Airworthiness Directives; Eurocopter France Model EC 155B and EC 155B1 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model EC 155B and EC 155B1 helicopters that requires inspecting the chamfer of the stop on the cabin sliding doors (doors) and installing an airworthy stop if the chamfer exceeds a certain length; and prior to each flight, visually checking

the door to determine if it is correctly locked in the open position before flying with the doors open, and checking the locking indicator light and the position of the door handles before flying with the doors closed. This amendment also requires revising the Limitations Section of the Rotorcraft Flight Manual (RFM) to prohibit the opening or closing of a cabin sliding door at airspeeds of 40 or greater knots indicated airspeed (KIAS). This amendment is prompted by a report of a door separating from a helicopter during flight. The actions specified by this AD are intended to prevent separation of a door during flight and damage to the helicopter, resulting in a forced landing or loss of control of the helicopter.

DATES: Effective April 18, 2005.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 18, 2005.

ADDRESSES: The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT:

Charles Harrison, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations and Guidance Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5128, fax (817) 222-5961.

SUPPLEMENTARY INFORMATION:

A proposal to amend 14 CFR part 39 to include an AD for Eurocopter Model EC 155B and EC 155B1 helicopters was published in the **Federal Register** on August 19, 2004 (69 FR 51402). That action proposed to require, before further flight, revising the Limitations Section of the RFM to prohibit opening or closing the cabin doors except at speeds of less than 40 KIAS; within the next 50 hours TIS, inspecting the chamfer of the stop of the lower rail aft fitting of the doors, and if the chamfer is greater than 2mm in length, installing an airworthy stop. That action also proposed to require; prior to each flight with a door open, visually checking that the door is correctly locked in the open position; and prior to flight with a door closed, checking that the locking indicator light on the instrument panel is "off" when the door is closed, that the door handles are in the correct closed position when the door is locked, and that the lower locking pin is correctly positioned in its catch. These closed-

door checks were proposed to be required until a chamfer that is 2mm or less in length is installed and, in accordance with MOD 0753C48, the mounting support plates are modified and the door micro-switches are adjusted. It was proposed that the modification would be accomplished in accordance with the manufacturer's service information.

It was also proposed that the owner/operator (pilot) holding at least a private pilot certificate may perform the visual checks required by paragraphs (c) and (d) of the proposed AD and must enter compliance with those paragraphs into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v). The AD would allow a pilot to perform these checks because they involve only visual checks to ensure that the cabin sliding doors are correctly locked in the open or closed position, and can be performed equally well by a pilot or a mechanic.

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, notified the FAA that an unsafe condition may exist on Model EC 155B and EC 155B1 helicopters. The DGAC advises that they have issued an AD following the loss in flight of a cabin sliding door.

Eurocopter issued Alert Service Bulletin No. 52A015, dated September 8, 2003, which specified a modification (MOD 0753C48) to the micro switch support, and an adjustment to the micro switch to ensure lighting of the instrument panel "DOORS" light in the event of insufficient engagement of the cabin sliding door locking pin in its catch. The FAA did not mandate compliance with this alert service bulletin.

Eurocopter has also issued Alert Telex No. 52A013, Revision 1, dated September 24, 2003, which specifies:

- Within the next 50 hours time-in-service (TIS), inspecting the length of the chamfer on the stop of the lower rail aft fitting of the cabin sliding doors;
- Prior to flight with a cabin sliding door open, visually checking that the door is correctly locked in the open position;
- Prior to flight with a cabin sliding door closed, checking that the locking indicator light on the instrument panel is off when the door is closed, and when locking the door, checking that the door handle is in the closed position; and
- While in flight, prohibiting the opening or closing of a cabin sliding door at airspeeds of 40 or greater KIAS.

The DGAC classified this alert telex as mandatory and issued AD No. F-2003-345 R1, dated November 12, 2003, to

ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to the applicable bilateral agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of these type designs that are certificated for operation in the United States.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

This AD is an interim action until modified parts are developed. Additionally, if a door is opened or closed during flight, in accordance with the limitations of the RFM, the FAA anticipates that the appropriate crewmembers will assure that the door is properly secured.

The FAA estimates that this AD will affect 3 helicopters of U.S. registry. It will take approximately 1 minute for each check on each helicopter, 2 work hours per helicopter to install 2 new stops, and 2 work hours to modify each helicopter in accordance with MOD 0753C48, at an average labor rate of \$65 per work hour. Required parts will cost approximately \$1,125 (\$375 per helicopter). Based on these figures, we estimate the total cost impact of the AD on U.S. operators to be \$ 3,855 for the entire fleet, assuming 600 checks per helicopter and assuming that two stops are replaced on each helicopter, each helicopter is modified in accordance with MOD 0753C48, and the time to make the one-time revision to the RFM is negligible.

Regulatory Findings

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under

Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

2005-06-01 Eurocopter France:

Amendment 39-14009. Docket No. 2003-SW-47-AD.

Applicability: Model EC 155B and EC 155B1 helicopters with cabin sliding doors, part number (P/N) 365A82-1064-02 (left-

hand door) and P/N 365A82-1064-03 (right-hand door) and stop, P/N 365A25-8085-21, installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent separation of a door during flight and damage to the helicopter, resulting in a forced landing or loss of control of the helicopter, accomplish the following:

(a) Before further flight, revise the Limitations Section of the Rotorcraft Flight Manual (RFM) permitting the opening or closing of the cabin sliding doors only at speeds of less than 40 knots indicated airspeed.

(b) Within 50 hours time-in-service, inspect the length of the chamfer on the stop of the lower rail aft fitting on each cabin sliding door (door), and if the chamfer is more than 2mm in length, install an airworthy stop in accordance with paragraph 2.B., Operational Procedure, of Eurocopter Alert Telex No. 52A013, Revision 1, dated September 24, 2003.

Note 1: The inspection required by paragraph (b) of this AD has already been accomplished for all Model EC 155B1 helicopters prior to delivery.

(c) Before each flight with a door open, check that each open door is locked in the "open" position with the upper roller in its rail and the door open locking latch engaged.

(d) Before each flight with a door closed, check that:

(1) The locking indicator light on the instrument panel is "off,"

(2) The door handle is in the correct "closed" position, and

(3) The lower locking pin is positioned in its catch.

Note 2: If the door is correctly closed and latched, when viewed from the outside, the door handle will be flush with the profile of the housing and the aft lower corner of the door will be flush with the profile of the fuselage; when viewed from the inside, the door handle will be positioned opposite the locking indicator with no gap between the structure seal and the aft lower sealing surface of the door.

Note 3: If the door is closed and the lower locking pin is outside its catch, when viewed from the outside, the aft lower corner of the door is approximately 15 to 20mm from the fuselage; when viewed from the inside, the aft lower corner of the door is approximately 10 to 15mm from the fuselage.

(e) An owner/operator (pilot) holding at least a private pilot certificate may perform the visual checks required by paragraphs (c) and (d) of this AD and must enter compliance with those paragraphs into the aircraft maintenance records in accordance with 14 CFR 43.11 and 91.417(a)(2)(v).

(f) After the stops of the lower rail aft fitting with a chamfer 2mm or less in length are installed and in accordance with MOD 0753C48, the mounting plate supports are modified and the door micro-switches are adjusted, the checks required by paragraph (d) of this AD are no longer required.

(g) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Contact the Safety Management Group,

Rotorcraft Directorate, FAA, for information about previously approved alternative methods of compliance.

(h) The modification shall be done in accordance with Eurocopter Alert Telex No. 52A013, Revision 1, dated September 24, 2003. The Director of the Federal Register approved this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(i) This amendment becomes effective on April 18, 2005.

Note 4: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD No. F-2003-345-R1, dated November 12, 2003.

Issued in Fort Worth, Texas, on March 4, 2005.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 05-4807 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2004-19022; Directorate Identifier 2004-NM-122-AD; Amendment 39-14007; AD 2005-05-18]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes. This AD requires repetitive detailed, low frequency eddy current, and high frequency eddy current inspections of the webs of the aft pressure bulkhead at body station 1016 for cracks, and corrective action if necessary. This AD is prompted by a report of cracks found, during fatigue testing, at several of the fastener rows in the web lap splices at

the dome apex of the aft pressure bulkhead. We are issuing this AD to detect and correct fatigue cracks in the webs of the aft pressure bulkhead, which could result in rapid decompression of the airplane.

DATES: This AD becomes effective April 18, 2005.

The incorporation by reference of a certain publication listed in the AD is approved by the Director of the Federal Register as of April 18, 2005.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207.

Docket: The AD docket contains the proposed AD, comments, and any final disposition. You can examine the AD docket on the Internet at <http://dms.dot.gov>, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the U.S. Department of Transportation, 400 Seventh Street, SW., room PL-401, Washington, DC. This docket number is FAA-2004-19022; the directorate identifier for this docket is 2004-NM-122-AD.

FOR FURTHER INFORMATION CONTACT:

Howard Hall, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 917-6430; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION: The FAA proposed to amend 14 CFR Part 39 with an AD for certain Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes. That action, published in the **Federal Register** on September 7, 2004 (69 FR 54053), proposed to require repetitive detailed, low frequency eddy current, and high frequency eddy current inspections of the webs of the aft pressure bulkhead at body station 1016 for cracks, and corrective action if necessary.

Actions Since Notice of Proposed Rulemaking (NPRM) Was Issued

Since the NPRM was issued, Boeing has received a Delegation Option Authorization (DOA). We have revised this final rule to delegate the authority to approve an alternative method of compliance (AMOC) for any repair required by this AD to an Authorized Representative for the Boeing DOA Organization rather than a Designated Engineering Representative.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comment that has been submitted on the proposed AD.

Request for Repair or Preventative Modification

The commenter, an operator, requests that the manufacturer add either repair instructions or a preventative modification and task hour estimate for the respective action to Boeing Service Bulletin 737-53-1251, dated June 3, 2004. The commenter states that the service bulletin does not recommend any repair or terminating action if cracks are found during inspection of the aft pressure bulkhead, but instead specifies contacting the manufacturer if cracks are found.

Although we agree with the intent of the commenter's request, we also know that variations in the type and degree of damage at and around the web lap splices at the dome apex of the aft pressure bulkhead make it difficult to develop general repair instructions, or a preventative modification, that could be applicable to and effective for all conditions. Furthermore, the manufacturer has experience repairing damage in the area of the web lap splices of the aft pressure bulkhead and can assist in developing repairs appropriate for specific conditions. For these reasons, we are allowing the Manager, Seattle Aircraft Certification Office, FAA, or an Authorized Representative for the Boeing DOA Organization to approve repairs in accordance with paragraph (g) of this final rule. If general repair instructions or a preventative modification should be developed at a later time, and the service bulletin is revised to include either of these actions, we will consider approving the revised service bulletin as an AMOC to this final rule. Therefore, no change is necessary to this final rule in this regard.

Explanation of Editorial Change

For clarification, we have replaced the word "listed" with "identified" to specify the applicability in paragraph (c) of this AD.

Conclusion

We have carefully reviewed the available data, including the comment that has been submitted, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic

burden on any operator nor increase the scope of the AD.

Costs of Compliance

This AD affects about 457 airplanes of U.S. registry and 1,166 airplanes worldwide. The actions will take about 8 work hours per airplane, at an average labor rate of \$65 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is \$237,640, or \$520 per airplane, per inspection cycle.

Authority for this Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2005-05-18 Boeing: Amendment 39-14007. Docket No. FAA-2004-19022; Directorate Identifier 2004-NM-122-AD.

Effective Date

(a) This AD becomes effective April 18, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes, certificated in any category; as identified in Boeing Service Bulletin 737-53-1251, dated June 3, 2004.

Unsafe Condition

(d) This AD was prompted by a report of cracks found, during fatigue testing, at several of the fastener rows in the web lap splices at the dome apex of the aft pressure bulkhead. We are issuing this AD to detect and correct fatigue cracks in the webs of the aft pressure bulkhead, which could result in rapid decompression of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Initial and Repetitive Inspections

(f) Prior to accumulating 26,000 total flight cycles or within 4,000 flight cycles after the effective date of this AD, whichever occurs later: Do a detailed inspection, low frequency eddy current inspection, and high frequency eddy current inspection of the webs of the aft pressure bulkhead at body station 1016 for cracks, in accordance with Boeing Service Bulletin 737-53-1251, dated June 3, 2004. Repeat the inspections thereafter at intervals not to exceed 4,000 flight cycles.

Note 1: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good

lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

Corrective Action

(g) If any crack is found during any inspection required by paragraph (f) of this AD: Before further flight, repair according to a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or according to data meeting the certification basis of the airplane approved by an Authorized Representative for the Boeing Delegation Option Authorization (DOA) Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the approval must specifically reference this AD.

Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, Seattle ACO, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing DOA Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Material Incorporated by Reference

(i) You must use Boeing Service Bulletin 737-53-1251, dated June 3, 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approves the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. For copies of the service information, contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207. For information on the availability of this material at the National Archives and Records Administration (NARA), call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. You may view the AD docket at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., room PL-401, Nassif Building, Washington, DC.

Issued in Renton, Washington, on March 2, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05-4829 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2004-19583; Airspace
Docket No. 04-ACE-73]

**Modification of Class E Airspace;
Coffeyville, KS**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of
effective date.

SUMMARY: This document confirms the
effective date of the direct final rule
which revises Class E airspace at
Coffeyville, KS.

EFFECTIVE DATE: 0901 UTC, May 12,
2005.

FOR FURTHER INFORMATION CONTACT:

Brenda Mumper, Air Traffic Division,
Airspace Branch, ACE-520A, DOT
Regional Headquarters Building, Federal
Aviation Administration, 901 Locust,
Kansas City, MO 64106; telephone:
(816) 329-2524.

SUPPLEMENTARY INFORMATION: The FAA
published this direct final rule with a
request for comments in the **Federal
Register** on January 19, 2005 (70 FR
2948) and the **Federal Register**
subsequently published a correction to
the rule on Friday, January 28, 2005 (70
FR 4191). The FAA uses the direct final
rulemaking procedure for a non-
controversial rule where the FAA
believes that there will be no adverse
public comment. This direct final rule
advised the public that no adverse
comments were anticipated, and that
unless a written adverse comment, or a
written notice of intent to submit such
an adverse comment, were received
within the comment period, the
regulation would become effective on
May 12, 2005. No adverse comments
were received, and thus this notice
confirms that this direct final rule will
become effective on that date.

Issued in Kansas City, MO on March 2,
2005.

Rosalyn R. Ward,

*Acting Area Director, Western Flight Services
Operations.*

[FR Doc. 05-4911 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-20059; Airspace
Docket No. 05-ACE-1]

**Modification of Class E Airspace;
Rolla/Vichy, MO**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; confirmation of
effective date.

SUMMARY: This document confirms the
effective date of the direct final rule
which revises Class E airspace at Rolla/
Vichy, MO.

EFFECTIVE DATE: 0901 UTC, May 12,
2005.

FOR FURTHER INFORMATION CONTACT:

Brenda Mumper, Air Traffic Division,
Airspace Branch, ACE-520A, DOT
Regional Headquarters Building, Federal
Aviation Administration, 901 Locust,
Kansas City, MO 64106; telephone:
(816) 329-2524.

SUPPLEMENTARY INFORMATION: The FAA
published this direct final rule with a
request for comments in the **Federal
Register** on February 2, 2005 (70 FR
5370). The FAA uses the direct final
rulemaking procedure for a non-
controversial rule where the FAA
believes that there will be no adverse
public comment. This direct final rule
advised the public that no adverse
comments were anticipated, and that
unless a written adverse comment, or a
written notice of intent to submit such
an adverse comment, were received
within the comment period, the
regulation would become effective on
May 12, 2005. No adverse comments
were received, and thus this notice
confirms that this direct final rule will
become effective on that date.

Issued in Kansas City, MO on March 3,
2005.

Rosalyn R. Ward,

*Acting Area Director, Western Flight Services
Operation.*

[FR Doc. 05-4979 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-20388; Airspace
Docket No. 05-AEA-04]

**Amendment to Class E Airspace;
Presque Isles, ME**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Direct final rule; request for
comments.

SUMMARY: This action revises the Class
E airspace area at Presque Isle, ME (PQI)
to increase the controlled airspace in the
vicinity of the Northern Main Regional
Airport (PQI), the Caribou Municipal
Airport (CAR), and the Loring
International Airport (ME16). This
action is necessary to accommodate
aircraft arriving at Loring International
Airport using the new Instrument
Landing System (ILS) approach to that
airport.

DATES: Effective 0901 UTC, May 12,
2005.

Comments for inclusion in the Rules
Docket must be received on or before
April 13, 2005.

ADDRESSES: Send comments on the rule
to the Docket Management System, U.S.
Department of Transportation, Room
Plaza 401, 400 Seventh Street, SW.,
Washington, DC 20590-0001. You must
identify the docket number, FAA-2005-
20388, at the beginning of your
comments. You may also submit
comments on the Internet at [http://
dms.dot.gov](http://dms.dot.gov). You may review the public
docket containing the proposal, any
comments received, and any final
disposition in person at the Dockets
Office between 9 a.m. and 5 p.m.,
Monday through Friday, except Federal
holidays. The Docket Office (telephone
1-800-647-5527) is located on the plaza
level of the Department of
Transportation NASSIF Building at the
street address stated above.

An informal docket may also be
examined during normal business hours
at the office of the Regional Air Traffic
Division, New England Region, Federal
Aviation Administration, 12 New
England Executive Park, Burlington, MA
01803-5299. Call the Manager, Airspace
Branch, ANE-520, telephone (781) 238-
7520; fax (781) 238-7596, to make prior
arrangements for your visit.

The official docket file may be
examined during normal business hours
at the office of the Area Director, Eastern
Terminal Operations, Federal Aviation
Administration, 1 Aviation Plaza,

Jamaica, NY 11434-4809; telephone (718) 553-4501; fax (718) 995-5691.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace and Operations, ETSU, 1 Aviation Plaza, Jamaica, NY 11434-4809; telephone (718) 553-4521; fax (718) 995-5693.

SUPPLEMENTARY INFORMATION:

The FAA is revising the Class E airspace at Presque Isle, ME to accommodate aircraft using a new Standard Instrument Approach Procedures (SIAP) to Loring International Airport, ME. The new Instrument Landing System SIAP requires expanding the controlled airspace extending upward from 700 feet above ground level (AGL) in the vicinity of Loring International Airport. In addition, the controlled airspace areas in the vicinity of the Northern Maine Regional Airport (PQI) and the Caribou Municipal Airport (CAR) will be expanded slightly as the definition of the Class E airspace in the area changes from one based on ground based navigational aids and airport locations to one based on longitude and latitude coordinates. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document

withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications must identify both docket numbers. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Agency Findings

This rule does not have federalism implications, as defined in Executive Order No. 13132, because it does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this rule.

The FAA has determined that this regulation is non-controversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

§ 71.1 [Amended]

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANE ME E5 Presque Isle, ME [Revised]

Northern Maine Regional Airport, ME
(Lat. 46°41'20" N., long. 68°02'41" W.)
Caribou Municipal Airport
(Lat. 46°52'17" N., long. 68°01'04" W.)
Loring International Airport
(Lat. 46°57'01" N., long. 67°53'08" W.)

That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at lat. 46°27'20" N., long. 67°46'57" W., to lat. 46°27'16" N., long. 68°15'11" W., to lat. 46°58'33" N., long. 68°25'07" W., to lat. 47°06'57" N., long. 67°53'40" W., to lat. 47°03'52" N., long. 67°47'26" W., to the point of beginning, excluding that airspace outside of the United States.

* * * * *

Issued in Jamaica, New York on March 8, 2005.

John G. McCartney,

Acting Area Director, Eastern Terminal Operations.

[FR Doc. 05-4980 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2004-19458; Airspace Docket No. 04-AEA-11]

Establishment of Class E Airspace; Mifflintown, PA

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Mifflintown, PA. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft operating into Mifflintown Airport, Mifflintown, PA, under Instrument Flight Rules (IFR).

EFFECTIVE DATE: 0901 UTC September 29, 2005.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, Eastern Terminal Service Unit, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434-4809, telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:**History**

On December 17, 2004, a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a Class E airspace area at Mifflintown, PA, was published in the **Federal Register** (69 FR 75491-75492). The proposed action would provide controlled airspace to accommodate Standard Instrument Approach Procedures (SIAP), based on area navigation (RNAV), to Mifflintown Airport. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before January 18, 2005. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace area designations for airspace extending upward from the surface of the earth are published in paragraph 6005 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting IFR operations within an 8-mile radius of Mifflintown Airport, Mifflintown, PA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

Paragraph 6005 Class E Airspace Areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Mifflintown, PA [New]

Mifflintown Airport, Mifflintown, PA (Lat. 40°36'18" N., long. 77°24'18" W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Mifflintown Airport, excluding the portion

that coincides with the Reedsville, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York on March 3, 2005.

John G. McCartney,

Acting Area Director, Eastern Terminal Operations.

[FR Doc. 05-4981 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Part 101**

[Docket No. 2000N-1596] (formerly 00N-1596)

Uniform Compliance Date for Food Labeling Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing January 1, 2008, as the uniform compliance date for food labeling regulations that are issued between March 14, 2005, and December 31, 2006. FDA periodically announces uniform compliance dates for new food labeling requirements to minimize the economic impact of label changes. On December 31, 2002, FDA established January 1, 2006, as the uniform compliance date for food labeling regulations that issued between January 1, 2003, and December 31, 2004.

DATES: This rule is effective March 14, 2005. Submit written or electronic comments May 31, 2005.

ADDRESSES: You may submit comments, identified by Docket No. 2000N-1596, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

- Agency Web site: <http://www.fda.gov/dockets/ecomments>. Follow the instructions for submitting comments on the agency Web site.

- E-mail: fdadockets@oc.fda.gov. Include Docket No. 00N-1596 in the subject line of your e-mail message.

- FAX: 301-827-6870.

- Mail/Hand delivery/Courier [For paper, disk, or CD-ROM submissions]: Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the agency name and

Docket No. 2000N-1596 for this rulemaking. All comments received will be posted without change to <http://www.fda.gov/ohrms/dockets/default.htm>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comments discussion of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.fda.gov/ohrms/dockets/default.htm> and insert the docket number 2000N-1596, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Louis B. Brock, Center for Food Safety and Applied Nutrition (HFS-24), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-2378.

SUPPLEMENTARY INFORMATION: FDA periodically issues regulations requiring changes in the labeling of food. If the effective dates of these labeling changes were not coordinated, the cumulative economic impact on the food industry of having to respond separately to each change would be substantial. Therefore, the agency periodically has announced uniform compliance dates for new food labeling requirements (see, e.g., the **Federal Registers** of October 19, 1984 (49 FR 41019), December 24, 1996 (61 FR 67710), December 27, 1996 (61 FR 68145), December 23, 1998 (63 FR 71015), November 20, 2000 (65 FR 69666), and December 31, 2002 (67 FR 79851)). Use of a uniform compliance date provides for an orderly and economical industry adjustment to new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labeling materials. This policy serves consumers' interests as well because the cost of multiple short-term label revisions that would otherwise occur would likely be passed on to consumers in the form of higher prices.

The agency has determined under 21 CFR 25.30(k) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This final rule contains no collections of information. Therefore, clearance by

the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 is not required.

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601-612), and the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is not a significant regulatory action under the Executive order.

The establishment of a uniform compliance date does not in itself lead to costs or benefits. We will assess the costs and benefits of the uniform compliance date in the regulatory impact analyses of the labeling rules that take effect at that date.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because the final rule does not impose compliance costs on small entities, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing "any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any one year." The current threshold after adjustment for inflation is \$115 million, using the most current (2003) Implicit Price Deflator for the Gross Domestic Product. FDA does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount.

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the rule does

not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

This action is not intended to change existing requirements for compliance dates contained in final rules published before March 14, 2005. Therefore, all final FDA regulations published in the **Federal Register** before March 14, 2005, will still go into effect on the date stated in the respective final rule.

The agency generally encourages industry to comply with new labeling regulations as quickly as feasible, however. Thus, when industry members voluntarily change their labels, it is appropriate that they incorporate any new requirements that have been published as final regulations up to that time.

In rulemaking that began with publication of a proposal on April 15, 1996 (61 FR 16422), and ended with a final rule on December 24, 1996, FDA provided notice and an opportunity for comment on the practice of establishing uniform compliance dates by issuance of a final rule announcing the date. Receiving no comments objecting to this practice, FDA finds any further rulemaking unnecessary for establishment of the uniform compliance date. Nonetheless, under 21 CFR 10.40(e)(1), FDA is providing an opportunity for comment on whether this uniform compliance date should be modified or revoked.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding this document. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday. After its review of any comments received to this final rule, FDA will either publish a document providing its conclusions concerning the comments or will initiate notice and comment rulemaking to modify or revoke the uniform compliance date established by this final rule.

The new uniform compliance date will apply only to final FDA food labeling regulations that require changes in the labeling of food products and that publish after March 14, 2005, and before December 31, 2006. Those regulations will specifically identify January 1, 2008, as their compliance date. All food

products subject to the January 1, 2008, compliance date must comply with the appropriate regulations when initially introduced into interstate commerce on or after January 1, 2008. If any food labeling regulation involves special circumstances that justify a compliance date other than January 1, 2008, the agency will determine for that regulation an appropriate compliance date, which will be specified when the final regulation is published.

Dated: March 8, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05-4956 Filed 3-11-05; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD13-05-003]

RIN 1625-AA87

Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement.

SUMMARY: The Captain of the Port Puget Sound will begin enforcing the Budd Inlet security zone in West Bay, Olympia, WA, on Friday, March 11, 2005 at 8 a.m. Pacific Standard Time. The security zone provides for the security of Department of Defense assets and military cargo in the navigable waters of Puget Sound and adjacent waters. The security zone will be enforced until Tuesday, March 15, 2005 at 11:59 p.m. Pacific Standard Time.

DATES: The Budd Inlet security zone set forth in 33 CFR 165.1321 will be enforced from Friday, March 11, 2005 at 8 a.m. to Tuesday, March 15, 2005 at 11:59 p.m. Pacific Standard Time, at which time enforcement will be suspended.

FOR FURTHER INFORMATION CONTACT: Captain of the Port Puget Sound, 1519 Alaskan Way South, Seattle, WA 98134 at (206) 217-6200 or (800) 688-6664 to obtain information concerning enforcement of 33 CFR 165.1321.

SUPPLEMENTARY INFORMATION: On August 27, 2004, the Coast Guard published a final rule (69 FR 52603) establishing regulations, in 33 CFR 165.1321, for the security of Department of Defense assets and military cargo in the navigable waters of Puget Sound and adjacent

waters. On December 10, 2004, the Coast Guard published a final rule (69 FR 71711), which amended 33 CFR 165.1321 by adding Budd Inlet, Olympia, WA as a permanent security zone. These security zones provide for the regulation of vessel traffic in the vicinity of military cargo loading facilities in the navigable waters of the United States. These security zones also exclude persons and vessels from the immediate vicinity of these facilities during military cargo loading and unloading operations. In addition, the regulation establishes requirements for all vessels to obtain permission of the COTP or the COTP's designated representative, including the Vessel Traffic Service Puget Sound (VTS) to enter, move within, or exit these security zones when they are enforced. Entry into these zones is prohibited unless otherwise exempted or excluded under 33 CFR 165.1321 or unless authorized by the Captain of the Port or his designee.

The Captain of the Port Puget Sound will begin enforcing the Budd Inlet security zone established by 33 CFR 165.1321 on Friday, March 11, 2005 at 8 a.m. Pacific Standard Time. The security zone will be enforced until Tuesday, March 15, 2005 at 11:59 p.m. Pacific Standard Time. All persons and vessels are authorized to enter, move within, and exit the security zone on or after Tuesday, March 15, 2005 at 11:59 p.m. Pacific Standard Time unless a new notice of enforcement is issued before then.

Dated: March 3, 2005.

Danny Ellis,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 05-4965 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-15-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R05-OAR-2004-OH-0003; FRL-7883-4]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of adverse comments the EPA is withdrawing the January 19, 2005 (70 FR 2954), direct final rule approving a revision to Ohio's Oxides of Nitrogen (NO_x) State Implementation Plan (SIP). The State of

Ohio submitted this revision as a change to the SIP for NO_x on June 28, 2004. In the direct final rule, EPA stated that if adverse comments were submitted by February 19, 2005, the rule would be withdrawn and not take effect. On February 18, 2005, EPA received a comment from a citizen and from the State of Ohio. EPA believes the comments are adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comments in a subsequent final action based upon the proposed action also published on January 19, 2005 (70 FR 2992). EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 70 FR 2954 on January 19, 2005, is withdrawn as of March 14, 2005.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone: (312) 886-6084. e-mail address: paskevicz.john@epa.gov.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Reporting and recordkeeping requirements.

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

Dated: March 1, 2005.

Norman Niedergang,

Acting Regional Administrator, Region 5.

PART 52—[AMENDED]

■ Accordingly, the amendment to 40 CFR 52.1870 published in the **Federal Register** on January 19, 2005 (70 FR 2954) on pages 2954—2959 are withdrawn as of March 14, 2005.

[FR Doc. 05-4899 Filed 3-11-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-7883-5]

Tennessee: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Tennessee has applied to EPA for Final authorization of the changes to its hazardous waste program under the

Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize Tennessee's changes to its hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

DATES: This final authorization will become effective on May 13, 2005, unless EPA receives adverse written comments by April 13, 2005. If EPA receives such comments, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Submit your comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- E-mail: gleaton.gwen@epa.gov
- Fax: (404) 562-8439 (prior to faxing, please notify the EPA contact listed below)

- Mail: Send written comments to Gwen Gleaton at the address listed below.

Instructions: Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov>, or e-mail. The federal [regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comments. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit.

You can view and copy Tennessee's applications from 8 a.m. to 4:30 p.m. at the following addresses: Tennessee Department of Environment and Conservation, Division of Solid Waste Management, 5th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1535; and EPA, Region 4, Library, 9th Floor, The Sam Nunn

Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-3104; (404) 562-8190.

FOR FURTHER INFORMATION CONTACT:

Gwen Gleaton, RCRA Services Section, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Region 4, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-3104; (404) 562-8500.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received Final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Tennessee's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Tennessee Final authorization to operate its hazardous waste program with the changes described in the authorization application. Tennessee has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Tennessee, including issuing permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Tennessee subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Tennessee has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports
- Enforce RCRA requirements and suspend or revoke permits
- Take enforcement actions regardless of whether the State has taken its own actions

This action does not impose additional requirements on the regulated community because the regulations for which Tennessee are being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register**, we are publishing a separate document that proposes to authorize the State program changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the State program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal**

Register withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Tennessee Previously Been Authorized for?

Tennessee initially received final authorization on January 22, 1985, effective February 5, 1985 (50 FR 2820) to implement the RCRA hazardous waste management program. We granted authorization for changes to Tennessee's program on December 8, 2004, effective February 7, 2005 (69 FR 70898), April 11, 2003, effective June 10, 2003 (68 FR

17748), December 26, 2001, effective February 25, 2002 (66 FR 66342), October 26, 2000, effective December 26, 2000 (65 FR 64161), September 15, 1999, effective November 15, 1999 (64 FR 49998), January 30, 1998, effective March 31, 1998 (63 FR 45870), on May 23, 1996, effective July 22, 1996 (61 FR 25796), on August 24, 1995, effective October 23, 1995 (60 FR 43979), on May 8, 1995, effective July 7, 1995 (60 FR 22524), on June 1, 1992, effective July 31, 1992 (57 FR 23063), and on June 12, 1987, effective August 11, 1987 (52 FR 22443).

G. What Changes Are We Authorizing With Today's Action?

On December 27, 2004, Tennessee submitted final complete program revision applications, seeking authorization of its changes in accordance with 40 CFR 271.21. We now make an immediate final decision, subject to receipt of comments that oppose this action, that Tennessee's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Therefore, we grant final authorization for the following program changes:

Description of federal requirement	Federal Register date and page	Analogous state authority ¹
200—Zinc Fertilizer Rule	67 FR 48393 07/24/02	Tennessee Revised Code 1200-1-11-.02(1)(d), .02(1)(d)1(xxii), .02(1)(d)1(xxii)(I) & (II), .02(1)(d)1(xxii)(II)I-A-IV.C, .02(1)(d)1(xxii)(II)III-IV, .02(1)(d)1(xxii)(II)IV.A-IV.C, .02(1)(d)1(xxii)(III), .02(1)(d)1(xxii)(III)I-IV, .02(1)(d)1(xxii)(IV)-(V), .02(1)(d)1(xxiii), .02(1)(d)1(xxiii)I-II, .02(1)(d)1(xxiii)(II)-(III), .02(1)(d)1(xxiii)(III)I-VI, .09(3)(a)2 & 4, .09(3)(a)4(i) & (ii), .10(3)(a)9.
201—Treatment Variance for Radioactively Contaminated Batteries.	67 FR 62618 10/07/02	Tennessee Revised Code 1200-1-11-.10(3)(a)Table.
202—Hazardous Air Pollutant Standards for Combustors—Corrections 2.	67 FR 77687 12/19/02	Tennessee Revised Code 1200-1-11-.07(5)(b)5(v), .07(5)(b)8, .07(1)(e), .07(1)(j).

¹ The Tennessee provisions are from the Tennessee Hazardous Waste Management Regulations effective September 6, 2004.

H. Where Are the Revised State Rules Different From the Federal Rules?

There are no State requirements that are more stringent or broader in scope than the Federal requirements.

I. Who Handles Permits After the Authorization Takes Effect?

Tennessee will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization. At the time the State program is approved, EPA will suspend issuance of Federal permits in the State. EPA will transfer any pending permit applications, completed permits or pertinent file information to the State within thirty days of the approval of the State program. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Tennessee is not yet authorized.

J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in Tennessee?

The State of Tennessee's Hazardous Waste Program is not being authorized to operate in Indian Country.

K. What Is Codification and Is EPA Codifying Tennessee's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart RR for this authorization of Tennessee's program changes until a later date.

L. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks.

Under RCRA section 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in

accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A

major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective May 13, 2005.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians-lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: February 25, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 05-4952 Filed 3-11-05; 8:45 am]

BILLING CODE 6560-50-P

Proposed Rules

Federal Register

Vol. 70, No. 48

Monday, March 14, 2005

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

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 04–036P]

RIN 0583–AD13

Termination of Designation of the State of North Dakota With Respect to the Inspection of Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the poultry products inspection regulations by terminating the designation of the State of North Dakota under sections 1 through 4, 6 through 10, 11(b), 11(c), and 12 through 22 of the Poultry Products Inspection Act (PPIA). The Commissioner of Agriculture of the State of North Dakota has advised this Department that effective November 8, 2004, the State will be in a position to administer a State poultry inspection program that includes requirements that are at least equal to those imposed under the Federal poultry products inspection program for poultry and poultry products distributed in interstate commerce.

DATES: Submit written comments on or before April 13, 2005.

ADDRESSES: FSIS invites interested persons to submit comments on this proposed rule. Comments may be submitted by any of the following methods:

- Mail, including floppy disks or CD-ROMs, and hand- or courier-delivered items. Send to Docket Clerk, Department of Agriculture, Food Safety and Inspection Service, 300 12th Street, SW., Room 102 Cotton Annex, Washington, DC 20250–3700.
- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

All submissions received must include the Agency name and docket number 04–036P.

All comments submitted in response to this proposed rule, as well as research and background information used by FSIS in developing this document, will be available for public inspection in the FSIS Docket Room at the address listed above between 8:30 a.m. and 4:30 p.m., Monday through Friday. The comments also will be posted on the Agency's Web site at http://www.fsis.usda.gov/regulations_&_policies/2005_Proposed_Rules_Index/index.asp.

FOR FURTHER INFORMATION CONTACT:

Royce E. Sperry, Deputy Director, Review, Office of Program Evaluation, Enforcement and Review, Food Safety and Inspection Service, Department of Agriculture, telephone (402) 221–7401, extension 7484.

SUPPLEMENTARY INFORMATION:

Background

Section 5(c)(1) of the PPIA (21 U.S.C. 454(c)) authorizes the Secretary of Agriculture to designate a State as one in which the provisions of sections 1 through 4, 6 through 10, 11(b), 11(c), and 12 through 22 of the PPIA will apply to operations and transactions wholly within the State if the Secretary has determined that requirements at least equal to those imposed under the PPIA have not been developed and effectively enforced by the State.

The Secretary of Agriculture designated the State of North Dakota under paragraph 5(c)(1) of the PPIA, effective January 2, 1971 (42 FR 2949). The designation specified that North Dakota is a State in which the United States Department of Agriculture is responsible for providing poultry products inspection at eligible establishments and for otherwise enforcing the applicable provisions of the PPIA.

In addition, on July 23, 1973, a notice was published in the **Federal Register** (38 FR 19671) announcing that, effective on that date, the Department would assume the responsibility of administering the authorities provided for under sections 11(b) and (c) (21 U.S.C. 460(b) and (c)) of the PPIA regarding certain categories of processors of poultry products.

This designation was undertaken by the Department when it was determined that the State of North Dakota was not

in a position to enforce inspection requirements under State laws for poultry and poultry products in intrastate commerce that were at least equal to the requirements of the PPIA enforced by the Federal Government.

Section 5(c)(3) of the PPIA provides, however, that whenever the Secretary of Agriculture determines that any designated State has developed and will enforce State poultry products inspection requirements at least equal to those imposed by the Federal Government under the PPIA, with respect to operations and transactions within the State, the Secretary will terminate the designation of the State. The Secretary has determined that the State of North Dakota has developed and will enforce a State poultry products inspection program in accordance with the provisions of the PPIA. FSIS has evaluated the North Dakota program and determined that it is at least equal to the Federal Government requirements. This evaluation also has shown that the State of North Dakota is in a position to enforce effectively the provisions of section 11(b) and (c) of the PPIA. Therefore, FSIS is proposing that the designation of the State of North Dakota under sections 1 through 4, 6 through 10, 11(b), 11(c), and 12 through 22 of the PPIA be terminated.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. It has been determined to be not significant, and has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court proceedings challenging this rule. However, the administrative procedures specified in 9 CFR 306.5 must be exhausted before any judicial challenge of the application of the provisions of this proposed rule, if the challenge involves any decision of an FSIS employee relating to inspection services provided under the provisions of the PPIA.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that the public and in particular minorities, women, and persons with disabilities, are aware of this proposed rule, FSIS will announce it on-line through the FSIS Web page located at http://www.fsis.usda.gov/regulations/2005_Proposed_Rules_Index/.

The Regulations.gov Web site is the central on-line rulemaking portal of the United States Government. It is being offered as a public service to increase participation in the Federal Government's regulatory activities. FSIS participates in Regulations.gov and will accept comments on documents published on the site. The site allows visitors to search by keyword or Department or Agency for rulemakings that allow for public comment. Each entry provides a quick link to a comment form so that visitors can type in their comments and submit them to FSIS. The Web site is located at <http://www.regulations.gov/>.

FSIS also will make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and other types of information that could affect or would be of interest to our constituents and stakeholders. The update is communicated via Listserv, a free e-mail subscription service consisting of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals who have requested to be included. The update also is available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader, more diverse audience.

In addition, FSIS offers an electronic mail subscription service that provides an automatic and customized notification when popular pages are updated, included **Federal Register** publications and related documents. This service is available at http://www.fsis.usda.gov/news_and_events/email_subscription/ and allows FSIS customers to sign up for subscription options in eight categories. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

List of Subjects in 9 CFR Part 381

Poultry and poultry products.

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f; 7 U.S.C. 450; 21 U.S.C. 451–470; 7 CFR 2.17, 2.55.

§ 381.221 [Amended]

2. Section 381.221 is amended by deleting “North Dakota” from the “States” column and by deleting the date, which was added on the line with “North Dakota.”

§ 381.224 [Amended]

3. Section 381.224 is amended by deleting “North Dakota” from the “State” column in two places and by deleting the dates, which were added on the lines with “North Dakota” in two places.

Done in Washington, DC, on March 9, 2005.

Barbara J. Masters,

Acting Administrator.

[FR Doc. 05–4993 Filed 3–11–05; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–18038; Directorate Identifier 2004–NE–01–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc., (Formerly AlliedSignal, Inc., Formerly Textron Lycoming) T5309, T5311, T5313B, T5317A, T5317A–1, and T5317B Series, and T53–L–9, T53–L–11, T53–L–13B, T53–L–13BA, T53–L–13B S/SA, T53–L–13B S/SB, T53–L–13B/D, and T53–L–703 Series Turboshift Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); reopening of the comment period.

SUMMARY: The FAA is reopening the comment period of a proposed airworthiness directive (AD) for Honeywell International Inc., (formerly AlliedSignal, Inc., formerly Textron Lycoming) T5309, T5311, T5313B, T5317A, T5317A–1, and T5317B series turboshift engines, installed on, but not limited to, Bell 205 and Kaman K–1200 series helicopters, and T53–L–9, T53–L–

11, T53–L–13B, T53–L–13BA, T53–L–13B S/SA, T53–L–13B S/SB, T53–L–13B/D, and T53–L–703 series turboshift engines, installed on, but not limited to, Bell AH–1 and UH–1 helicopters, certified under § 21.25 or 21.27 of the Code of Federal Regulations (14 CFR 21.25 or 14 CFR 21.27). The proposed AD would require operators to remove from service affected compressor, gas producer, and power turbine rotating components at reduced life limits, and would require use of replacement drawdown schedules for components on certain engine models that exceed the new limits. Since issuing the NPRM, we have determined that the comment period for NPRM, Docket No. FAA–2004–18038 (69 FR 33599, June 16, 2004) should be reopened and the public should have additional time to comment.

DATES: We must receive any comments on this proposed AD by March 31, 2005.

ADDRESSES: Use one of the following addresses to comment on this proposed AD.

- DOT Docket Web site: Go to <http://dms.dot.gov> and follow the instructions for sending your comments electronically.

- Government-wide rulemaking Web site: Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- Mail: Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.

- Fax: (202) 493–2251.

- Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You can get the service information identified in this proposed AD from Honeywell International Inc., Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone: (602) 365–2493; fax:(602) 365–5577.

You may examine the comments on this proposed AD in the AD docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone: (562) 627–5245, fax: (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send us any written relevant data, views, or arguments

regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2004-18038; Directorate Identifier 2004-NE-01-AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of the DMS Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, *etc.*). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78), or you may visit <http://dms.dot.gov>.

Examining the AD Docket

You may examine the docket that contains the proposal, any comments received and, any final disposition in person at the DMS Docket Offices between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5227) is located on the plaza level of the Department of Transportation Nassif Building at the street address stated in **ADDRESSES**. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

We published a proposal to amend part 39 of the Code of Federal Regulations (14 CFR part 39) to include an AD that would apply to Honeywell International Inc. T5309, T5311, T5313B, T5317A, T5317A-1, and T5317B Series, and T53-L-9, T53-L-11, T53-L-13B, T53-L-13BA, T53-L-13B S/SA, T53-L-13B S/SB, T53-L-13B/D, and T53-L-703 series turboshaft engines in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 16, 2004 (69 FR 33599). The NPRM proposed to require operators to remove from service affected compressor, gas producer, and power turbine rotating components at reduced life limits, and would require use of replacement drawdown schedules for components on certain engine models

that exceed the new limits. The NPRM resulted from continuous analysis of field-returned hardware indicating smaller service life margins than originally expected.

Reason for This Action

We held a public meeting on February 8, 2005, at which we received additional data from operators of the affected engines. We determined that we should reopen the comment period to allow an additional opportunity for operators and other interested persons who were not able to attend the public meeting to submit comments. We are particularly interested in receiving comments from operators of the affected engines as to what life limits they are using for the components identified in the proposed AD, what cycle counting methods they employ, what historical lifing records did they receive when they acquired the engine, and what mission profiles are they flying.

We will address all comments in any final rule or subsequent action taken by us on this subject. We are republishing the actual AD portion of the NPRM, Docket No. FAA-2004-18038, for the convenience of the owners and operators of the affected engines.

Authority for this Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, part A, subpart III, section 44701, "General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this proposal and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Honeywell International Inc., (formerly AlliedSignal, Inc., formerly Textron Lycoming): Docket No. FAA-2004-18038; Directorate Identifier 2004-NE-01-AD.

Comments Due Date

- (a) The Federal Aviation Administration (FAA) must receive comments on this airworthiness directive (AD) action by March 31, 2005.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to Honeywell International Inc., (formerly AlliedSignal, Inc., formerly Textron Lycoming) T5309, T5311, T5313B, T5317A, T5317A-1, and T5317B series turboshaft engines, installed on, but not limited to, Bell 205 and Kaman K-1200 series helicopters, and T53-L-9, T53-L-11, T53-L-13B, T53-L-13BA, T53-L-13B S/SA, T53-L-13B S/SB, T53-L-13B/D, and T53-L-703 series turboshaft engines, installed on, but not limited to, Bell AH-1 and UH-1 helicopters, certified under § 21.25 or 21.27 of the Code of Federal Regulations (14 CFR 21.25 or 14 CFR 21.27).

Unsafe Condition

- (d) This AD results from continuous analysis of field-returned hardware

indicating smaller service life margins than originally expected. We are issuing this AD to prevent failure of compressor, gas producer, and power turbine rotating components, which could result in an uncontained failure of the engine and damage to the helicopter.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

T5309, T5311, T53-L-9, and T53-L-11 Series Turboshift Engines

(f) For T5309, T5311, T53-L-9, and T53-L-11 series turboshift engines, within 100 operating hours after the effective date of this AD, compute the total operating hours and cycles and replace rotating components before they exceed the service life limits. Use 2.a. through 2.f. and Component Service Life Limits Table 1 of Accomplishment Instructions of Lycoming Service Bulletin (SB) No. 0002, Revision 2, dated March 6, 1989.

T5313B, T5317A, T5317A-1, and T5317B Turboshift Engines

(g) For T5313B, T5317A, T5317A-1, and T5317B turboshift engines, within 100 operating hours after the effective date of this AD, compute the total operating hours and cycles and replace the rotating components before they exceed the service life limits. Use 2.A. through 2.K. and Component Service Life Limits Table 1 of Accomplishment Instructions of Honeywell International Inc., SB No. T5313B/17-0020, Revision 7, dated November 21, 2002.

(h) For T5313B, T5317A, T5317A-1, and T5317B turboshift engines that have one or more rotating components that exceed the limits specified in Component Service Life Limits Table 1 of Honeywell International Inc. SB No. T5313B/17-0020, Revision 7, dated November 21, 2002, replace the components using the applicable drawdown schedule in Table 1 of Honeywell International Inc. SB No. T5313B-0125, dated March 15, 2001 or Honeywell International Inc. SB No. T5317-0125, dated March 15, 2001.

T53-L-13B, T53-L-13BA, T53-L-13B S/SA, and T53-L-13B S/SB Turboshift Engines

(i) For T53-L-13B, T53-L-13BA, T53-L-13B S/SA, and T53-L-13B S/SB turboshift engines, within 100 operating hours after the effective date of this AD, compute the total operating hours and cycles and replace the rotating components before they exceed the service life limits. Use 2.A. through 2.J. and Component Service Life Limits Table 1 of Accomplishment Instructions of Honeywell International Inc. SB No. T53-L-13B-0020, Revision 3, dated October 25, 2001.

(j) For T53-L-13B, T53-L-13BA, T53-L-13B S/SA, and T53-L-13B S/SB turboshift engines that have one or more rotating components that exceed the limits in Component Service Life Limits Table 1 of Honeywell SB No. T53-L-13B-0020, Revision 3, dated October 25, 2001, replace the components using the applicable drawdown schedule in Table 1 of Honeywell

International Inc. SB No. T53-L-13B-0125, dated April 5, 2001.

T53-L-13B/D Turboshift Engines

(k) For T53-L-13B/D turboshift engines, within 100 operating hours after the effective date of this AD, compute the total operating hours and cycles and replace the rotating components before they exceed the service life limits. Use 2.A. through 2.J. and Component Service Life Limits Table 1 of Accomplishment Instructions of Honeywell International Inc. SB No. T53-L-13B/D-0020, Revision 2, dated November 25, 2002.

(l) For T53-L-13B/D turboshift engines that have one or more rotating components that exceed the limits in Component Service Life Limits Table 1 of Honeywell International Inc. SB No. T53-L-13B/D-0020, Revision 2, dated November 25, 2002, replace the components using the applicable drawdown schedule in Table 1 of Honeywell International Inc. SB No. T53-L-13B/D-0125, dated April 5, 2001.

T53-L-703 Turboshift Engines

(m) For T53-L-703 turboshift engines, within 100 operating hours after the effective date of this AD, compute the total operating hours and cycles and replace the rotating components before they exceed the service life limits. Use 2.A. through 2.K. and Component Service Life Limits Table 1 of Accomplishment Instructions of Honeywell International Inc. SB No. T53-L-703-0020, Revision 2, dated November 25, 2002.

(n) For T53-L-703 turboshift engines that have one or more rotating components that have exceeded the limits in Component Service Life Limits Table 1 of Honeywell International Inc. SB No. T53-L-703-0020, Revision 2, dated November 25, 2002, replace the components using the applicable drawdown schedule in Table 1 of Honeywell International Inc. SB No. T53-L-703-0125, dated April 5, 2001.

Computing Compliance Intervals

(o) For the purposes of this AD, use the effective date of this AD for computing compliance intervals whenever the SBs refer to the release date of the SB.

Prohibition of Removed Rotating Components

(p) Do not reinstall any rotating component that is replaced as specified in paragraphs (f) through (n) of this AD, into any engine.

Alternative Methods of Compliance

(q) The Manager, Los Angeles Aircraft Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Material Incorporated by Reference

(r) None.

Related Information

(s) None.

Issued in Burlington, Massachusetts, on March 2, 2005.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05-4404 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-20446; Airspace Docket No. 05-AAL-04]

RIN 2120-AA66

Proposed Establishment of Area Navigation Routes (RNAV), Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish 39 low altitude area navigation (RNAV) routes in Alaska to support the Alaskan Capstone Program. The FAA is proposing this action to enhance safety and improve the efficient use of the navigable airspace in Alaska.

DATES: Comments must be received on or before April 28, 2005.

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-2005-20446 and Airspace Docket No. 05-AAL-04, at the beginning of your comments. You may also submit comments through the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations and Safety, 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-2005-20446 and Airspace Docket No. 05-AAL-04) 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 action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2005-20446 and Airspace Docket No. 05-AAL-04." 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 Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in 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, 222 West 7th Avenue #14, Anchorage, AK 99513.

Persons interested in being placed on a mailing list for future NPRM's should contact 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

The Capstone program began in Southeast Alaska in October 2001, as

part of the on-going National Airspace Redesign (NAR). The Capstone Program is an accelerated effort to improve aviation safety and efficiency through the installation of government-furnished Global Positioning System (GPS)-based avionics and data link communications suites in commercial aircraft.

Compatible ground systems, equipment, and services will also be provided. The name "Capstone" is derived from the program's effect of drawing and holding together concepts and recommendations contained in reports from the Radio Technical Commission for Aeronautics (RTCA), the National Transportation Safety Board (NTSB), the Mitre Corporation's Center for Advanced Aviation System Development (CAASD), and Alaskan aviation industry representatives. In addition to the avionics suites, the Capstone Program will deploy a ground infrastructure for weather observation, data link communications, surveillance, and Flight Information Services (FIS) to improve safety and enable eventual implementation of new procedures. This specific effort focuses on developing and implementing navigation structure and operating method improvements to allow more flexible and efficient en route operations in the Alaska airspace environment.

In support of this program, the FAA is establishing RNAV routes to provide greater freedom to properly equipped users, and to achieve the safety and economic benefits of flying user selected non-restrictive routings. The new RNAV routes will be identified by the letter prefix "T," followed by a number consisting of one to three digits. The International Civil Aviation Organization (ICAO) has allocated the "T" prefix, along with the number block 200 through 500 for use by the U.S. for designating domestic RNAV routes.

Related Rulemaking

On April 8, 2003, the FAA published the Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes, and Reporting Points rule in the **Federal Register** (68 FR 16943). This rule adopted certain amendments proposed in Notice No. 02-20, Area Navigation (RNAV) and Miscellaneous Amendments. The rule adopted and revised several definitions in FAA regulations, including Air Traffic Service Routes, to be in concert with ICAO definitions; and reorganized the structure of FAA regulations concerning the designation of Class A, B, C, D, and E airspace areas; airways; routes; and reporting points. The purpose of the rule was to facilitate the establishment of RNAV routes in the NAS for use by

aircraft with advanced navigation system capabilities.

On May 9, 2003, the FAA published the Establishment of Area Navigation Routes (RNAV) rule in the **Federal Register** (68 FR 24864).

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 (part 71) to establish 39 RNAV routes in Alaska, within the airspace assigned to the Anchorage Air Route Control Center (ARTCC). These routes were developed as part of the Capstone Program. These routes are being proposed to enhance safety, and to facilitate the more flexible and efficient use of the navigable airspace for en route instrument flight rules (IFR) operations within the State of Alaska.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9M, Airspace Designations and Reporting

Points, dated August 30, 2004, and

effective September 16, 2004, is
amended as follows:

Paragraph 2006—Area Navigation Routes

* * * * *

T-214 MOCHA to OME [New]

CUDUG	WP	(Lat. 55°56'30" N., long. 134°31'15" W.)
KODVE	WP	(Lat. 56°29'36" N., long. 135°07'59" W.)
BKA	VORTAC	(Lat. 56°51'34" N., long. 135°33'05" W.)
VAYKU	WP	(Lat. 57°27'36" N., long. 136°24'37" W.)
YAK	VORTAC	(Lat. 59°30'39" N., long. 139°38'53" W.)
MDO	VOR/DME	(Lat. 59°25'18" N., long. 146°21'00" W.)
HIMRU	WP	(Lat. 59°44'37" N., long. 147°01'13" W.)
GIPE	WP	(Lat. 60°13'03" N., long. 148°02'37" W.)
JIMIN	WP	(Lat. 60°29'04" N., long. 148°38'30" W.)
FESTU	WP	(Lat. 60°56'43" N., long. 149°42'44" W.)
ANC	VOR/DME	(Lat. 61°09'03" N., long. 150°12'24" W.)
IVANN	WP	(Lat. 61°19'57" N., long. 150°41'52" W.)
RIKNE	WP	(Lat. 61°40'23" N., long. 151°38'52" W.)
COPMI	WP	(Lat. 62°03'48" N., long. 152°47'14" W.)
JULIS	WP	(Lat. 62°29'28" N., long. 154°06'14" W.)
MCG	VORTAC	(Lat. 62°57'04" N., long. 155°36'41" W.)
ECIKA	WP	(Lat. 63°12'35" N., long. 156°52'55" W.)
UNK	VOR/DME	(Lat. 63°53'31" N., long. 160°41'04" W.)
OME	VOR/DME	(Lat. 64°29'06" N., long. 165°15'11" W.)

T-216 YAK to HPB [New]

YAK	VORTAC	(Lat. 59°30'39" N., long. 139°38'53" W.)
FORAT	WP	(Lat. 60°11'09" N., long. 144°08'27" W.)
JOH	VOR/DME	(Lat. 60°28'51" N., long. 146°35'58" W.)
WILER	WP	(Lat. 60°45'09" N., long. 148°38'42" W.)
ANC	VOR/DME	(Lat. 61°09'03" N., long. 150°12'24" W.)
LICIG	WP	(Lat. 61°09'27" N., long. 152°01'46" W.)
VEILL	WP	(Lat. 61°08'16" N., long. 154°15'46" W.)
SQA	VOR/DME	(Lat. 61°05'55" N., long. 155°38'04" W.)
OPUGE	WP	(Lat. 60°53'20" N., long. 160°08'24" W.)
BET	VORTAC	(Lat. 60°47'05" N., long. 161°49'27" W.)
HPB	VOR/DME	(Lat. 61°30'52" N., long. 166°08'04" W.)

T-219 IIK to AIX [New]

IIK	VOR/DME	(Lat. 59°56'34" N., long. 164°02'04" W.)
AIX	NDB/DME	(Lat. 60°23'06" N., long. 166°12'53" W.)

T-221 CDB to ORT [New]

CDB	VORTAC	(Lat. 55°16'03" N., long. 162°46'27" W.)
AKN	VORTAC	(Lat. 58°43'29" N., long. 156°45'08" W.)
CIVBA	WP	(Lat. 59°35'20" N., long. 154°22'24" W.)
TUCKS	WP	(Lat. 60°13'23" N., long. 152°27'39" W.)
ENA	VOR/DME	(Lat. 60°36'53" N., long. 151°11'43" W.)
ANC	VOR/DME	(Lat. 61°09'03" N., long. 150°12'24" W.)
BGQ	VORTAC	(Lat. 61°34'10" N., long. 149°58'02" W.)
SMOKY	WP	(Lat. 62°03'15" N., long. 146°18'43" W.)
GKN	VOR/DME	(Lat. 62°09'09" N., long. 145°27'01" W.)
SANKA	WP	(Lat. 62°20'31" N., long. 144°39'28" W.)
ORT	VORTAC	(Lat. 62°56'50" N., long. 141°54'46" W.)

T-223 ANC to EHM [New]

ANC	VOR/DME	(Lat. 61°09'03" N., long. 150°12'24" W.)
BLUGA	WP	(Lat. 60°46'22" N., long. 151°55'07" W.)
NONDA	WP	(Lat. 60°19'15" N., long. 153°47'57" W.)
FAGIN	WP	(Lat. 59°51'56" N., long. 155°32'43" W.)
DLG	VOR/DME	(Lat. 58°59'39" N., long. 158°33'08" W.)
EHM	NDB	(Lat. 58°39'21" N., long. 162°04'33" W.)

T-218 MARLO to BRW [New]

MARLO	WP	(Lat. 57°27'51" N., long. 150°31'51" W.)
ODK	VORTAC	(Lat. 57°46'30" N., long. 152°20'23" W.)
CEYTA	WP	(Lat. 58°02'40" N., long. 153°30'00" W.)
UCILO	WP	(Lat. 58°36'28" N., long. 156°09'16" W.)
AKN	VORTAC	(Lat. 58°43'29" N., long. 156°45'08" W.)
YENYU	WP	(Lat. 59°16'27" N., long. 158°00'00" W.)
JOSKU	WP	(Lat. 60°30'00" N., long. 161°03'12" W.)
BET	VORTAC	(Lat. 60°47'05" N., long. 161°49'27" W.)
OCETO	WP	(Lat. 64°14'41" N., long. 165°00'00" W.)
OME	VOR/DME	(Lat. 64°29'06" N., long. 165°15'11" W.)
RIYKO	WP	(Lat. 65°30'00" N., long. 164°10'25" W.)
OTZ	VOR/DME	(Lat. 66°53'08" N., long. 162°32'24" W.)
FEBRI	WP	(Lat. 67°06'57" N., long. 162°17'44" W.)
DECEN	WP	(Lat. 69°48'41" N., long. 159°00'00" W.)

BRW	VOR/DME	(Lat. 71°16'24" N., long. 156°47'17" W.)
T-220 ANC to SSC [New]		
ANC	VOR/DME	(Lat. 61°09'03" N., long. 150°12'24" W.)
TAGER	WP	(Lat. 61°40'23" N., long. 150°27'37" W.)
TKA	VOR/DME	(Lat. 62°17'55" N., long. 150°06'20" W.)
ENN	VORTAC	(Lat. 64°35'24" N., long. 149°04'22" W.)
COLAV	WP	(Lat. 66°26'59" N., long. 148°42'14" W.)
CQR	NDB	(Lat. 67°30'09" N., long. 148°28'10" W.)
CISLO	WP	(Lat. 69°29'58" N., long. 148°25'52" W.)
FCC	VOR/DME	(Lat. 70°11'57" N., long. 148°24'58" W.)
T-222 FAI to ADK NDB [New]		
FAI	VORTAC	(Lat. 64°48'00" N., long. 148°00'43" W.)
ENN	VORTAC	(Lat. 64°35'24" N., long. 149°04'22" W.)
MCG	VORTAC	(Lat. 62°57'04" N., long. 155°36'41" W.)
BET	VORTAC	(Lat. 60°47'05" N., long. 161°49'27" W.)
IHK	VOR/DME	(Lat. 59°56'34" N., long. 164°02'04" W.)
SPY	NDB/DME	(Lat. 57°09'28" N., long. 170°13'51" W.)
ADK	NDB/DME	(Lat. 51°52'19" N., long. 176°40'34" W.)
T-224 ODK to BRW [New]		
ODK	VORTAC	(Lat. 57°46'30" N., long. 152°20'23" W.)
CUCAR	WP	(Lat. 59°08'09" N., long. 151°43'45" W.)
HOM	VOR/DME	(Lat. 59°42'34" N., long. 151°27'24" W.)
SKILA	WP	(Lat. 60°29'28" N., long. 150°38'25" W.)
ANC	VOR/DME	(Lat. 61°09'03" N., long. 150°12'24" W.)
BGQ	VORTAC	(Lat. 61°34'10" N., long. 149°58'02" W.)
HIKOT	WP	(Lat. 62°41'41" N., long. 149°20'12" W.)
GEGEC	WP	(Lat. 64°02'00" N., long. 148°31'07" W.)
FAI	VORTAC	(Lat. 64°48'00" N., long. 148°00'43" W.)
FETPU	WP	(Lat. 65°55'16" N., long. 146°20'13" W.)
FYU	VORTAC	(Lat. 66°34'27" N., long. 145°16'36" W.)
CIPNU	WP	(Lat. 67°17'27" N., long. 145°49'05" W.)
EYAKA	WP	(Lat. 69°34'15" N., long. 147°47'30" W.)
SCC	VOR/DME	(Lat. 70°11'57" N., long. 148°24'58" W.)
BRW	VOR/DME	(Lat. 71°16'24" N., long. 156°47'17" W.)
T-225 HPB to FAI [New]		
HPB	VOR/DME	(Lat. 61°30'52" N., long. 166°08'04" W.)
UNK	VOR/DME	(Lat. 63°53'31" N., long. 160°41'04" W.)
GAL	VORTAC	(Lat. 64°44'17" N., long. 156°46'38" W.)
TAL	VOR/DME	(Lat. 65°10'38" N., long. 152°10'39" W.)
FAI	VORTAC	(Lat. 64°48'00" N., long. 148°00'43" W.)
T-226 JOH to FYU [New]		
JOH	VOR/DME	(Lat. 60°28'51" N., long. 146°35'58" W.)
FIDAL	WP	(Lat. 60°44'03" N., long. 146°26'00" W.)
ROBES	WP	(Lat. 61°05'51" N., long. 146°11'25" W.)
KLUNG	WP	(Lat. 61°45'32" N., long. 145°43'58" W.)
GKN	VOR/DME	(Lat. 62°09'09" N., long. 145°27'01" W.)
DOZEY	WP	(Lat. 62°25'04" N., long. 145°29'11" W.)
PAXON	WP	(Lat. 62°58'54" N., long. 145°33'56" W.)
DONEL	WP	(Lat. 63°40'22" N., long. 145°39'54" W.)
BIG	VORTAC	(Lat. 64°00'16" N., long. 145°43'02" W.)
HEXAX	WP	(Lat. 65°59'40" N., long. 145°23'01" W.)
FYU	VORTAC	(Lat. 66°34'27" N., long. 145°16'36" W.)
T-228 EHM to SHH [New]		
EHM	NDB	(Lat. 58°39'21" N., long. 162°04'33" W.)
IHK	VOR/DME	(Lat. 59°56'34" N., long. 164°02'04" W.)
HPB	VOR/DME	(Lat. 61°30'52" N., long. 166°08'04" W.)
OME	VOR/DME	(Lat. 64°29'06" N., long. 165°15'11" W.)
HIKAX	WP	(Lat. 65°36'20" N., long. 165°44'44" W.)
SHH	NDB	(Lat. 66°15'29" N., long. 166°03'09" W.)
T-230 AK to SPY [New]		
AK	NDB	(Lat. 58°44'14" N., long. 156°46'40" W.)
SPY	NDB/DME	(Lat. 57°09'28" N., long. 170°13'51" W.)
T-227 CD to SYA [New]		
CD	NDB	(Lat. 55°17'46" N., long. 162°47'21" W.)
CIPIM	WP	(Lat. 54°52'50" N., long. 165°03'15" W.)
DUT	NDB/DME	(Lat. 53°54'19" N., long. 166°32'57" W.)
ADK	NDB/DME	(Lat. 51°52'19" N., long. 176°40'34" W.)
JANNT	WP	(Lat. 52°04'18" N., long. 178°15'37" W.)
SYA	NDB	(Lat. 52°43'19" N., long. 174°03'37" W.)

T-232 OLARU to BRW [New]

OLARU	WP	(Lat. 62°28'16" N., long. 141°00'00" W.)
ORT	VORTAC	(Lat. 62°56'50" N., long. 141°54'46" W.)
BIG	VORTAC	(Lat. 64°00'16" N., long. 145°43'02" W.)
FAI	VORTAC	(Lat. 64°48'00" N., long. 148°00'43" W.)
BTT	VOR/DME	(Lat. 66°54'18" N., long. 151°32'09" W.)
BRONX	WP	(Lat. 70°04'03" N., long. 155°06'34" W.)
BRW	VOR/DME	(Lat. 71°16'24" N., long. 156°47'17" W.)

T-234 FAI to RAMPA [New]

FAI	VORTAC	(Lat. 64°48'00" N., long. 148°00'43" W.)
TOLLO	WP	(Lat. 65°06'12" N., long. 148°58'34" W.)
RAMPA	WP	(Lat. 65°21'55" N., long. 149°50'41" W.)

T-236 ENN to RAMPA [New]

ENN	VORTAC	(Lat. 64°35'24" N., long. 149°04'22" W.)
RAMPA	WP	(Lat. 65°21'55" N., long. 149°50'41" W.)

T-238 RAMPA to BTT [New]

RAMPA	WP	(Lat. 65°21'55" N., long. 149°50'41" W.)
BTT	VOR/DME	(Lat. 66°54'18" N., long. 151°32'09" W.)

T-240 BTT to SCC [New]

EAV	NDB	(Lat. 66°53'36" N., long. 151°33'49" W.)
NAMRE	WP	(Lat. 69°06'29" N., long. 149°34'00" W.)
SCC	VOR/DME	(Lat. 70°11'57" N., long. 148°24'58" W.)

T-229 FAI to PHO [New]

FAI	VORTAC	(Lat. 64°48'00" N., long. 148°00'43" W.)
TAL	VOR/DME	(Lat. 65°10'38" N., long. 152°10'39" W.)
HSL	VOR/DME	(Lat. 65°42'22" N., long. 156°22'14" W.)
WLK	VOR/DME	(Lat. 66°36'00" N., long. 159°59'30" W.)
OTZ	VOR/DME	(Lat. 66°53'08" N., long. 162°32'24" W.)
PHO	NDB	(Lat. 68°20'41" N., long. 166°47'51" W.)

T-242 TKA to BRW [New]

TKA	VOR/DME	(Lat. 62°17'55" N., long. 150°06'20" W.)
JOKAP	WP	(Lat. 63°54'46" N., long. 150°58'29" W.)
KUTDE	WP	(Lat. 66°19'20" N., long. 152°29'01" W.)
LACIL	WP	(Lat. 69°30'18" N., long. 155°00'34" W.)
BRW	VOR/DME	(Lat. 71°16'24" N., long. 156°47'17" W.)

T-244 ANC to OME [New]

ANC	VOR/DME	(Lat. 61°09'03" N., long. 150°12'24" W.)
CAKAD	WP	(Lat. 61°18'24" N., long. 150°43'12" W.)
CEXIX	WP	(Lat. 61°29'52" N., long. 151°21'58" W.)
BETPE	WP	(Lat. 62°21'01" N., long. 154°29'43" W.)
CHEFF	WP	(Lat. 63°02'10" N., long. 157°22'49" W.)
CONFI	WP	(Lat. 63°49'03" N., long. 161°13'59" W.)
OME	VOR/DME	(Lat. 64°29'06" N., long. 165°15'11" W.)

T-246 ANC to GAL [New]

ANC	VOR/DME	(Lat. 61°09'03" N., long. 150°12'24" W.)
WEBIK	WP	(Lat. 63°07'48" N., long. 155°29'18" W.)
GAL	VORTAC	(Lat. 64°44'17" N., long. 156°46'38" W.)

T-248 ENM to ULL [New]

ENM	VOR/DME	(Lat. 62°47'00" N., long. 164°29'16" W.)
BICAP	WP	(Lat. 63°37'23" N., long. 169°55'52" W.)
ULL	VOR/DME	(Lat. 63°41'32" N., long. 170°28'12" W.)

T-250 BET to ULL [New]

BET	VOR/DME	(Lat. 60°47'05" N., long. 161°49'27" W.)
BANAT	WP	(Lat. 62°12'49" N., long. 165°40'01" W.)
ULL	VOR/DME	(Lat. 63°41'32" N., long. 170°28'12" W.)

T-231 FAI to OTZ [New]

FAI	VORTAC	(Lat. 64°48'00" N., long. 148°00'43" W.)
SIGME	WP	(Lat. 65°05'48" N., long. 149°30'00" W.)
ZUTUL	WP	(Lat. 66°28'24" N., long. 158°30'00" W.)
OTZ	VOR/DME	(Lat. 66°53'08" N., long. 162°32'24" W.)

T-252 OTZ to SCC [New]

OTZ	VOR/DME	(Lat. 66°53'08" N., long. 162°32'24" W.)
PERCI	WP	(Lat. 67°01'16" N., long. 162°06'40" W.)
WARRT	WP	(Lat. 69°21'10" N., long. 153°00'00" W.)
SCC	VOR/DME	(Lat. 70°11'57" N., long. 148°24'58" W.)

T-258 SHH to PHO [New]

SHH	NDB	(Lat. 66°15'29" N., long. 166°03'09" W.)
PHO	NDB	(Lat. 68°20'41" N., long. 166°47'51" W.)
T-233 EAV to AMF [New]		
EAV	NDB	(Lat. 66°53'36" N., long. 151°33'49" W.)
ENCOR	WP	(Lat. 66°55'58" N., long. 152°19'54" W.)
KORKY	WP	(Lat. 67°05'33" N., long. 157°00'01" W.)
AMF	NDB/DME	(Lat. 67°06'24" N., long. 157°51'29" W.)
T-256 GAL to BRW [New]		
GAL	VORTAC	(Lat. 64°44'17" N., long. 156°46'38" W.)
MEESE	WP	(Lat. 66°00'01" N., long. 156°46'44" W.)
NITTI	WP	(Lat. 67°00'01" N., long. 156°46'49" W.)
PANNT	WP	(Lat. 68°30'01" N., long. 156°46'58" W.)
OSSON	WP	(Lat. 69°35'59" N., long. 156°47'05" W.)
BRW	VOR/DME	(Lat. 71°16'24" N., long. 156°47'17" W.)
T-260 TNC to PHO [New]		
TNC	NDB/DME	(Lat. 65°33'43" N., long. 167°55'27" W.)
COGNU	WP	(Lat. 65°48'29" N., long. 167°50'06" W.)
PHO	NDB	(Lat. 68°20'41" N., long. 166°47'51" W.)
T-235 ATK to UQS [New]		
ATK	NDB	(Lat. 70°28'09" N., long. 157°25'39" W.)
UQS	NDB	(Lat. 70°12'45" N., long. 151°00'00" W.)
T-262 ODK to JOH [New]		
ODK	VORTAC	(Lat. 57°46'30" N., long. 152°20'23" W.)
WUXAN	WP	(Lat. 59°53'00" N., long. 149°00'00" W.)
JOH	VOR/DME	(Lat. 60°28'51" N., long. 146°35'58" W.)
T-264 ODK to MDO [New]		
ODK	VORTAC	(Lat. 57°46'30" N., long. 152°20'23" W.)
ZAXUM	WP	(Lat. 58°41'15" N., long. 147°53'26" W.)
MDO	VOR/DME	(Lat. 59°25'18" N., long. 146°21'00" W.)
T-237 HOM to MDO [New]		
HOM	VOR/DME	(Lat. 59°42'34" N., long. 151°27'24" W.)
WUXAN	WP	(Lat. 59°53'00" N., long. 149°00'00" W.)
MDO	VOR/DME	(Lat. 59°25'18" N., long. 146°21'00" W.)
T-239 GAM to ULL [New]		
GAM	NDB/DME	(Lat. 63°46'55" N., long. 171°44'12" W.)
ULL	VOR/DME	(Lat. 63°41'32" N., long. 170°28'12" W.)
T-266 CGL to FPN [New]		
CGL	NDB	(Lat. 58°21'33" N., long. 134°41'58" W.)
FPN	NDB	(Lat. 56°47'32" N., long. 132°49'15" W.)
T-268 FPN to ICK [New]		
FPN	NDB	(Lat. 56°47'32" N., long. 132°49'15" W.)
ICK	NDB	(Lat. 55°04'15" N., long. 131°36'18" W.)
T-241 LATCH to LVD [New]		
LATCH	WP	(Lat. 56°00'45" N., long. 134°35'54" W.)
LVD	VOR/DME	(Lat. 56°28'04" N., long. 133°04'59" W.)

* * * * *

Issued in Washington, DC, on March 7, 2005.
Ellen E. Crum,
Acting Manager, Airspace and Rules.
 [FR Doc. 05-4908 Filed 3-11-05; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2005-20551; Airspace Docket No. 04-AWP-8]

RIN 2120-AA66

Proposed Revision of VOR Federal Airway 363; CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revise VOR Federal Airway 363 (V-363) between the Mission Bay, CA, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) and the Pomona, CA, VORTAC. Specifically, the FAA is proposing this realignment to provide a southwestern route structure to circumnavigate the Camp Pendleton, CA, range complex.

DATES: Comments must be received on or before April 28, 2005.

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 the FAA Docket No. FAA-2005-20551 and Airspace Docket No. 04-AWP-8 at the beginning of your comments. You may also submit comments through the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules, Office of System Operations and Safety, 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-2005-20551 and Airspace Docket No. 04-ANM-8) 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 action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2005-20551 and Airspace Docket No. 04-AWP-8." 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 Web page at <http://www.gpoaccess.gov/fr/index.html>.

You may review the public docket containing the proposal, any comments received and any final disposition in person in 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, 15000 Aviation Boulevard, Hawthorne, CA 90261.

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

Southern California Terminal Radar Approach Control (TRACON) requested modification of V-363 to circumnavigate the Camp Pendleton restricted area 2503D. This action would avoid the entire Camp Pendleton, CA, range complex. This proposed action responds to that request.

Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 (part 71) to realign V-363. The proposed amendment would change the alignment of V-363 between the Pomona VORTAC and the Mission Bay VORTAC. This amendment would provide users with a routing that avoids the Camp Pendleton, CA, range complex.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p.389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9M, Airspace Designations and Reporting Points, dated August 30, 2004, and effective September 16, 2004, is amended as follows:

Paragraph 6010 Federal Airways.

* * * * *

V-363 [Revised]

From Mission Bay, CA; INT Mission Bay, CA, 341° and Santa Catalina, CA, 103° radials; to INT Santa Catalina, CA, 103° and Mission Bay, CA, 327° radials; to INT Mission Bay, CA, 327° and El Toro, CA, 172° radials; to INT El Toro, CA, 339° and Pomona, CA, 179° radials; to Pomona, CA.

* * * * *

Issued in Washington, DC, on March 3, 2005.

Edith V. Parish,

Acting Manager, Airspace and Rules.

[FR Doc. 05-4909 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

RIN 1212-AA55

Valuation of Benefits; Mortality Assumptions

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The Pension Benefit Guaranty Corporation proposes to amend its benefit valuation regulation by adopting more current mortality assumptions

(moving from a version of GAM-83 to a version of GAM-94). The updated mortality assumptions will better conform to those used by private-sector insurers in pricing group annuities.

DATES: Comments must be received on or before May 13, 2005.

ADDRESSES: Comments may be mailed or delivered to the Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026. Comments also may be submitted electronically through the PBGC's Web site at <http://www.pbgc.gov/regs>, or by fax to (202) 326-4112. The PBGC will make all comments available on its Web site, <http://www.pbgc.gov>. Copies of the comments may also be obtained by writing to the PBGC's Communications and Public Affairs Department at Suite 240 at the above address or by visiting that office or calling (202) 326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to (202) 326-4040.)

FOR FURTHER INFORMATION CONTACT: James J. Armbruster, Acting Director, or James L. Beller, Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, (202) 326-4024. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to (202) 326-4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations provide rules for valuing benefits in a single-employer plan that terminates in a distress or involuntary termination. (The rules are codified at 29 CFR part 4044, subpart B.) The PBGC uses these rules to determine: (1) The extent to which participants' benefits are funded under the allocation rules of ERISA section 4044, (2) whether a plan is sufficient for guaranteed benefits, and (3) how much an employer owes the PBGC as a result of a plan termination under ERISA section 4062. Employers must use these rules to determine the value of plan benefit liabilities in annual reports required to be submitted under ERISA section 4010, and may use these rules to ensure that plan spinoffs, mergers, and transfers comply with Internal Revenue Code section 414(I).

General Valuation Approach

The valuation rules prescribe a number of assumptions intended to produce reasonable valuation results on average for the range of plans terminating in distress or involuntary terminations, rather than for any particular plan or plan type.

Historically, the PBGC has matched, to the extent possible, the private-sector annuity market when prescribing assumptions for valuing benefits in a terminating plan.

To determine the market cost of providing annuity benefits, the PBGC has relied upon data from periodic surveys conducted for the PBGC by the American Council of Life Insurers (the ACLI surveys). These ACLI surveys ask insurers for pricing information on group annuities. Each respondent to the surveys provides its prices (net of administrative expenses) for a range of ages for immediate annuities (annuities where payments start immediately) and for deferred annuities (annuities where payments are deferred to age 65). Prices of each of the two types of annuities are averaged at each age to get an average market price. The PBGC then derives an interest factor that, when combined with the PBGC's healthy-life mortality assumptions, provides the best fit for the average market prices (as obtained from the ACLI surveys) over the entire range of ages. The interest factor is recalibrated to the annuity survey prices each year. Each month between recalibrations, the PBGC adjusts the interest factor based on changes in the yield on long-term corporate investment-grade bonds. The interest factor is then used in conjunction with the PBGC's mortality assumptions (and other PBGC assumptions) to value annuity benefits.

These derived interest factors are not market interest rates. The factors stand in for all the many components used in annuity pricing that are not reflected in the given mortality table—*e.g.*, assumed yield on investment, margins for profit and contingencies, premium and income taxes, and marketing and sales expenses. Because of the relationship among annuity prices, a mortality table, and the derived interest factors, it is never meaningful to compare PBGC's interest factors to market interest rates. The PBGC's interest factor is meaningful only in combination with the PBGC's mortality assumptions.

Mortality Assumptions

One set of assumptions prescribed by the valuation regulation relates to the probabilities that a participant (or beneficiary) will survive to each expected benefit payment date, *i.e.*, mortality assumptions. The mortality assumptions now used by the PBGC to value benefits for non-disabled ("healthy") participants are taken from the 1983 Group Annuity Mortality (GAM-83) Tables. The PBGC shifted to these tables in 1993, noting in its preamble to the proposed rule (at 58 FR

5129) that many private-sector insurers had shifted to the GAM-83 Tables when setting group annuity prices. The PBGC also said (at 58 FR 5129) that it intended "to keep each of its individual valuation assumptions in line with those of private-sector insurers, and to modify its mortality assumptions whenever it is necessary to do so to achieve consistency with the private insurer assumptions." The PBGC has not updated these mortality assumptions since 1993. (There is no reason to expect that the PBGC's mortality tables under this regulation will match the tables prescribed for certain funding purposes under Treasury Regulations at any point in time. The PBGC's mortality tables are based on the mortality experience of group annuitants. In contrast, the tables to be used for certain minimum funding purposes are based on the mortality experience of individuals covered by pension plans. Group annuitants, many of whom have chosen to receive their benefits as annuities rather than as lump sums, tend to have longer life expectancies than individuals covered by pension plans.)

As noted, the ACLI periodically conducts surveys, on behalf of the PBGC, of insurers who provide group annuity contracts for information on how they price group annuities. In addition to other pricing questions, the ACLI from time to time has asked for information on which mortality tables the insurers use when pricing group annuities in pension plans. A majority of respondents indicated that, as of March 31, 2002, they use a version of the 1994 Group Annuity Mortality Basic (GAM-94 Basic) Table and project future improvements in mortality with projection scale AA. Similarly, the Society of Actuaries sponsored a survey of pricing actuaries for insurers who provide group annuity contracts and found that five of the ten respondents used a version of the GAM-94 Table. *30-Year Treasury Rates and Defined Benefit Plans*, August 22, 2001, p. 5. That survey also found that most companies projected future improvements and that the most common projection scale was AA.

Based on these surveys, the PBGC proposes to use the GAM-94 Basic Table as the basis for the healthy-life mortality assumptions it uses for its valuation of plan benefits. Specifically, for a particular valuation, the PBGC would use the GAM-94 Basic Table projected to the year of that valuation plus 10 years using Scale AA. The updated mortality assumptions now being proposed will permit the PBGC to derive interest factors that, when combined with those updated mortality

assumptions, would enable the PBGC to match the ACLI survey prices more closely across the entire range of ages than had GAM-83 been used.

The PBGC is proposing to use a projected mortality table to take into account expected improvements in mortality. In order to avoid undue complexity, the PBGC proposes to use a projected static table rather than a generational table. (A generational table takes into account expected mortality improvements but in a far more complex manner than does a projected static table.) The projection would be to the year of valuation plus 10 years as a rough approximation for the duration of liabilities in plans that terminate in distress or involuntary terminations. For example, the probability of death for a 65-year old healthy male to be used in a valuation in 2005 would be calculated as follows: $.015629 \times (1 - .014)^{(2005 - 1994 + 10)} = .011624$. The PBGC would publish the projected mortality tables on its Web site (<http://www.pbgc.gov>).

Because of the way the PBGC determines its interest factors, the choice of mortality assumptions generally would have no significant effect on benefit valuations. The effect that a change in mortality assumptions would have on valuations is generally offset by the effect of the corresponding change in the PBGC's interest factors. For example, the proposed use of GAM-94 mortality assumptions would result in the PBGC's deriving higher interest factors than would the use of GAM-83 mortality assumptions (because GAM-94 has lower mortality rates than GAM-83). When those higher interest factors are combined with GAM-94, the resulting value for a given benefit would generally be about the same as it would have been had the PBGC used GAM-83 along with the lower interest factors derived from the ACLI surveys using GAM-83. (For a more detailed explanation, see the preambles to the PBGC's proposed rule published on January 19, 1993, at 58 FR 5128, and final rule published on September 28, 1993, at 58 FR 50812.)

In addition to the mortality assumptions for healthy individuals, the current regulation provides two other sets of mortality assumptions: (1) Those for participants who are disabled under a plan provision requiring eligibility for Social Security disability benefits (Social Security disabled participants), and (2) those for participants who are disabled under a plan provision that does not require eligibility for Social Security disability benefits (non-Social Security disabled participants).

As with the mortality assumptions for healthy individuals, the PBGC proposes

to update the mortality assumptions used for disabled participants. For Social Security disabled participants, the PBGC proposes to use the Mortality Tables for Disabilities Occurring in Plan Years Beginning After December 31, 1994, from Rev. Rul. 96-7 (1996-1 C.B. 59). These tables were developed by the Internal Revenue Service as required by the Retirement Protection Act of 1994 amendments relating to the determination of current liability. For non-Social Security disabled participants, the PBGC proposes to use the healthy life tables projected from 1994 to the calendar year in which the valuation date occurs plus 10 years using Scale AA and setting the resulting table forward three years. In addition, in order to prevent the rates at the older ages from exceeding the corresponding rates in the proposed table for Social Security disabled participants, the PBGC proposes to cap the mortality rate for non-Social Security disabled participants at the corresponding rate for Social Security disabled participants. For convenience, the PBGC would make all of these mortality tables (like the healthy-life mortality tables) available on its Web site (<http://www.pbgc.gov>).

The PBGC is also proposing a clarifying change to this regulation to reflect its practice of treating a participant as a disabled participant if on the valuation date the participant is under age 65 and has a benefit that was converted under the plan's terms from a disability benefit to an early or normal retirement benefit for any reason other than a change in the participant's health status. In developing this proposed rule, the PBGC considered the comments relating to its mortality assumptions that it received in response to its notice of intent to propose rulemaking issued on March 19, 1997 (62 FR 12982). The PBGC adopted a number of the suggestions made by commenters. For instance, one commenter suggested the PBGC should not adopt a reserving table (*i.e.*, a table that includes a built-in margin to provide a cushion for reserving purposes). Another commenter asked the PBGC to adopt a static table rather than a generational table. The tables proposed by PBGC are basic (nonreserve) static tables.

Several commenters asked the PBGC to provide mortality assumptions that vary depending on industry or workforce type or that vary on a plan-specific basis. The proposal does not adopt either of these approaches. As discussed above, the PBGC selects its mortality assumptions with the goal of achieving consistency with the mortality assumptions used by private-

sector insurers for pricing group annuity contracts. To this end, ACLI respondents were asked to identify the mortality tables they used and any variations to those tables. Neither the proposed GAM 94-Basic Table, the most commonly identified table, nor any of the other tables identified by the survey respondents provided mortality assumptions that vary depending on industry or workforce type. Moreover, none of the survey respondents reported that they make modifications or adjustments based on industry or workforce type. As for the use of plan-specific mortality assumptions, the PBGC's general valuation approach is to apply a common set of assumptions (*e.g.*, mortality, expected retirement age) to all plans with the goal of producing reasonable results *on average*. Shifting to a plan-specific approach for mortality would be a fundamental change that could require burdensome verification procedures. Therefore, the PBGC proposes to continue to use more general mortality assumptions that, like its other assumptions, produce reasonable results on average.

Other Changes to Valuation Regulation

The PBGC will continue to explore other ways to improve its benefit valuation regulations and may make other changes through separate rulemaking actions.

Compliance With Rulemaking Guidelines

The PBGC has determined, in consultation with the Office of Management and Budget, that this proposed rule is a "significant regulatory action" under Executive Order 12866. The Office of Management and Budget has therefore reviewed this proposed rule under Executive Order 12866. The Office of Management and Budget, therefore, has reviewed this proposed rule under Executive Order 12866.

The PBGC certifies under section 605(b) of the Regulatory Flexibility Act that this proposed rule would not have a significant economic impact on a substantial number of small entities. As explained earlier in this preamble, the effect on a plan valuation of the change in the PBGC's mortality assumptions will be offset by the effect on that plan's valuation of the PBGC's use of higher interest factors. Because of this offsetting effect, the PBGC does not expect this proposed rule to have a significant economic impact on a substantial number of entities of any size. Accordingly, sections 603 and 604 of the Regulatory Flexibility Act do not apply.

List of Subjects in 29 CFR Part 4044

Employee benefits plans, Pension insurance, Pensions.

For the reasons set forth above, the PBGC proposes to amend part 4044 of 29 CFR chapter XL as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, and 1362.

§ 4044.52 [Amended]

2. Amend § 4044.52 by adding the word “and” to the end of paragraph (c), removing paragraph (d), and redesignating paragraph (e) as paragraph (d).

3. Revise § 4044.53 to read as follows:

§ 4044.53 Mortality assumptions.

(a) *General rule.* Subject to paragraph (b) of this section (regarding certain death benefits), the plan administrator shall use the mortality factors prescribed in paragraphs (c), (d), (e), (f), and (g) of this section to value benefits under § 4044.52.

(b) *Certain death benefits.* If an annuity for one person is in pay status on the valuation date, and if the payment of a death benefit after the valuation date to another person, who need not be identifiable on the valuation date, depends in whole or in part on the death of the pay status annuitant, then the plan administrator shall value the death benefit using—

(1) The mortality rates that are applicable to the annuity in pay status under this section to represent the mortality of the pay status annuitant; and

(2) The mortality rates under paragraph (c) of this section to represent the mortality of the death beneficiary.

(c) *Healthy lives.* If the individual is not disabled under paragraph (f) of this section, the plan administrator will value the benefit using—

(1) For male participants, the rates in Table 1 of Appendix A to this part projected from 1994 to the calendar year in which the valuation date occurs plus 10 years using Scale AA from Table 2 of Appendix A to this part; and

(2) For female participants, the rates in Table 3 of Appendix A to this part projected from 1994 to the calendar year in which the valuation date occurs plus 10 years using Scale AA from Table 4 of Appendix A to this part.

(d) *Social Security disabled lives.* If the individual is Social Security disabled under paragraph (f)(1) of this

section, the plan administrator will value the benefit using—

(1) For male participants, the rates in Table 5 of Appendix A to this part; and

(2) For female participants, the rates in Table 6 of Appendix A to this part.

(e) *Non-Social Security disabled lives.*

If the individual is non-Social Security disabled under paragraph (f)(2) of this section, the plan administrator will value the benefit at each age using—

(1) For male participants, the lesser of—

(i) The rate determined from Table 1 of Appendix A to this part projected from 1994 to the calendar year in which the valuation date occurs plus 10 years using Scale AA from Table 2 of Appendix A to this part and setting the resulting table forward three years, or

(ii) The rate in Table 5 of Appendix A to this part.

(2) For female participants, the lesser of—

(i) The rate determined from Table 3 of Appendix A to this part projected from 1994 to the calendar year in which the valuation date occurs plus 10 years using Scale AA from Table 4 of Appendix A to this part and setting the resulting table forward three years, or

(ii) The rate in Table 6 of Appendix A to this part.

(f) *Definitions of disability.*

(1) *Social Security disabled.* A participant is Social Security disabled if, on the valuation date, the participant is less than age 65 and has a benefit in pay status that—

(i) Is being received as a disability benefit under a plan provision requiring either receipt of or eligibility for Social Security disability benefits, or

(ii) Was converted under the plan’s terms from a disability benefit under a plan provision requiring either receipt of or eligibility for Social Security disability benefits to an early or normal retirement benefit for any reason other than a change in the participant’s health status.

(2) *Non-Social Security disabled.* A participant is non-Social Security disabled if, on the valuation date, the participant is less than age 65, is not Social Security disabled, and has a benefit in pay status that—

(i) Is being received as a disability benefit under the plan, or

(ii) Was converted under the plan’s terms from a disability benefit to an early or normal retirement benefit for any reason other than a change in the participant’s health status.

(g) *Contingent annuitant mortality during deferral period.* If a participant’s joint and survivor benefit is valued as a deferred annuity, the mortality of the contingent annuitant during the deferral period will be disregarded.

4. Revise Appendix A to part 4044 to read as follows:

Appendix A To Part 4044—Mortality Rate Tables

The mortality tables in this appendix set forth for each age x the probability q_x that an individual aged x (in 1994, when using Table 1 or Table 3) will not survive to attain age $x + 1$. The projection scales in this appendix set forth for each age x the annual reduction AA_x in the mortality rate at age x .

TABLE 1.—MORTALITY TABLE FOR HEALTHY MALE PARTICIPANTS (94 GAM BASIC)

Age x	q_x
15	0.000371
16	0.000421
17	0.000463
18	0.000495
19	0.000521
20	0.000545
21	0.000570
22	0.000598
23	0.000633
24	0.000671
25	0.000711
26	0.000749
27	0.000782
28	0.000811
29	0.000838
30	0.000862
31	0.000883
32	0.000902
33	0.000912
34	0.000913
35	0.000915
36	0.000927
37	0.000958
38	0.001010
39	0.001075
40	0.001153
41	0.001243
42	0.001346
43	0.001454
44	0.001568
45	0.001697
46	0.001852
47	0.002042
48	0.002260
49	0.002501
50	0.002773
51	0.003088
52	0.003455
53	0.003854
54	0.004278
55	0.004758
56	0.005322
57	0.006001
58	0.006774
59	0.007623
60	0.008576
61	0.009663
62	0.010911
63	0.012335
64	0.013914
65	0.015629
66	0.017462
67	0.019391
68	0.021354
69	0.023364
70	0.025516

TABLE 1.—MORTALITY TABLE FOR HEALTHY MALE PARTICIPANTS (94 GAM BASIC)—Continued

Age x	q _x
71	0.027905
72	0.030625
73	0.033549
74	0.036614
75	0.040012
76	0.043933
77	0.048570
78	0.053991
79	0.060066
80	0.066696
81	0.073780
82	0.081217
83	0.088721
84	0.096358
85	0.104559
86	0.113755
87	0.124377
88	0.136537
89	0.149949
90	0.164442
91	0.179849
92	0.196001
93	0.213325
94	0.231936
95	0.251189
96	0.270441
97	0.289048
98	0.306750
99	0.323976
100	0.341116
101	0.358560
102	0.376699
103	0.396884
104	0.418855
105	0.440585
106	0.460043
107	0.475200
108	0.485670
109	0.492807
110	0.497189
111	0.499394
112	0.500000
113	0.500000
114	0.500000
115	0.500000
116	0.500000
117	0.500000
118	0.500000
119	0.500000
120	1.000000

TABLE 2.—PROJECTION SCALE AA FOR HEALTHY MALE PARTICIPANTS—Continued

Age x	AA _x
27	0.005
28	0.005
29	0.005
30	0.005
31	0.005
32	0.005
33	0.005
34	0.005
35	0.005
36	0.005
37	0.005
38	0.006
39	0.007
40	0.008
41	0.009
42	0.010
43	0.011
44	0.012
45	0.013
46	0.014
47	0.015
48	0.016
49	0.017
50	0.018
51	0.019
52	0.020
53	0.020
54	0.020
55	0.019
56	0.018
57	0.017
58	0.016
59	0.016
60	0.016
61	0.015
62	0.015
63	0.014
64	0.014
65	0.014
66	0.013
67	0.013
68	0.014
69	0.014
70	0.015
71	0.015
72	0.015
73	0.015
74	0.015
75	0.014
76	0.014
77	0.013
78	0.012
79	0.011
80	0.010
81	0.009
82	0.008
83	0.008
84	0.007
85	0.007
86	0.007
87	0.006
88	0.005
89	0.005
90	0.004
91	0.004
92	0.003
93	0.003
94	0.003
95	0.002
96	0.002

TABLE 2.—PROJECTION SCALE AA FOR HEALTHY MALE PARTICIPANTS—Continued

Age x	AA _x
97	0.002
98	0.001
99	0.001
100	0.001
101	0.000
102	0.000
103	0.000
104	0.000
105	0.000
106	0.000
107	0.000
108	0.000
109	0.000
110	0.000
111	0.000
112	0.000
113	0.000
114	0.000
115	0.000
116	0.000
117	0.000
118	0.000
119	0.000
120	0.000

TABLE 3.—MORTALITY TABLE FOR HEALTHY FEMALE PARTICIPANTS (94 GAM BASIC)

Age x	q _x
15	0.000233
16	0.000261
17	0.000281
18	0.000293
19	0.000301
20	0.000305
21	0.000308
22	0.000311
23	0.000313
24	0.000313
25	0.000313
26	0.000316
27	0.000324
28	0.000338
29	0.000356
30	0.000377
31	0.000401
32	0.000427
33	0.000454
34	0.000482
35	0.000514
36	0.000550
37	0.000593
38	0.000643
39	0.000701
40	0.000763
41	0.000826
42	0.000888
43	0.000943
44	0.000992
45	0.001046
46	0.001111
47	0.001196
48	0.001297
49	0.001408
50	0.001536
51	0.001686

TABLE 2.—PROJECTION SCALE AA FOR HEALTHY MALE PARTICIPANTS

Age x	AA _x
15	0.019
16	0.019
17	0.019
18	0.019
19	0.019
20	0.019
21	0.018
22	0.017
23	0.015
24	0.013
25	0.010
26	0.006

TABLE 3.—MORTALITY TABLE FOR HEALTHY FEMALE PARTICIPANTS (94 GAM BASIC)—Continued

Age x	q _x
52	0.001864
53	0.002051
54	0.002241
55	0.002466
56	0.002755
57	0.003139
58	0.003612
59	0.004154
60	0.004773
61	0.005476
62	0.006271
63	0.007179
64	0.008194
65	0.009286
66	0.010423
67	0.011574
68	0.012648
69	0.013665
70	0.014763
71	0.016079
72	0.017748
73	0.019724
74	0.021915
75	0.024393
76	0.027231
77	0.030501
78	0.034115
79	0.038024
80	0.042361
81	0.047260
82	0.052853
83	0.058986
84	0.065569
85	0.072836
86	0.081018
87	0.090348
88	0.100882
89	0.112467
90	0.125016
91	0.138442
92	0.152660
93	0.167668
94	0.183524
95	0.200229
96	0.217783
97	0.236188
98	0.255605
99	0.276035
100	0.297233
101	0.318956
102	0.340960
103	0.364586
104	0.389996
105	0.415180
106	0.438126
107	0.456824
108	0.471493
109	0.483473
110	0.492436
111	0.498054
112	0.500000
113	0.500000
114	0.500000
115	0.500000
116	0.500000
117	0.500000
118	0.500000
119	0.500000
120	1.000000

TABLE 4.—PROJECTION SCALE AA FOR HEALTHY FEMALE PARTICIPANTS

Age x	AA _x
15	0.016
16	0.015
17	0.014
18	0.014
19	0.015
20	0.016
21	0.017
22	0.017
23	0.016
24	0.015
25	0.014
26	0.012
27	0.012
28	0.012
29	0.012
30	0.010
31	0.008
32	0.008
33	0.009
34	0.010
35	0.011
36	0.012
37	0.013
38	0.014
39	0.015
40	0.015
41	0.015
42	0.015
43	0.015
44	0.015
45	0.016
46	0.017
47	0.018
48	0.018
49	0.018
50	0.017
51	0.016
52	0.014
53	0.012
54	0.010
55	0.008
56	0.006
57	0.005
58	0.005
59	0.005
60	0.005
61	0.005
62	0.005
63	0.005
64	0.005
65	0.005
66	0.005
67	0.005
68	0.005
69	0.005
70	0.005
71	0.006
72	0.006
73	0.007
74	0.007
75	0.008
76	0.008
77	0.007
78	0.007
79	0.007
80	0.007
81	0.007
82	0.007
83	0.007
84	0.007
85	0.006

TABLE 4.—PROJECTION SCALE AA FOR HEALTHY FEMALE PARTICIPANTS—Continued

Age x	AA _x
86	0.005
87	0.004
88	0.004
89	0.003
90	0.003
91	0.003
92	0.003
93	0.002
94	0.002
95	0.002
96	0.002
97	0.001
98	0.001
99	0.001
100	0.001
101	0.000
102	0.000
103	0.000
104	0.000
105	0.000
106	0.000
107	0.000
108	0.000
109	0.000
110	0.000
111	0.000
112	0.000
113	0.000
114	0.000
115	0.000
116	0.000
117	0.000
118	0.000
119	0.000
120	0.000

TABLE 5.—MORTALITY TABLE FOR SOCIAL SECURITY DISABLED MALE PARTICIPANTS

Age x	q _x
15	0.022010
16	0.022502
17	0.023001
18	0.023519
19	0.024045
20	0.024583
21	0.025133
22	0.025697
23	0.026269
24	0.026857
25	0.027457
26	0.028071
27	0.028704
28	0.029345
29	0.029999
30	0.030661
31	0.031331
32	0.032006
33	0.032689
34	0.033405
35	0.034184
36	0.034981
37	0.035796
38	0.036634
39	0.037493
40	0.038373

TABLE 5.—MORTALITY TABLE FOR SOCIAL SECURITY DISABLED MALE PARTICIPANTS—Continued

Age x	q _x
41	0.039272
42	0.040189
43	0.041122
44	0.042071
45	0.043033
46	0.044007
47	0.044993
48	0.045989
49	0.046993
50	0.048004
51	0.049021
52	0.050042
53	0.051067
54	0.052093
55	0.053120
56	0.054144
57	0.055089
58	0.056068
59	0.057080
60	0.058118
61	0.059172
62	0.060232
63	0.061303
64	0.062429
65	0.063669
66	0.065082
67	0.066724
68	0.068642
69	0.070834
70	0.073284
71	0.075979
72	0.078903
73	0.082070
74	0.085606
75	0.088918
76	0.092208
77	0.095625
78	0.099216
79	0.103030
80	0.107113
81	0.111515
82	0.116283
83	0.121464
84	0.127108
85	0.133262
86	0.139974
87	0.147292
88	0.155265
89	0.163939
90	0.173363
91	0.183585
92	0.194653
93	0.206615
94	0.219519
95	0.234086
96	0.248436
97	0.263954
98	0.280803
99	0.299154
100	0.319185
101	0.341086
102	0.365052
103	0.393102
104	0.427255
105	0.469531
106	0.521945
107	0.586518
108	0.665268
109	0.760215

TABLE 5.—MORTALITY TABLE FOR SOCIAL SECURITY DISABLED MALE PARTICIPANTS—Continued

Age x	q _x
110	1.000000

TABLE 6.—MORTALITY TABLE FOR SOCIAL SECURITY DISABLED FEMALE PARTICIPANTS

Age x	q _x
15	0.007777
16	0.008120
17	0.008476
18	0.008852
19	0.009243
20	0.009650
21	0.010076
22	0.010521
23	0.010984
24	0.011468
25	0.011974
26	0.012502
27	0.013057
28	0.013632
29	0.014229
30	0.014843
31	0.015473
32	0.016103
33	0.016604
34	0.017121
35	0.017654
36	0.018204
37	0.018770
38	0.019355
39	0.019957
40	0.020579
41	0.021219
42	0.021880
43	0.022561
44	0.023263
45	0.023988
46	0.024734
47	0.025504
48	0.026298
49	0.027117
50	0.027961
51	0.028832
52	0.029730
53	0.030655
54	0.031609
55	0.032594
56	0.033608
57	0.034655
58	0.035733
59	0.036846
60	0.037993
61	0.039176
62	0.040395
63	0.041653
64	0.042950
65	0.044287
66	0.045666
67	0.046828
68	0.048070
69	0.049584
70	0.051331
71	0.053268
72	0.055356
73	0.057573
74	0.059979

TABLE 6.—MORTALITY TABLE FOR SOCIAL SECURITY DISABLED FEMALE PARTICIPANTS—Continued

Age x	q _x
75	0.062574
76	0.065480
77	0.068690
78	0.072237
79	0.076156
80	0.080480
81	0.085243
82	0.090480
83	0.096224
84	0.102508
85	0.109368
86	0.116837
87	0.124948
88	0.133736
89	0.143234
90	0.153477
91	0.164498
92	0.176332
93	0.189011
94	0.202571
95	0.217045
96	0.232467
97	0.248870
98	0.266289
99	0.284758
100	0.303433
101	0.327385
102	0.359020
103	0.395842
104	0.438360
105	0.487816
106	0.545886
107	0.614309
108	0.694884
109	0.789474
110	1.000000

Issued in Washington, DC, this 8th day of March, 2005.

Bradley D. Belt,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 05-4950 Filed 3-11-05; 8:45 am]

BILLING CODE 7708-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-7883-6]

Tennessee: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Tennessee has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA proposes to grant final authorization to Tennessee for RCRA

Cluster XIII. In the “Rules and Regulations” section of this **Federal Register**, EPA is authorizing the changes by an immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble to the immediate final rule. Unless we get written comments which oppose this authorization during the comment period, the immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we get comments that oppose this action, we will withdraw the immediate final rule and it will not take effect. We will then respond to public comments in a later final rule based on this proposal. You may not have another opportunity for comment. If you want to comment on this action, you must do so at this time.

DATES: Send your written comments by April 13, 2005.

ADDRESSES: Submit your comments by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- *E-mail:* gleaton.gwen@epa.gov.
- *Fax:* (404) 562-8439 (prior to faxing, please notify the EPA contact listed below).
- *Mail:* Send written comments to Gwen Gleaton at the address listed below.

Instructions: Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov>, or e-mail. The Federal [regulations.gov](http://www.regulations.gov) Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comments. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit.

You can view and copy Tennessee’s applications from 8 a.m. to 4:30 p.m. at the following addresses: Tennessee Department of Environment and Conservation, Division of Solid Waste Management, 5th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1535; and EPA, Region 4, Library, 9th Floor, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-3104; (404) 562-8190.

FOR FURTHER INFORMATION CONTACT: Gwen Gleaton, RCRA Services Section,

RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Region 4, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-3104; (404) 562-8500.

SUPPLEMENTARY INFORMATION: For additional information, please see the immediate final rule published in the “Rules and Regulations” section of this **Federal Register**.

Dated: February 25, 2005.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.
[FR Doc. 05-4953 Filed 3-11-05; 8:45 am]

BILLING CODE 6560-50-P

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

45 CFR Part 1801

Scholar Accountability Policy

AGENCY: Harry S. Truman Scholarship Foundation.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Truman Scholarship Foundation (Foundation) proposes to amend its regulations with respect to Scholar accountability to the Foundation for scholarship funds received. This rule is to clarify existing Foundation policy. This is the second notice for public comment: the first was published in the **Federal Register** (January 21, 2005 70 FR 3178-3179), and no comments were received.

DATES: Submit comments on or before April 13, 2005.

ADDRESSES: Send comments to Louis H. Blair, Executive Secretary, Harry S. Truman Scholarship Foundation, 712 Jackson Place, NW., Washington, DC 20005 or send e-mail to lblair@truman.gov.

FOR FURTHER INFORMATION CONTACT: Louis Blair, Harry S. Truman Scholarship Foundation, 202-395-4831.

SUPPLEMENTARY INFORMATION: This proposed rule was developed by the Accountability Task Force, established at the Spring 2003 Board of Trustees Meeting. The Task Force researched and considered a number of options and recommended this rule to the Board of Trustees in Spring 2004. The Board adopted the recommendations of the Trustees and required the Foundation provide an implementation plan. This implementation plan was received and approved at the Fall 2004 Board Meeting.

List of Subjects in 45 CFR Part 1801

Grant Programs—education, Scholarships and fellowships.

For the reasons set forth in the preamble, the Foundation proposes to amend 45 CFR part 1801 as follows:

PART 1801—HARRY S. TRUMAN SCHOLARSHIP PROGRAM

1. The authority citation for part 1801 continues to read as follows:

Authority: Pub L. 93-642, 88 Stat. 2276 (20 U.S.C. 2001-2012).

2. Add § 1801.63 to read as follows:

§ 1801.63 Scholar Accountability

(a) A Scholar selected after January 2005 must be employed in public service for three of the seven years following completion of his or her Foundation funded graduate education.

(b) Following completion of Foundation funded graduate education, Scholars must submit a report to the Foundation by July 15 of each year. This report will include the Scholar’s current contact information as well as a brief description of his or her employment during the past twelve months. This reporting requirement ends when the Foundation determines that a Scholar has reported three years of public service employment and the Foundation notifies him or her that he or she no longer is required to submit reports. Scholars who fail for two consecutive years to submit the required report to the Foundation will be considered to have failed to complete the three year public service requirement of paragraph (a) of this section.

(c) A Scholar who fails to be employed in public service for three out of the first seven years following completion of his or her Foundation funded graduate education must repay to the Foundation an amount equal to:

- (1) All of the Scholarship stipends received,
- (2) Interest at the rate of 6% per annum from the date of receipt of each payment until repayment is made to the Foundation, and
- (3) Reasonable collection fees.

(d)(1) The repayment obligation of paragraph (c) of this section accrues on the first July 15 on which it becomes impossible for a Scholar to fulfill the three year public service requirement of paragraph (a) of this section. For example, July 15 of the sixth year following completion of Foundation funded graduate education for a Scholar who has been employed in the public service for only one of those six years.

(2) The Foundation will send to the Scholar’s last known address a notice

that his or her repayment obligation has accrued. The failure, however, of the Foundation to send, or the Scholar to receive, such a notice does not alter or delay the Scholar's repayment obligation.

(e) The Foundation may employ whatever remedies are available to it to collect any unpaid obligation accruing under this § 1801.63.

(f) Upon application by the Scholar showing good cause for doing so, the Foundation may waive or modify the repayment obligation established by paragraph (c) of this section.

(g) The Foundation will establish a process for appealing any disputes concerning the accrual of the repayment obligation imposed by paragraph (c) of this section. The Foundation will

publish on its Web site *http://www.truman.gov* information about this appeals process and other information pertinent to repayment obligations accruing under this § 1801.63.

Dated: March 9, 2005.

Louis H. Blair,

Executive Secretary.

[FR Doc. 05-4951 Filed 3-11-05; 8:45 am]

BILLING CODE 6820-AD-P

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 04–138–1]

Notice of Request for Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: New information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to initiate a new information collection activity to support the National Animal Health Monitoring System's national Equine 2005 study.

DATES: We will consider all comments that we receive on or before May 13, 2005.

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

- **EDOCKET:** Go to <http://www.epa.gov/feddoCKET> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the "View Open APHIS Dockets" link to locate this document.
- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 04–138–1, 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. 04–138–1.

Reading Room: You may read any comments that we receive on this docket 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 on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: For information on the Equine 2005 study, contact Mr. Chris Quatrano, Management Analyst, Centers for Epidemiology and Animal Health, VS, APHIS, 2150 Centre Avenue, Building B MS 2E6, Fort Collins, CO 80526; (970) 494–7107. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: National Animal Health Monitoring System; Equine 2005 Study.
OMB Number: 0579–XXXX.

Type of Request: Approval of a new information collection.

Abstract: The United States Department of Agriculture is responsible for protecting the health of our Nation's livestock and poultry populations by preventing the introduction and interstate spread of serious diseases and pests of livestock and for eradicating such diseases from the United States when feasible. In connection with this mission, the Animal and Plant Health Inspection Service (APHIS) operates the National Animal Health Monitoring System (NAHMS), which collects, on a national basis, statistically valid and scientifically sound data on the prevalence and economic importance of livestock and poultry disease risk factors.

NAHMS' national studies have evolved into a collaborative industry and government initiative to help determine the most effective means of preventing and controlling diseases of livestock. APHIS is the only agency responsible for collecting national data on livestock health. Participation in any NAHMS study is voluntary, and all data are confidential.

NAHMS will initiate a national study titled Equine 2005, consisting of two

components, to collect information on the U.S. equid population. An event component will take place at equine events such as sales, shows, and gatherings in six States: California, Colorado, Florida, Kentucky, New York, and Texas. Up to 60 events in each State will be surveyed to obtain information regarding the traceability of participating equids and to determine the health requirements and documentation required to enter and participate in these events. An on-farm component will take place in Alabama, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, Wisconsin, and Wyoming. These 28 States represent 78 percent of the U.S. horse and pony population and account for 78.8 percent of the farms with horses and ponies as reported by the 2002 Census of Agriculture. Up to 4,000 farms will be surveyed to determine health management factors related to the control of equine infectious diseases and to compare current data to data collected during the NAHMS Equine '98 study. APHIS will use this information to determine trends in equine health management relating to infection control. APHIS will analyze information from this study and prepare descriptive reports and information sheets that will be disseminated to animal health officials, equine owners, stakeholders, and academia.

We are asking the Office of Management and Budget (OMB) to approve the information collection activities for the national Equine 2005 study.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.9587156 hours per response.

Respondents: Event representatives at equine sales, shows, and gatherings; and farm owners with five or more equids.

Estimated annual number of respondents: 4,360.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 4,360.

Estimated total annual burden on respondents: 4,180 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 8th day of March 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05-4914 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 04-139-1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the payment of indemnity due to infectious salmon anemia.

DATES: We will consider all comments that we receive on or before May 13, 2005.

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

- **EDOCKET:** Go to <http://www.epa.gov/feddoCKET> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the "View Open APHIS Dockets" link to locate this document.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 04-139-1, 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. 04-139-1.

Reading Room: You may read any comments that we receive on this docket 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 on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: For information on the payment of indemnity due to infectious salmon anemia, contact Dr. Jill Rolland, Fishery Biologist, Certification and Control Team, National Center for Animal Health Programs, VS, APHIS, 4700 River Road, Unit 46, Riverdale, MD 20737; (301) 734-7727. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

SUPPLEMENTARY INFORMATION:

Title: Infectious Salmon Anemia; Payment of Indemnity.

OMB Number: 0579-0192.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is responsible for, among other things, preventing the interstate spread of serious diseases and pests of livestock within the United States and for eradicating such diseases and pests from the United States when feasible. In connection with this mission, APHIS

established regulations in 9 CFR part 53 to pay indemnity to salmon producers in Maine whose fish are destroyed because of infectious salmon anemia (ISA).

ISA is a foreign animal disease of Atlantic salmon, caused by an orthomyxovirus. The disease affects both wild and farmed Atlantic salmon. ISA poses a substantial threat to the economic viability and sustainability of salmon aquaculture in the United States.

In order to take part in the indemnity program, producers must enroll in the cooperative ISA control program administered by APHIS and the State of Maine. Program participants must inform the ISA Program Veterinarian in writing of the name of their accredited veterinarian; develop biosecurity protocols and a site-specific ISA action plan; submit fish inventory and mortality information; assist APHIS or State officials with on-site disease surveillance, testing, and biosecurity audits; and complete an appraisal and indemnity claim form.

Payment is subject to the availability of funding.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning this information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.*, permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 4 hours per response.

Respondents: Program participants (salmon producers) and their employees, accredited veterinarians, and State animal health officials

(including those who perform appraisals).

Estimated annual number of respondents: 160.

Estimated annual number of responses per respondent: 8.75.

Estimated annual number of responses: 1,400.

Estimated total annual burden on respondents: 5,600 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 8th day of March 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05-4915 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 04-142-1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with regulations to prohibit the importation of used farm equipment from regions affected with foot-and-mouth disease unless the equipment has been steam-cleaned prior to export to the United States.

DATES: We will consider all comments that we receive on or before May 13, 2005.

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

- **EDOCKET:** Go to <http://www.epa.gov/feddoCKET> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once you have entered EDOCKET, click on the "View

Open APHIS Dockets" link to locate this document.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 04-142-1, 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. 04-142-1.

Reading Room: You may read any comments that we receive on this docket 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 on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: For information on regulations for the export of used farm equipment to the United States from regions affected with foot-and-mouth disease, contact Dr. Arnaldo Vaquer, Senior Staff Veterinarian, Technical Trade Services Team, National Center for Import and Export, VS, 4700 River Road Unit 39, Riverdale, MD 20737; (301) 734-8074. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

SUPPLEMENTARY INFORMATION: *Title:* Importation of Used Farm Equipment From Regions Affected With Foot-and-Mouth Disease.

OMB Number: 0579-0195.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture is responsible for, among other things, regulating the importation into the United States of certain animals, animal products, and other articles to prevent the introduction of serious animal diseases and pests into the United States.

These regulations are contained in 9 CFR parts 92 through 98.

In part 94, § 94.1 prohibits the importation of used farm equipment into the United States from regions in which foot-and-mouth disease or rinderpest exists, unless the equipment

has been steam-cleaned prior to export to the United States so that it is free of exposed dirt and other particulate matter. Such equipment must be accompanied to the United States by an original certificate, signed by an authorized official of the national animal health service of the exporting region, stating that the farm equipment, after its last use and prior to export, was steam-cleaned free of all exposed dirt and other particulate matter.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.20 hours per response.

Respondents: Exporters of used farm equipment in FMD-affected regions, and national animal health service officials in FMD-affected regions.

Estimated annual number of respondents: 1,000.

Estimated annual number of responses per respondent: 10.

Estimated annual number of responses: 10,000.

Estimated total annual burden on respondents: 2,000 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 8th day of March 2005.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 05-4916 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—National School Lunch Program/School Breakfast Program Access, Participation, Eligibility, and Certification Study (APEC Study)

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Nutrition Service's intention to request Office of Management and Budget approval of the data collection instruments for the APEC study.

DATES: Written comments on this notice must be received by May 10, 2005, to be assured of consideration.

ADDRESSES: Comments may be sent to Alberta C. Frost, Director, Office of Analysis, Nutrition, and Evaluation, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate, automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval of the information collection. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection forms should be directed to Alberta C. Frost, (703) 305-2017.

SUPPLEMENTARY INFORMATION:

Title: National School Lunch Program/School Breakfast Program Access, Participation, Eligibility, and Certification Study (APEC study).

OMB Number: Not yet assigned.

Expiration Date: N/A.

Type of Request: New collection of information.

Abstract: The Improper Payments Information Act of 2002, Public Law 107-300, requires the United States Department of Agriculture (USDA) to identify and reduce erroneous payments in various programs, including the National School Lunch Program (NSLP) and School Breakfast Program (SBP). An OMB directive, issued May 21, 2003, states that an annual erroneous payment estimate is the gross (not net) total of both overpayments and underpayments, *i.e.*, the sum of the absolute value of overpayments and underpayments. To comply with the Improper Payments Information Act, USDA needs a reliable measure to estimate NSLP and SBP erroneous payments on an annual basis. Therefore, USDA is conducting a nationally representative study that will collect data from school districts and households in School Year 2005-2006 for calculating national estimates of certification and payment errors and provide overall national estimates of erroneous payments in NSLP and SBP that would be the gross of overpayments and underpayments. It would be cost prohibitive to conduct a large nationally representative study on a yearly basis. Therefore, estimation models will be developed that will utilize the data collected during this study, augmented with available extant data sources in future years to generate updated yearly estimates of overpayments, underpayments and overall erroneous payments in NSLP and SBP until the next large on-site data collection is undertaken.

In addition to the annual national erroneous payment estimate based on misclassification of participating students' school meal eligibility status, this study will also provide national estimates of payment errors due to the improper counting and claiming of meals served under the NSLP and the SBP. The on-site data collected for this study, including household characteristic data, will also be used for informing program access issues including barriers and deterrence to participation.

In School Year 2005-2006 on-site data collection activities will be conducted in a nationally representative sample of schools selected from school districts across the 48 contiguous States and the District of Columbia. Data to be collected will include school administrative records, household income from parents/guardians and other information that will inform this study. OMB approval will be requested for the data collection instruments to be used for the APEC study.

Respondents:

Respondents include: (a) State Child Nutrition Agency Directors; (b) School Food Service Directors; (c) school financial administrative staff; (d) school liaisons; and (e) households.

Estimated Number of Respondents:

Respondents include: (a) 51 State Child Nutrition Agency Directors; (b) 100 School Food Service Directors; (c) 360 school financial administrative staff; (d) 360 school liaisons; and (e) 5,300 households.

Estimated Number of Responses per Respondent: Multiple responses will be obtained from most respondents with the exception of the State Child Nutrition Agency Directors and 4,300 households, who will be interviewed once. One thousand households will be interviewed twice. School financial administrative staff and school liaisons will be providing the contractor's field staff the data or the access to administrative data on a recurring basis throughout the School Year.

Estimate of Burden:

Public reporting burden is estimated to range from 45 minutes for the household interview to 170 minutes for School Food Service Directors to complete fact sheets, provide claim data and be interviewed.

Estimated Total Annual Burden on Respondents: 5,525 hours.

(a) State Child Nutrition Agency Directors (51 × 90 minutes) = 76.5 hours; (b) School Food Service Directors (100 × 170 minutes) = 283.3 hours; (c) school financial administrative staff ((330 × 15 minutes + (360 × 60 minutes) + (360 × 15 minutes)) = 532.5 hours; (d) school liaisons ((300 × 30 minutes) + (30 × 15 minutes)) = 157.5 hours; and (e) households ((5,300 × 45 minutes) + (1,000 × 30 minutes)) = 4,475 hours.

Dated: March 8, 2005.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. 05-4968 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE**Forest Service****Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee**

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee will meet on Thursday, March 24, 2005, at the Red Lion Hotel, 1225 North Wenatchee Ave., Wenatchee, Washington. The meeting will begin at 9 a.m. and continue until 3 p.m. During this meeting we will share information on the Interstate Highway 90 expansion project, Forest Plan monitoring, Recreation Fee legislation, and new developments relating to the Northwest Forest Plan. All Eastern Washington Cascades and Yakima Province Advisory Committee meetings are open to the public.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801, 509-664-9200.

Dated: March 8, 2005.

Paul Hart,

Designated Federal Official, Okanogan and Wenatchee National Forests.

[FR Doc. 05-4927 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE**Forest Service****Siskiyou County Resource Advisory Committee**

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Siskiyou County Resource Advisory Committee will meet in Yreka, California, March 21, 2005. The meeting will include routine business, a discussion of larger scale projects, and the review and recommendation for implementation of submitted project proposals.

DATES: The meeting will be held March 21, 2005, from 4 p.m. until 7 p.m.

ADDRESSES: The meeting will be held at the Yreka High School Library, Preece Way, Yreka, California.

FOR FURTHER INFORMATION CONTACT: Bob Talley, RAC Coordinator, Klamath National Forest, (530) 841-4423 or electronically at rtalley@fs.fed.us.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Public comment opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: March 8, 2005.

Margaret J. Boland,

Designated Federal Official.

[FR Doc. 05-4928 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****Action Affecting Export Privileges; Gold Technology Limited; Hero Peak Limited; Joanna Liu; Oriental Trading Corporation; Portson Trading Limited; Sunford Trading Limited and Zhenke International Trading Co. Ltd.****Order Temporarily Denying Export Privileges**

Pursuant to Section 766.24 of the Export Administration Regulations ("EAR"), the Bureau of Industry and Security ("BIS"), U.S. Department of Commerce, through its Office of Export Enforcement ("OEE"), has requested that I issue an Order temporarily denying the export privileges under the EAR of the following:

- (1) Gold Technology Limited, Flat 23C, 97 High Street, Hong Kong;
- (2) Hero Peak Limited, Flat C, Block 4, 11/F Golden Bldg., 145 Fuk Wa Street, Sham Shui, Po, Kowloon, Hong Kong; and, Room D, 11/F, Fui Nam Building, 48-51 Connaught Road West, Hong Kong;
- (3) Joanna Liu, Flat 23C, 97 High Street, Hong Kong;
- (4) Oriental Trading Corporation, 1st Floor, Masco Plaza, Blue Area, P.O. Box 2879, Islamabad, Pakistan;
- (5) Portson Trading Limited, Room D, 8/F, 217-223 Tung Choi Street, Mongkok, Kowloon, Hong Kong; and, Room 709 Wing Shan Tower, 173 Des Voeux Road Central, Hong Kong; and, Room 2208, 22/F, 118 Connaught Road West, Hong Kong;
- (6) Sunford Trading Limited, Room 2208, 22/F, 118 Connaught Road West, Hong Kong;
- (7) Zhenke International Trading Co. Ltd., Tianjin Port Free Trade Zone, Room 801, Gold Beauty Building, No. 88, Haibain 8 Road, TPFTZ, Tianjin, People's Republic of China;

(hereinafter collectively referred to as the "Respondents").

In its request, BIS has presented evidence that indicates that the Respondents have conspired with others, known and unknown, to cause items subject to the EAR to be illegally exported to Pakistan, that they caused exports of items controlled for nuclear non-proliferation reasons to Pakistan

with knowledge that violations of the EAR would occur, and that they took actions intended to evade the EAR.

I find the evidence presented by BIS demonstrates that the Respondents have in the past conspired to undertake acts that violate the EAR, that such violations have been deliberate and covert, and that there is a strong likelihood of future violations, particularly given the nature of the transactions and the elaborate steps that have been taken by Respondents to avoid detection by the U.S. government while knowing that their actions were in violation of the EAR. As such, a Temporary Denial Order ("TDO") is needed to give notice to persons and companies in the United States and abroad that they should cease dealing with the Respondents in export transactions involving items subject to the EAR. Such a TDO is consistent with the public interest to preclude future violations of the EAR.

Accordingly, I find that a TDO naming the Respondents is necessary, in the public interest, to prevent an imminent violation of the EAR. This Order is issued on an *ex parte* basis without a hearing based upon BIS's showing of an imminent violation.

It is therefore ordered:

First, that the Respondents, at the addresses listed above (collectively the "Denied Persons"), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Export Administration Regulations ("EAR"), or in any other activity subject to the EAR, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or in any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Persons any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Persons of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Persons acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Persons of any item subject to the EAR that has been exported from the United States;

D. Obtain from the Denied Persons order in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Persons, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Persons if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to any of the Respondents by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

Fifth, that in accordance with the provisions of Section 766.24(e) of the EAR, the Respondents may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

Sixth, that in accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. The Respondents may oppose a request to renew this Order by filing a

written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

Seventh, that a copy of this Order shall be served on the Respondents and shall be published in the **Federal Register**.

Eighth, that this Order is effective upon publication in the **Federal Register** and shall remain in effect for 180 days.

Entered this 8th day of March, 2005.

Wendy L. Wysong,

Acting Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 05-4877 Filed 3-11-05; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-832]

Notice of Extension of Final Results of Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod From Brazil

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 14, 2005.

FOR FURTHER INFORMATION CONTACT:

Constance Handley or David Neubacher, at (202) 482-0631 or (202) 482-5823, respectively; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue (1) the preliminary results of a review within 245 days after the last day of the month in which occurs the anniversary of the date of publication of an order or finding for which a review is requested, and (2) the final results within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within that time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary results to a maximum of 365 days and the final results to a maximum of 180 days (or 300 days if the Department does not extend the time limit for the preliminary results) from the date of the publication of the

preliminary results. *See also* 19 CFR 351.213(h)(2).

Extension of Final Results of Reviews

We determine that it is not practicable to complete the final results of this review within the original time limits. Due to the complexity of issues present in this administrative review, such as the issues of affiliation and adverse facts available, the Department needs more time to address these items and evaluate the issues more thoroughly. The Department also needs more time to address issues raised in the formal scope inquiry that was initiated in conjunction with the administrative review on the exclusion of Grade 1080 Tire Cord Quality Wire Rod and Tire Bead Quality Wire Rod. Therefore, we are extending the deadline for the final results of the above-referenced review by 60 days. This 60-day extension of the final results falls on Saturday, May 7, 2005; therefore, the final results will be issued no later than the first business day thereafter, Monday, May 9, 2005.

This extension is in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Dated: March 8, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E5-1066 Filed 3-11-05; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

(A-580-816)

Notice of Final Results of the Tenth Administrative Review and New Shipper Review of the Antidumping Duty Order on Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On September 7, 2004, the Department of Commerce (the Department) published the preliminary results of the antidumping duty administrative review and antidumping duty new shipper review for certain corrosion-resistant carbon steel flat products (CORE) from the Republic of Korea (*Preliminary Results*). This review covers four manufacturers and exporters of the subject merchandise: Union Steel Manufacturing Co., Ltd. (Union); Pohang Iron & Steel Company, Ltd. (POSCO), Pohang Coated Steel Co., Ltd. (POCOS), and Pohang Steel Industries

Co., Ltd. (PSI) (collectively, POSCO); Dongbu Steel Corporation, Ltd. (Dongbu); and Dongshin Special Steel Co., Ltd. (Dongshin).¹ The period of review (POR) is August 1, 2002, through July 31, 2003. In response to a request from Hyundai Hysco (HYSCO), the Department is also conducting a new shipper review. The POR for the new shipper review is also August 1, 2002, through July 31, 2003.

As a result of our analysis of the comments received, these final results differ from the preliminary results. For our final results, we have found that during the POR POSCO sold subject merchandise at less than normal value (NV). We have also found that Union, Dongbu, and HYSCO did not make sales of the subject merchandise at less than NV (i.e., they have “zero” or de minimis dumping margins). Regarding Dongshin, because it failed to respond to the Department’s questionnaire, we preliminarily determined to resort to adverse facts available and assigned to Dongshin the all others rate in effect for this order (17.70 percent), which is the highest margin upheld in this proceeding. See *Preliminary Results*, 69 FR at 54104. Since the publication of the *Preliminary Results*, we have not received any comments from interested parties that would warrant reconsideration of our finding. Therefore, we have continued to assign a rate of 17.70 percent to Dongshin. The final results are listed in the “Final Results of Review” section below. Furthermore, we rescinded the request for review of the antidumping order for SeAH Steel Corporation (SeAH) because neither SeAH nor its affiliates had exports or sales of subject merchandise to the United States during the POR. For more information, see *Corrosion-Resistant Carbon Steel Flat Products from Korea: Partial Rescission of Antidumping Duty Administrative Review*, 69 FR 25059 (May 5, 2004) (*Partial Rescission of CORE*).

EFFECTIVE DATE: March 14, 2005.

¹ On May 5, 2004, the Department rescinded the review of SeAH Steel Corporation (SeAH) because neither SeAH nor its affiliates had exports or sales of the subject merchandise to the United States during the POR. See *Corrosion-Resistant Carbon Steel Flat Products from Korea: Partial Rescission of Antidumping Duty Administrative Review*, 69 FR 25059 (May 5, 2004). On June 22, 2004, the Department published a correction regarding its rescission of the review of SeAH. See *Corrosion-Resistant Carbon Steel Flat Products from Korea: Partial Rescission of Antidumping Duty Administrative Review*, 69 FR 34646, in which the Department addressed a comment from petitioners that it inadvertently failed to address in the March 4, 2004, rescission notice. Upon review of petitioners’ additional comment, the Department determined to continue to rescind the review of SeAH. *Id.* at 34647.

FOR FURTHER INFORMATION CONTACT: Martin Claessens (Union), Preeti Tolani (Dongbu), Lyman Armstrong (POSCO), and Joy Zhang (HYSCO) at (202) 482–5451, (202) 482–0395, (202) 482–3601, and (202) 482–1168, respectively; AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2004, the Department of Commerce published the *Preliminary Results of Antidumping Duty Administrative Review and Antidumping Duty New Shipper Review for Certain Corrosion-resistant Carbon Steel Flat Products from the Republic of Korea*, 69 FR 54101 (September 7, 2004). On October 29, 2004, the Department published the notice of extension of final results of the antidumping administrative review of corrosion-resistant carbon steel flat products from Korea, extending the date for these final results to March 7, 2005. See *Corrosion Resistant Carbon Steel Flat Products from Korea: Extension of Time Limits for the Final Results of Antidumping Administrative Review and New Shipper Review*, 69 FR 63140.

From November 8 through November 19, 2004, the Department conducted the cost verification of POSCO in Pohang, South Korea, and the sales verification in Seoul, South Korea. The constructed export price (CEP) verification was conducted at POSAM’s headquarters in Fort Lee, New Jersey, on January 13 and 14, 2005. The Department conducted the cost and sales verification of Union in Seoul, South Korea, from November 10 through November 23, 2004, and the CEP verification was conducted at the Torrance, California, facility of Dongkuk International, Inc. on January 25 and 26, 2005. The Department conducted the cost and sales verification of Dongbu in Seoul, South Korea, from January 11 through January 21, 2005, and the CEP verification was conducted at the Torrance, California, facility of Dongbu’s subsidiary, Dongbu USA Incorporated on January 27 and January 28, 2005. From January 10 through January 21, 2005, the Department conducted the sales verification of HYSCO in Seoul, South Korea and the cost verification at HYSCO’s plant in Suncheon, South Korea.

Comments from Interested Parties

We invited parties to comment on our *Preliminary Results*. On February 11, 2005, United States Steel Corporation (US Steel) filed case briefs, concerning

POSCO and Union, and International Steel Group (ISG) filed a case brief concerning POSCO, Union, Dongbu, and HYSCO.² POSCO and Union, each filed case briefs on February 11, 2005. On February 16, 2005, US Steel and ISG submitted rebuttal briefs concerning POSCO, and Union, Dongbu, and HYSCO also submitted rebuttal briefs. On February 18, 2005, a public hearing was held at the Department with respect to POSCO, Union, Dongbu, and HYSCO.

Scope of the Order

This order covers cold-rolled (cold-reduced) carbon steel flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090. Included in this order are corrosion-resistant flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (i.e., products which have been “worked after rolling”) for example, products which have been beveled or rounded at the edges. Excluded from this order are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (“terne plate”), or both

² US Steel and ISG are petitioners in this segment of the proceeding.

chromium and chromium oxides (“tin-free steel”), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating. Also excluded from this order are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness. Also excluded from this order are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%-60%-20% ratio.

These HTSUS item numbers are provided for convenience and customs purposes. The written descriptions remain dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal brief by parties to these administrative reviews are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the Issues and Decision Memorandum, is attached to this notice as an Appendix. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Final Results of Review

We determine that the following weighted-average margins exist:

Producer/Manufacturer	Weighted-Average Margin
Dongbu	0.33 <i>de minimis</i>
Union	0.36 <i>de minimis</i>
POSCO	2.34
HYSKO	0.00
Dongshin	17.70%

Assessment

The Department will determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to 19 CFR 351.212(b). The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject

merchandise by that importer. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results.

Cash Deposit Requirements

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of CORE from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results, as provided by section 751(a) of the Tariff Act of 1930, as amended (the Act): (1) for companies covered by this review, the cash deposit rate will be the rate listed above; (2) for previously reviewed or investigated companies other than those covered by this review, the cash deposit rate will be the company-specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the investigation, but the producer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the producer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 17.70 percent, the “All Others” rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402 (f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent increase in antidumping duties by the amount of antidumping duties reimbursed.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with

sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 7, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

APPENDIX I

List of Comments and Issues in the Decision Memorandum

General Issues:

Comment 1: Whether the Department Should Request Further Information and Change its Model-Match Methodology
Comment 2: Whether Expenses Incurred by Parent Companies in Korea for Activities Performed There Should Be Treated as Constructed Export Price (CEP) Selling Expenses
Comment 3: Whether POSCO and Dongbu Have Provided Sufficient Evidence to Make a Case for the Department to Allow CEP Offsets
Comment 4: Whether the Department Should Modify its Existing Criteria for Adjusting U.S. Prices for Drawback and Restate or Disallow Respondents’ Drawback Adjustments
Comment 5: Whether the Department Should Deduct “Safeguard Duties” When Calculating United States Prices

Company-Specific Issues:

Dongbu

Comment 1: Whether the Department Should Exclude Certain Low-priced Home Market Sales from Dongbu’s Database
Comment 2: Whether the Department Should Recalculate Dongbu’s Credit Expenses on Home Market Sales Denominated in U.S. Dollars
Comment 3: Whether the Department Should Reallocate Dongbu’s Home Market Indirect Selling Expenses on the Basis of Sales
Comment 4: Whether the Department Should Recalculate Dongbu’s U.S. Interest Revenue Based on a 365-day Year
Comment 5: Whether the Department Should Use Dongbu’s Standard Costs plus POR Variances or Historical Costs Adjusted for Inflation in Order to Calculate the Cost of Production of Merchandise Sold but Not Produced During the POR

POSCO

Comment 6: Whether the Department Should Exclude POSCO’s “Unusual” U.S. Sale from its Margin Calculation Or, Alternatively, Treat it as Non-prime
Comment 7: Whether the Department Should Adjust POSCO’s Reported Duty Drawback
Comment 8: Whether the Department Should Recalculate POSCO’s Credit

Expense to Take into Account On-invoice Rebates

Comment 9: Whether the Department Should Revise POSCO's General and Administrative Selling (G&A) Expense Ratio

Comment 10: Whether the Department Should Revise POSCO's Interest Expense Ratio

Comment 11: Whether the Department Should Re-Calculate POSAM's U.S. Indirect Selling Expense (ISE)

Comment 12: Whether the Department Should Calculate POSAM's Net Interest Expense and Add it to POSAM's U.S. Indirect Selling Expense

Comment 13: Whether Department Should Re-Calculate POSCO's U.S. Credit Expense

Comment 14: Ministerial Errors with Respect to POSCO's Overrun Sales and Seconds

Comment 15: Whether the Department Should Adjust POSCO's Home Market Interest Revenue

Union

Comment 16: Whether Union's Scrap Offsets Include Value Added Tax (VAT)

Comment 17: Whether Union Reimbursed Dongkuk International, Inc. for Antidumping Duties

Comment 18: Ministerial Errors for Union

Comment 19: Union's U.S. Indirect Selling Expenses - Commission Sales

Comment 20: Union's U.S. Indirect Selling Expenses - Slab and Scrap Revenue

Comment 21: Union's Treatment of Bad Debt Expenses

Comment 22: Union's Net U.S. Interest Expense

Comment 23: Whether to Use Partial Facts Available for Union - Freight Costs

HYSCO

Comment 24: Whether the Department Should Treat HYSCO's U.S. After-Sale Technical Service as a Direct Selling Expense

Comment 25: Whether HYSCO Failed to Report Warehousing Expenses for Its U.S. Sales

Comment 26: Whether HYSCO Fails to Report U.S. Commissions

Comment 27: Whether HYSCO Misreported its Home Market Indirect Selling Expenses

Comment 28: Whether the Department Should Treat Certain HYSCO's Local Sales as U.S. Sales

Comment 29: Whether the Department Should Recalculate HYSCO's Costs by Applying Different Production Yields [FR Doc. E5-1065 Filed 3-11-05; 8:45 am]

BILLING CODE: 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review application No. 00-1A002.

SUMMARY: The Department of Commerce issued an Export Trade Certificate of Review (Certificate) to the CONSOL Energy Inc. (Consol) on February 16, 2004. This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT:

Jeffrey C. Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number) or e-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (2003). The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305 (a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate: Consol's original Certificate was issued on June 30, 2000 (65 FR 43738, July 14, 2000). Consol's Certificate has been amended as follows:

(1) The following company has been added as a "Member" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): X Coal Energy & Resources, Latrobe, PA.

Dated: March 7, 2005.

Jeffrey C. Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E5-1064 Filed 3-11-05; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 030205B]

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: NMFS will hold 12 public hearings in Maine, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina, and Florida in March and April 2005 for the purpose of answering questions and receiving public testimony on the Atlantic Large Whale Take Reduction Plan (ALWTRP) draft environmental impact statement (DEIS).

DATES: See **SUPPLEMENTARY INFORMATION** under the heading "Hearing Dates, Times, and Locations" for the dates and locations of the public hearings.

FOR FURTHER INFORMATION CONTACT:

Diane Borggaard, NMFS, Northeast Region, 978-281-9300 ext. 6503; Barb Zoodsma, NMFS, Southeast Region, 904-321-2806; or Kristy Long, NMFS, Office of Protected Resources, 301-713-2322.

SUPPLEMENTARY INFORMATION: On February 25, 2005, the Environmental Protection Agency (EPA) published a Notice of Availability in the **Federal Register** announcing the availability of the DEIS for public review and comment. The public comment period on the DEIS is from February 25, 2005 to April 26, 2005. The public has the opportunity to submit comments on the document by any one of the following methods:

(1) NMFS/Northeast Region Website: <http://www.nero.noaa.gov/nero/regs/com>. Follow the instructions on the website for submitting comments.

(2) E-mail: whaledeis.comments@noaa.gov.

(3) Mail: Mary Colligan, Assistant Regional Administrator for Protected Resources, NMFS, Northeast Region, 1 Blackburn Dr., Gloucester, MA 01930, ATTN: ALWTRP DEIS.

(4) Facsimile (fax) to: 978-281-9394, ATTN: ALWTRP DEIS.

(5) Public hearings: submit oral comments at one of the DEIS public hearings.

NMFS has scheduled 12 public hearings on the DEIS. The purpose of

these hearings is to provide an opportunity for the public to ask questions on the DEIS, as well as to submit formal oral testimony on the document during the comment period. Information on these hearings can also be found on the ALWTRP website at <http://www.nero.noaa.gov/whaletrp/>.

Hearing Dates, Times, and Locations

The dates, times, and locations of the hearings are as follows:

Monday, March 14, 2005 – Virginia Beach, VA 6–9 p.m. — Sheraton Oceanfront, 3501 Atlantic Ave, Virginia Beach, VA 23451

Tuesday, March 15, 2005 – Kill Devil Hills, NC 6–9 p.m. — Ramada Plaza/ Nag's Head Beach, 1701 S. Virginia Dare Trail, Kill Devil Hills, NC 27948

Wednesday, March 16, 2005 – Wilmington, NC 6–9 p.m. — Ramada Inn Conference Center, 5001 Market Street, Wilmington, NC 28405

Monday, March 21, 2005 – Barnegat Light, NJ 6–9 p.m. — Barnegat Light Volunteer Fire House, W. 10 Street & Central Avenue, Barnegat Light, NJ 08006

Tuesday, March 22, 2005 – Ocean City, MD 6–9 p.m. — Clarion Resort Fontainebleau Hotel, 10100 Coastal Highway, Ocean City, MD 21842

Wednesday, March 23, 2005 – Cape Canaveral, FL 6–9 p.m. — Radisson Resort at the Port, 8701 Astronaut Boulevard, Cape Canaveral, FL 32920

Monday, March 28, 2005 – Plymouth, MA 6–9 p.m. — Radisson Hotel - Plymouth Harbor, 180 Water Street, Plymouth, MA 02360

Tuesday, March 29, 2005 – Newport, RI 6–9 p.m. — Hotel Viking, 1 Bellevue Avenue, Newport, RI 02840

Thursday, March 31, 2005 – Gloucester, MA 6–9 p.m. — Massachusetts Division of Marine Fisheries, 30 Emerson Ave, Gloucester, MA 01930

Monday, April 4, 2005 – Ellsworth, ME 6–9 p.m. — Holiday Inn, 215 High Street, Ellsworth, ME 04605

Tuesday, April 5, 2005 – Rockport, ME 6–9 p.m. — Samoset Resort, 220 Warrenton Street, Rockport, ME 04856

Thursday, April 7, 2005 – Portland, ME 6–9 p.m. — Holiday Inn By the Bay, 88 Spring Street, Portland, ME 04101

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Diane Borggaard at 978–281–9300 ext. 6503 at least 7 working days prior to the hearing date.

Dated: March 7, 2005.

Donna S. Wieting,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.
[FR Doc. 05–4984 Filed 3–11–05; 8:45 am]

BILLING CODE 3510–22–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the “Corporation”), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning a self assessment tool: “My Improvement Plan”. This is a tool we are planning on launching in conjunction with new rules for AmeriCorps. “My Improvement Plan,” is designed to strengthen the Corporation’s accountability in cost effectively developing grantee core management competencies (such as financial and grants management, resource and fund development, performance measurement and evaluations, etc.) and achieving targeted results.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 13, 2005.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service, Office of Leadership Development and Training; Attention Mr. David Bellama, Associate Director, Room 9623; 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation’s mailroom at Room 6010 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) *By fax to:* (202) 208–4151, Attention Mr. David Bellama, Associate Director.

(4) *Electronically through the Corporation’s e-mail address system:* dbellama@cns.gov.

FOR FURTHER INFORMATION CONTACT:

David Bellama, (202) 606–5000, ext. 483, or by e-mail at dbellama@cns.gov.

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background: Since mid-2003, the Corporation has invested heavily in developing this program management tool in collaboration with ETR Associates and the RGK Center for Philanthropy and Community Service at the University of Texas. “My Improvement Plan” is a valid and reliable assessment tool targeted for use by all CNCS grantees. Individuals working with the Corporation’s AmeriCorps, Senior Corps and Learn and Serve programs will complete competence self-assessment questions on-line, generate their individual learning plans and be linked to relevant training and technical assistance (T/TA) resources. Individual responses will be anonymous. However, the system will aggregate user responses nationally and by state. This tool will drive the Corporation’s knowledge management system, enabling program officers and T/TA providers to assess grantee needs, target and deliver T/TA, track and report on users’ progress in acquiring core competencies. The development of

these core competencies will enable grantees to meet the Corporation's compliance requirements and build service organizations that deliver projected results.

The tool will be available online at <http://www.nationalservice.org/resources> for use by grantees and interested members of the public. Users will complete the tool online and will be provided with a report on their overall strengths and weaknesses. Online T/TA tools will be suggested for their use. We plan to fully utilize the tool's capacity for aggregating state-wide, regional and national level data on grantee T/TA needs and progress. This data will be used to analyze the overall strengths and weaknesses of grantee projects in order to better focus T/TA efforts and maximize return on T/TA investment.

Current Action: The Corporation is seeking approval of the self assessment tool entitled My Improvement Plan: A Self Assessment Tool for Project Management. The self assessment tool consists of a pre-assessment tool and questions relating to 10 building blocks. The pre-assessment tool has 36 screening questions that help users determine the building blocks they should address. The building blocks cover the following topics: Board and advisory leadership, organizational culture, community collaboration, program accountability, financial management, staffing and management, marketing and communication, infrastructure, volunteer management, and service-learning.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: My Improvement Plan: A Self Assessment Tool for Project Management.

OMB Number: None.

Agency Number: None.

Affected Public: Current grantees and interested public.

Total Respondents: 4,000.

Frequency: Once a year.

Average Time Per Response: 3 minutes.

Estimated Total Burden Hours: 12,000 hours per year.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 8, 2005.

Gretchen Van Der Veer,

Director, Office of Leadership Development and Training.

[FR Doc. 05-4898 Filed 3-11-05; 8:45 am]

BILLING CODE 6050-SS-P

DEPARTMENT OF DEFENSE

Department of the Air Force

Air University Board of Visitors

AGENCY: Department of the Air Force.

ACTION: Notice of meeting.

The Air University Board of Visitors will hold an open meeting on 10-13 April 2005. The first business session of each meeting will begin in the 19th Air Forces Commander's Conference Room, Randolph Air Force Base TX (5 seats available). The purpose of the meeting is to give the board an opportunity to review Air University educational programs and to present to the Commander, a report of their findings and recommendations concerning these programs.

For further information on this meeting, contact Dr. Dorothy Reed, Chief of Academic Affairs, Air University Headquarters, Maxwell Air Force Base, Alabama 36112-6335, (334) 953-5159.

Albert Bodnar,

Air Force Federal Register Liaison Officer.

[FR Doc. 05-4930 Filed 3-11-05; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF DEFENSE

Department of the Air Force

AFIT Subcommittee of the Air University Board of Visitors

ACTION: Notice of meeting.

The Air Force Institute of Technology Subcommittee of the Air University Board of Visitors will hold an open meeting on 13-15 March 2005, with the first business session beginning at 0830 in the Superintendent's Conference Room, Building 642, Wright-Patterson Air Force Base, Ohio (5 seats available).

The purpose of the meeting is to give the board an opportunity to review Air Force Institute of Technology's educational programs and to present to the Commandant a report of their findings and recommendations concerning these programs.

For further information on this meeting, contact Ms. Beverly Houtz, Academic Affairs Office, Air Force

Institute of Technology, (937) 255-6565 ext 4424.

Albert F. Bodnar,

Air Force Federal Register Liaison Officer.

[FR Doc. 05-4931 Filed 3-11-05; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92-463, notice is hereby given of the forthcoming meeting of the Air Force Scientific Advisory Board. The purpose for this meeting is to provide SAB Members with operational appreciation of USAF activities and to allow discussion time for the five approved fiscal year 2005 studies. The studies are: "Automatic Target Recognition", "Domain Integrations", "System of Systems Engineering", "Air Force Operations in Urban Environments", and "Near Space". Because classified and contractor-proprietary information will be discussed, this meeting will be closed to the public.

DATES: 12-14 April 2005.

ADDRESSES: Building 1, Peterson Air Force Base, Colorado Springs, CO 80914-3808.

FOR FURTHER INFORMATION CONTACT: Major Mike Walker, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington, DC 20330-1180, (703) 697-4811.

Albert Bodnar,

Air Force Federal Register Liaison Officer.

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DEPARTMENT OF EDUCATION

Office of Innovation and Improvement (OII) Overview Information, Ready-To-Learn Television Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.295A and 84.295B.

Dates: Applications Available: March 15, 2005.

Deadline for Notice of Intent to Apply: April 13, 2005.

Deadline for Transmittal of Applications: May 13, 2005.

Deadline for Intergovernmental Review: July 12, 2005.

Eligible Applicants: To receive a cooperative agreement under this competition, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

(A) A capacity to develop and nationally distribute educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children;

(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality;

(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products; and

(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

Note: The term *public telecommunications entity* means any enterprise which (a) is a public broadcast station or a noncommercial telecommunications entity; and (b) disseminates public telecommunications services to the public.

Estimated Available Funds:
\$23,312,000.

Estimated Range of Awards:
Programming Projects—\$10,000,000—\$20,000,000; Outreach Project—\$2,000,000—\$4,000,000.

Estimated Average Size of Awards:
Programming Projects—\$10,000,000;
Outreach Project—\$3,500,000.

Estimated Number of Awards:
Programming Projects—1–2; Outreach Project—1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Ready-To-Learn (RTL) Television program supports awards to: (1) Develop, produce and distribute educational and instructional video programming for preschool and early elementary school children and their parents in order to facilitate academic achievement; (2) facilitate the development of educational programming for preschool and elementary school children and the accompanying support materials and services that promote the effective use of such programming; (3) facilitate the

development of programming and digital content containing RTL-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet; (4) contract with entities, such as public telecommunications entities, so that programs developed are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and (5) develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies that are designed to (a) promote school readiness; and (b) promote the effective use of materials developed through the program among parents, teachers, Head Start providers, Even Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public librarians, and after school program personnel caring for preschool and elementary school children.

The Department will hold two separate competitions under this program. Both programming and outreach grantees will be expected to collaborate on RTL activities. Eligible applicants may apply for grants under programming projects (CFDA No. 84.295A) and outreach projects (CFDA No. 84.295B).

Priorities: This competition includes two absolute priorities and one competitive preference priority that are explained in the following paragraphs.

We are establishing these priorities for the FY 2005 grant competition only, in accordance with section 437(d)(1) of the General Education Provisions Act.

Absolute Priorities: For FY 2005 these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet these priorities. Applicants may choose to apply under Absolute Priority 1 or Absolute Priority 2 or both.

These priorities are:

Absolute Priority 1—Programming Grants (CFDA No. 84.295A): This priority supports projects designed to develop, produce and distribute age appropriate educational video programming and curricula that employ scientifically based reading research for children ages two through eight years old and their parents and educators. Applicants must demonstrate how they will create partnerships to develop and produce multiple series within each

proposal. Under this absolute priority, applicants may develop new programming as well as continuations of existing programming that meets the stated criteria.

Applications must—

(a) Describe how educational programming developed using RTL funds will target low-income children and families. The term *low-income children* is defined on the basis of the poverty criteria set out in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). Those criteria are as follows: living below the poverty level, eligibility for free or reduced price lunches under the Richard B. Russell National School Lunch Act, living in a family receiving funding under the State program funded under part A of title IV of the Social Security Act, or eligibility to receive medical services under the Medicaid program.

(b) Describe how scientifically based reading research will be used to inform educational programming developed using RTL funds, and how scientifically based reading instruction techniques and age appropriate academic content will be incorporated into the proposed programming to facilitate improved academic outcomes for children, including children from low-income backgrounds.

(c) Demonstrate how new technologies will be utilized to ensure that educational programming developed using RTL funds reaches a wide audience in an efficient and cost-effective manner. The applicant must include a plan for the national distribution of digital programming content that includes, but is not limited to, low-income children and families.

(d) Include as key personnel an expert in scientifically based reading instruction who will devote no less than 25% of his or her time to the overall guidance and direction of the program. The applicant will be required to establish an advisory board for each series composed of early childhood, media, scientifically based reading research and other relevant experts as programming requires who will provide advice on the age appropriateness of content and the development of related curricula and materials.

Absolute Priority 2—Outreach Grants (CFDA No. 84.295B): This priority supports a project that will develop a national outreach plan and targeted local strategies that promote the programming content developed using RTL funds. The outreach shall be designed to reach children ages two

through eight years old, their parents and educators. The outreach plan will support the programming goal of scientifically based reading instruction. Outreach activities must address all RTL funded shows, including shows funded under previous RTL awards and new shows, which are consistent with Absolute Priority One of this notice. Both national and local campaigns must be conducted and evaluated.

The outreach plan must be two-fold—

1. *National Campaign.* The national campaign must include a national outreach with unified RTL messages and strategies that support the goal of scientifically based reading instruction. The applicant must—

(a) Develop a partnership plan that leverages the outreach available for the program through collaborative efforts that may include local educational agencies, State educational agencies, Head Start centers, Even Start programs, early childhood development entities, public libraries, after-school programs, faith-based groups, Extension Service programs, pre-kindergarten programs, child care providers, and providers of family literacy services.

(b) Develop, manage and maintain Web sites for children, parents and educators to support outreach and that links the programming activities of all RTL shows.

(c) Include a description of a national marketing plan for all RTL shows that targets parents, elementary classroom teachers and early childhood educators. The plan should include strategies for embedding educational programming developed using RTL funds into other appropriate television series, movies, and videos for both children and adults.

(d) Establish an advisory board that will provide advice on the age appropriateness of outreach content and the development of curricula and materials related to programming.

2. *Targeted Local Campaigns.* The applicant shall propose a systematic outreach campaign at the local level that targets low-income children and their families. The term *low-income children* is defined on the basis of the poverty criteria set out in section 1113(a)(5) of the ESEA, as amended by NCLB. Those criteria are as follows: living below the poverty level, eligibility for a free or reduced price lunches under the Richard B. Russell National School Lunch Act, living in a family receiving funding under the State program funded under Part A of title IV of the Social Security Act, or eligibility to receive medical services under the Medicaid program.

The applicant must—

(a) Describe how new technologies, where appropriate, will be utilized to deliver curricula, ancillary materials, as well as how such technologies will be used to support program-related outreach activities for all shows developed using RTL funds.

(b) Describe how the applicant will conduct public awareness/advertising campaigns for all shows developed using RTL funds that target the needs of low-income children and families.

The applicant will evaluate outreach through a market/survey evaluation to determine the percentage of parents and educators randomly surveyed who participated in the public awareness campaign and either co-viewed programs developed using RTL funds with their children/students for the first time or increased co-viewing.

Competitive Preference Priority—Programming Grants (CFDA No. 84.295A): This priority is from the notice of final priority for Scientifically Based Evaluation Methods, published in the **Federal Register** on January 25, 2005 (70 FR 3586). Within Absolute Priority 1 (Programming Grants), we give competitive preference to applications that address the following priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 25 points to an application, depending on the extent to which the application meets this priority.

Note: In awarding additional points to applications that address this competitive preference priority, we will consider only those applications that have top-ranked scores on the basis of the Selection Criteria in Section V. (see Section V. 1. Selection Criteria in this notice).

The Secretary establishes a priority for projects proposing an evaluation plan that is based on rigorous scientifically based research methods to assess the effectiveness of a particular intervention. The Secretary intends that this priority will allow program participants and the Department to determine whether the project produces meaningful effects on student achievement or teacher performance.

Evaluation methods using an experimental design are best for determining project effectiveness. Thus, when feasible, the project must use an experimental design under which participants—e.g., students, teachers, classrooms, or schools—are randomly assigned to participate in the project activities being evaluated or to a control group that does not participate in the project activities being evaluated.

If random assignment is not feasible, the project may use a quasi-experimental design with carefully

matched comparison conditions. This alternative design attempts to approximate a randomly assigned control group by matching participants—e.g., students, teachers, classrooms, or schools—with non-participants having similar pre-program characteristics.

In cases where random assignment is not possible and participation in the intervention is determined by a specified cutting point on a quantified continuum of scores, regression discontinuity designs may be employed.

For projects that are focused on special populations in which sufficient numbers of participants are not available to support random assignment or matched comparison group designs, single-subject designs such as multiple baseline or treatment-reversal or interrupted time series that are capable of demonstrating causal relationships can be employed.

Proposed evaluation strategies that use neither experimental designs with random assignment nor quasi-experimental designs using a matched comparison group nor regression discontinuity designs will not be considered responsive to the priority when sufficient numbers of participants are available to support these designs. Evaluation strategies that involve too small a number of participants to support group designs must be capable of demonstrating the causal effects of an intervention or program on those participants.

The proposed evaluation plan must describe how the project evaluator will collect—before the project intervention commences and after it ends—valid and reliable data that measure the impact of participation in the program or in the comparison group.

If the priority is used as a competitive preference priority, points awarded under this priority will be determined by the quality of the proposed evaluation method. In determining the quality of the evaluation method, we will consider the extent to which the applicant presents a feasible, credible plan that includes the following:

(1) The type of design to be used (that is, random assignment or matched comparison). If matched comparison, include in the plan a discussion of why random assignment is not feasible.

(2) Outcomes to be measured.

(3) A discussion of how the applicant plans to assign students, teachers, classrooms, or schools to the project and control group or match them for comparison with other students, teachers, classrooms, or schools.

(4) A proposed evaluator, preferably independent, with the necessary

background and technical expertise to carry out the proposed evaluation. An independent evaluator does not have any authority over the project and is not involved in its implementation.

In general, depending on the implemented program or project, under a competitive preference priority, random assignment evaluation methods will receive more points than matched comparison evaluation methods.

Definitions

As used in this notice—

Scientifically based research (section 9101(37), of the ESEA as amended by NCLB), 20 U.S.C. 7801(37)):

(A) Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) Includes research that—

(i) Employs systematic, empirical methods that draw on observation or experiment;

(ii) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

(iii) Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) Is evaluated using experimental or quasi-experimental designs in which individuals entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

(vi) Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Random assignment or experimental design means random assignment of students, teachers, classrooms, or schools to participate in a project being evaluated (treatment group) or not participate in the project (control group). The effect of the project is the difference in outcomes between the treatment and control groups.

Quasi experimental designs include several designs that attempt to

approximate a random assignment design.

Carefully matched comparison groups design means a quasi-experimental design in which project participants are matched with non-participants based on key characteristics that are thought to be related to the outcome.

Regression discontinuity design means a quasi-experimental design that closely approximates an experimental design. In a regression discontinuity design, participants are assigned to a treatment or control group based on a numerical rating or score of a variable unrelated to the treatment such as the rating of an application for funding. Eligible students, teachers, classrooms, or schools above a certain score (“cut score”) are assigned to the treatment group and those below the score are assigned to the control group. In the case of the scores of applicants’ proposals for funding, the “cut score” is established at the point where the program funds available are exhausted.

Single subject design means a design that relies on the comparison of treatment effects on a single subject or group of single subjects. There is little confidence that findings based on this design would be the same for other members of the population.

Treatment reversal design means a single subject design in which a pre-treatment or baseline outcome measurement is compared with a post-treatment measure. Treatment would then be stopped for a period of time, a second baseline measure of the outcome would be taken, followed by a second application of the treatment or a different treatment. For example, this design might be used to evaluate a behavior modification program for disabled students with behavior disorders.

Multiple baseline design means a single subject design to address concerns about the effects of normal development, timing of the treatment, and amount of the treatment with treatment-reversal designs by using a varying time schedule for introduction of the treatment and/or treatments of different lengths or intensity.

Interrupted time series design means a quasi-experimental design in which the outcome of interest is measured multiple times before and after the treatment for program participants only.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on absolute priorities. Section 437(d)(1) of the General Education Provisions Act, however, exempts from this requirement rules

that apply to the first competition under a new or substantially revised program authority. This is the first competition under the RTL program, which was substantially revised by the No Child Left Behind Act of 2001. These absolute priorities will apply to the FY 2005 grant competition only.

Program Authority: 20 U.S.C. 6775.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The notice of final priority for Scientifically Based Evaluation Methods, published in the **Federal Register** on January 25, 2005 (70 FR 3586).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: \$23,312,000.

Estimated Range of Awards: Programming Projects—\$10,000,000–\$20,000,000; Outreach Project—\$2,000,000–\$4,000,000.

Estimated Average Size of Awards: Programming Projects—\$10,000,000; Outreach Project—\$3,500,000.

Estimated Number of Awards: Programming Projects—1–2; Outreach Project—1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* To receive a cooperative agreement under this competition, an entity shall be a public telecommunications entity that is able to demonstrate each of the following:

(A) A capacity to develop and nationally distribute educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children.

(B) A capacity to contract with the producers of children’s television programming for the purpose of developing educational television programming of high quality.

(C) A capacity, consistent with the entity’s mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products.

(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

Note: The term *public telecommunications entity* means any enterprise which (a) is a public broadcast station or a noncommercial telecommunications entity; and (b) disseminates public telecommunications services to the public.

2. *Cost Sharing or Matching:* This competition does not involve cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You may obtain an application package via Internet or from the Education Publications Center (ED Pubs). To obtain a copy via Internet use the following address: <http://www.ed.gov/fundgrant/apply/grantapps/index>. To obtain a copy from ED Pubs, write or call the following: Education Publications Center (ED Pubs), PO Box 1398, Jessup, MD 20794-1398. Telephone (toll free): 1-877-433-7827. FAX: (301) 470-1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1-877-576-7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.295A or 84.295B, as appropriate.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed elsewhere in this notice under *For Further Information Contact* (see VII. Agency Contacts).

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Notice of Intent to Apply: Applicants that plan to apply for funding under this competition are encouraged to indicate an intent to apply via e-mail notification sent to ReadytoLearnintent@ed.gov no later than April 13, 2005. Applicants that fail to supply this e-mail notification may still apply for funding under this notice.

Page Limit for Program Narrative: The program narrative is where you, the applicant, address the selection criteria

(i.e., within the context of the absolute priority) using the following standards:

- A "page" is 8.5" x 11", on one side only, with 1" margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the program narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

Although no page limit is required, applicants are encouraged to confine the program narrative to no more than 50 pages.

3. *Submission Dates and Times:* Applications Available: March 15, 2005.

Deadline for Notice of Intent to Apply: April 13, 2005.

Deadline for Transmittal of Applications: May 13, 2005.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: July 12, 2005.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Ready-To-Learn program—CFDA Number 84.295A and 84.295B must be submitted electronically using the Grants.gov Apply site. Through this site,

you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for RTL at: <http://www.grants.gov>. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted with a date/time received by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. We will not consider your application if it was received by the Grants.gov system later than 4:30 p.m. on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was submitted after 4:30 p.m. on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that your application is submitted timely to the Grants.gov system.
- To use Grants.gov, you, as the applicant, must have a D-U-N-S

Number and register in the Central Contractor Registry (CCR). You should allow a minimum of five business days to complete the CCR registration.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including all information typically included on the Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Any narrative sections of your application should be attached as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format.

- Your electronic application must comply with any page limit requirements described in this notice.

- After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

- We may request that you provide us original signatures on forms at a later date.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the

Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Joseph Caliguro, U.S. Department of Education, 400 Maryland Avenue, SW., room 4W212, Washington, DC 20202–5900. FAX: (202) 205–5720.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier), your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.295A or 84.295B), 400 Maryland Avenue, SW.,
Washington, DC 20202–4260

or

By mail through a commercial carrier:

U.S. Department of Education,
Application Control Center—Stop
4260, Attention: (CFDA Number
84.295A or 84.295B), 7100 Old
Landover Road, Landover, MD 20785–
1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.295A or 84.295B), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the Application for Federal Education Assistance (ED 424) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from 34 CFR 75.210. These selection criteria apply to the absolute priority only. The maximum score for all of the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses with the criterion.

Except where specifically indicated, the “Notes” we have included after each criterion are guidance to help applicants in preparing their applications and are not required by statute or regulation. The criteria are as follows:

(a) **Need for the project** (15 Points). The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the following factors:

(1) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(2) The extent to which the proposed project will focus on serving or

otherwise addressing the needs of disadvantaged individuals.

Note: Applicants should provide information concerning the current gap in the quality and quantity of television programming that rests on scientifically based reading research and is designed for the targeted population and propose strategies designed to close that gap. Furthermore, applicants responding to Absolute Priority One must describe how scientifically based reading instruction and academic content will be incorporated into the proposed programming to facilitate success in school for low-income children. In responding to both priorities, applicants should note that low-income children and their families are the target population under this competition.

(b) *Quality of the project design* (20 Points). The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(2) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population.

(3) The extent to which the proposed project encourages parental involvement.

Note: Applicants should include a thorough, high-quality review of the relevant literature, a high-quality plan for project implementation, and a description of how appropriate methodological tools will be used to assess the impact of the proposed activities on enhancing the scientifically based reading research skills of targeted low-income children.

(c) *Quality of project services* (15 Points). The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards.

(2) The extent to which the services to be provided by the proposed project

involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(d) *Quality of project personnel* (10 Points). The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability. In addition, the Secretary considers the following factors:

(1) The qualifications, including relevant training and experience, of key project personnel.

(2) The qualifications, including relevant training and experience, of project consultants or subcontractors.

Note: An applicant submitting under Absolute Priority One (84.295A) must include as key personnel an expert in scientifically based reading instruction who will devote no less than 25% of his or her time to the overall guidance and direction of the program.

(f) *Adequacy of resources* (10 Points). The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(1) The extent to which the budget is adequate to support the proposed project.

(2) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(g) *Quality of the management plan* (10 Points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(2) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project.

(h) *Quality of the project evaluation* (20 Points). The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factor:

(1) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

Note: A strong evaluation plan should be included in the application narrative and should be used, as appropriate, to shape the development of the project from the beginning of the grant period. The plan should include benchmarks to monitor progress toward specific project objectives and also outcome measures to assess the impact on teaching and learning or other important outcomes for project participants. More specifically, the plan should identify the individual and/or organization that has agreed to serve as evaluator for the project and describe the qualifications of that evaluator. The plan should describe the evaluation design, indicating: (1) What types of data will be collected; (2) when various types of data will be collected; (3) what methods will be used; (4) what instruments will be developed and when; (5) how the data will be analyzed; (6) when reports of results and outcomes will be available; and (7) how the applicant will use the information collected through the evaluation to monitor progress of the funded project and to provide accountability information both about success at the initial site and effective strategies for replication in other settings. Applicants are encouraged to devote 25–30% of the grant funds to project evaluation under Absolute Priority One and 10% of the grant funds to project evaluation under Absolute Priority Two.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Grant Administration:* Applicants approved for funding under this competition may be required to attend a two- or three-day Grants Administration meeting in Washington, DC during the first year of the grant. In

addition, applicants should budget for one Project Directors meeting to be held in Washington, DC in each subsequent year of the grant. The cost of attending these meetings may be paid from RTL program grant funds or other resources.

4. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that meets the reporting requirements in section 2431(c)(1) of the ESEA, as amended by NCLB, and provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. For specific requirements on grantee reporting, please go to <http://www.ed.gov/fund/grant/apply/appforms/appforms.html>.

5. *Performance Measures:* The Department is currently developing measures that will be designed to yield information on the effectiveness of grant supported activities (e.g., the extent to which children ages 3 to 6 years old who view scientifically based RTL shows demonstrate expressive vocabulary and emergent literacy skills at or above national norms). If funded, applicants will be expected to participate in collecting and reporting data for these measures. We will notify grantees of the performance measures once they are developed.

VII. Agency Contacts

For Further Information Contact:
Joseph Caliguro or Norma Fleischman, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-5900. Telephone: (202) 205-5449 (Joe Caliguro) or (202) 205-5482 (Norma Fleischman), or by e-mail: Joseph.Caliguro@ed.gov or Norma.Fleischman@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: March 9, 2005.

Michael J. Petrilli,

Acting Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 05-4978 Filed 3-11-05; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services Overview Information, Rehabilitation Training: Rehabilitation Long-Term Training; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2005

Catalog of Federal Domestic Assistance (CFDA) Number: 84.129C, E, F, H, J, P, Q, and R.

Dates:

Applications Available: March 14, 2005.

Deadline for Transmittal of Applications: April 28, 2005.

Deadline for Intergovernmental Review: June 27, 2005.

Eligible Applicants: States and public or nonprofit agencies and organizations, including Indian tribes and institutions of higher education.

Estimated Available Funds: \$1,600,000.

Estimated Range of Awards: \$75,000-\$100,000.

Estimated Average Size of Awards: \$87,500.

Estimated Number of Awards: 16.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Rehabilitation Long-Term Training program provides financial assistance for—

(1) Projects that provide basic or advanced training leading to an academic degree in areas of personnel shortages in rehabilitation as identified by the Assistant Secretary;

(2) Projects that provide a specified series of courses or program of study leading to award of a certificate in areas of personnel shortages in rehabilitation as identified by the Assistant Secretary; and

(3) Projects that provide support for medical residents enrolled in residency training programs in the specialty of physical medicine and rehabilitation.

Priorities: In accordance with 34 CFR 75.105(b)(2)(ii), these priorities are from the regulations for this program (34 CFR 386.1).

Absolute Priorities: For FY 2005 these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that propose to provide training in the priority areas of personnel shortages listed in the following chart.

CFDA No.	Priority area (maximum number of awards in parentheses)
84.129C	Rehabilitation Administration (2).
84.129E	Rehabilitation Technology (2).
84.129F	Vocational Evaluation and Work Adjustment (3).
84.129H	Rehabilitation of Individuals Who Are Mentally Ill (4).
84.129J	Rehabilitation Psychology (3).
84.129P	Specialized Personnel for Rehabilitation of Individuals Who Are Blind or Have Vision Impairment (3).
84.129Q	Rehabilitation of Individuals Who Are Deaf or Hard of Hearing (4).
84.129R	Job Development and Job Placement Services to Individuals With Disabilities (3).

Program Authority: 29 U.S.C. 772.

Applicable Regulations: (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, and 99. (b) The regulations

for this program in 34 CFR parts 385 and 386.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds:

\$1,600,000.

Estimated Range of Awards: \$75,000–\$100,000.

Estimated Average Size of Awards: \$87,500.

Estimated Number of Awards: 16.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* States and public or nonprofit agencies and organizations, including Indian tribes and institutions of higher education.

2. *Cost Sharing or Matching:* Cost sharing of at least 10 percent of the total cost of the project is required of grantees under the Rehabilitation Training program (34 CFR 386.30).

Note: Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the eight percent limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its Web site: <http://www.ed.gov/pubs/edpubs.html> or you may contact ED Pubs at its e-mail address: edpubs@inet.ed.gov.

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.129C, E, F, H, J, P, Q, and R.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland

Avenue, SW., room 5075, Potomac Center Plaza, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 35 pages, using the following standards:

- A “page” is 8.5” x 11”, on one side only, with 1” margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject your application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:* Applications Available: March 14, 2005. *Deadline for Transmittal of Applications:* April 28, 2005.

Applications for grants under this competition must be submitted electronically using the Electronic Grant Application System (e-Application) available through the Department's e-Grants system. For information (including dates and times) about how to submit your application electronically, or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Deadline for Intergovernmental Review: June 27, 2005.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically, unless you qualify for an exception to this requirement in accordance with the instructions in this section.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

a. *Electronic Submission of Applications.*

Applications for grants under the Rehabilitation Training: Rehabilitation Long-Term Training program—CFDA Number 84.129C, E, F, H, J, P, Q, and R must be submitted electronically using e-Application available through the Department's e-Grants system, accessible through the e-Grants portal page at: <http://e-grants.ed.gov>.

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- You must complete the electronic submission of your grant application by 4:30 p.m., Washington, DC time, on the application deadline date. The e-Application system will not accept an application for this competition after 4:30 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.

- The regular hours of operation of the e-Grants Web site are 6 a.m. Monday until 7 p.m. Wednesday; and 6 a.m. Thursday until midnight Saturday, Washington, DC time. Please note that the system is unavailable on Sundays,

and between 7 p.m. on Wednesdays and 6 a.m. on Thursdays, Washington, DC time, for maintenance. Any modifications to these hours are posted on the e-Grants Web site.

- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

- You must submit all documents electronically, including the Application for Federal Education Assistance (ED 424) Budget Information—Non-Construction Programs (ED 524) and all necessary assurances and certifications.

- Any narrative sections of your application should be attached as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format.

- Your electronic application must comply with any page limit requirements described in this notice.

- Prior to submitting your electronic application, you may wish to print a copy of it for your records.

- After you electronically submit your application, you will receive an automatic acknowledgement that will include a PR/Award number (an identifying number unique to your application).

- Within three working days after submitting your electronic application, fax a signed copy of the ED 424 to the Application Control Center after following these steps:

- Print ED 424 from e-Application.

- The applicant's Authorizing Representative must sign this form.

- Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the ED 424.

- Fax the signed ED 424 to the Application Control Center at (202) 245-6272.

- We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of e-Application System Unavailability:

If you are prevented from electronically submitting your application on the application deadline date because the e-Application system is unavailable, we will grant you an extension of one business day in order to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

- You are a registered user of e-Application and you have initiated an electronic application for this competition; and

- (a) The e-Application system is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

- (b) The e-Application system is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgement of any system unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1-888-336-8930. If the system is down and therefore the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application. Extensions referred to in this section apply only to the unavailability of the Department's e-Application system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the e-Application system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Department's e-Application system; and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Marilyn P. Fountain, U.S. Department of Education, 400 Maryland Avenue, SW., room 5028, Potomac Center Plaza, Washington, DC 20202-2800. FAX: (202) 245-7591.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail.

If you qualify for any exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service:

U.S. Department of Education,
Application Control Center,
Attention: (CFDA Number 84.129C, E,
F, H, J, P, Q, and R), 400 Maryland
Avenue, SW., Washington, DC 20202-
4260

or

By mail through a commercial carrier:

U.S. Department of Education,
Application Control Center—Stop
4260, Attention: (CFDA Number
84.129C, E, F, H, J, P, Q, and R), 7100
Old Landover Road, Landover, MD
20785-1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

- A legibly dated U.S. Postal Service postmark,

- A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

- A dated shipping label, invoice, or receipt from a commercial carrier, or

- Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

- A private metered postmark, or
- A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery.

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.129C, E, F, H, J, P, Q, and R), 550 12th Street, SW., Room

7041, Potomac Center Plaza, Washington, DC 20202-4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays. *Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the ED 424 the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and 34 CFR 386.20 and are listed in the application package.

2. *Review and Selection Process:* Additional factors we consider in selecting an application for an award are the geographical distribution of projects in each Rehabilitation Training program category throughout the country (see 34 CFR 385.33(a)); and, the past performance of the applicant in carrying out similar training activities under previously awarded grants, as indicated by factors such as compliance with grant conditions, soundness of programmatic and financial management practices, and attainment of established project objectives (see 34 CFR 385.33(b)).

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The

GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118.

4. *Performance Measures:* The Government Performance and Results Act (GPRA) of 1993 directs Federal departments and agencies to improve the effectiveness of their programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals. The Rehabilitation Long-Term Training program is designed to provide academic training in areas of personnel shortages.

The goal of the Rehabilitation Services Administration's (RSA) Rehabilitation Long-Term Training program is to increase the number of qualified vocational rehabilitation personnel working in State vocational rehabilitation agencies or related agencies. Seventy-five percent of all grant funds must be used for direct payment of student scholarships. Each grantee is required to track students receiving scholarships and must maintain information on the cumulative support granted to RSA scholars, scholar-debt in years, program completion data for each scholar, dates each scholar's work begins and is completed to meet his or her payback agreement, current home address, and the place of employment of individual scholars.

Grantees are required to report annually to RSA on these data using the RSA Grantee Reporting Form, OMB# 1820-0617, an electronic reporting system. The RSA Grantee Reporting Form collects specific data regarding the number of RSA scholars entering the rehabilitation workforce, in what rehabilitation field, and in what type of employment (e.g. State agency, nonprofit service provider, or practice group). This form allows RSA to measure results against the goal of increasing the number of qualified vocational rehabilitation personnel working in State vocational rehabilitation agencies or related agencies.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Marilyn P. Fountain, U.S. Department of Education, 400 Maryland Avenue, SW.,

room 5028, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7346 or by e-mail: Marilyn.Fountain@ed.gov.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

VIII. Other Information

Electronic Access to This Document: You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: March 3, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 05-4942 Filed 3-11-05; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: The Department gives notice that on October 10, 2003, an arbitration panel rendered a decision in the matter of *Faye Autry v. Kentucky Department for the Blind* (Docket No. R-S/00-5). This panel was convened by the U.S. Department of Education, under 20 U.S.C. 107d-1(a), after the Department received a complaint filed by the petitioner, Faye Autry.

FOR FURTHER INFORMATION CONTACT: You may obtain a copy of the full text of the arbitration panel decision from Suzette

E. Haynes, U.S. Department of Education, 400 Maryland Avenue, SW., room 5022, Potomac Center Plaza, Washington, DC 20202-2800. Telephone: (202) 245-7374. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: Under section 6(c) of the Randolph-Sheppard Act (the Act), 20 U.S.C. 107d-2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal and other property.

Background

This dispute concerns the alleged improper denial of Ms. Faye Autry's bid request to transfer to another facility under the Kentucky Department for the Blind's transfer and promotion policies, in violation of the Act (20 U.S.C. 107 *et seq.*), the implementing regulations in 34 CFR part 395, and State rules and regulations.

A summary of the facts is as follows: In January 1999 the Kentucky Department for the Blind, the State licensing agency (SLA), notified vendors of an opening to provide food services at the Fort Knox Military Base in Fort Knox, Kentucky.

On February 26, 1999, the SLA was awarded the food service contract. Prior to receiving the food service contract, the SLA's Upward Mobility Selection Committee (the Committee) interviewed and rated each of the six finalists including Ms. Autry (complainant). The SLA used criteria established by the SLA's rules and regulations governing the transfer and promotion of vendors in the Kentucky Business Enterprise Program (BEP).

On February 9, 1999, the Committee discussed the applicants and made its recommendation to the SLA's Director of BEP. The Director, who participated in the February 9th discussions, concurred with the Committee's recommendation, awarding the vending facility management position at Fort Knox to a vendor other than Ms. Autry.

Following the Committee's decision, complainant requested a State fair hearing based upon her dissatisfaction with the Committee's choice of another vendor. At complainant's request, a fair hearing on this matter was held on May 12, 13, and 27, June 4 and 25, and July 15, 1999. In a decision dated February

14, 2000, the hearing officer ruled that Ms. Autry failed to demonstrate that the Committee and the SLA improperly applied State rules and regulations governing transfer and promotion in this case.

On March 20, 2000, the SLA informed complainant it had adopted the hearing officer's decision as final agency action. Complainant sought review by a Federal arbitration panel of that decision.

Arbitration Panel Decision

The issue heard by the panel was whether the Kentucky Department for the Blind violated the Act, 20 U.S.C. 107 *et seq.*, the implementing regulations in 34 CFR part 395, and its own rules and regulations in allegedly improperly denying complainant's bid on the vending facility at the Fort Knox Military Base.

After reviewing all of the records and hearing testimony of witnesses, the majority of the panel ruled that the SLA acted properly and in full and fair compliance with the Act, implementing regulations, and State rules and regulations. Therefore, the panel denied complainant's grievance.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: March 8, 2005.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 05-4941 Filed 3-11-05; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The Department of Energy (DOE) Weatherization Assistance Program (WAP) is a formula grant funding program. DOE has developed four forms designed to reduce the length of time to input information and provide a consistent format for all States to submit as part of their State Application and Plan process. This activity will benefit the program and States because all forms are in electronic format that will populate a database for program information. The program information captured will be used to provide the most current program information for budget, congressional and public inquiries of the program. The forms once approved will be submitted to Grants.gov for conversion to the Pure Edge Viewer Format that will be used in the future as part of the new Grants.gov process system.

DATES: Comments regarding this collection must be received on or before April 13, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202-395-4650.

ADDRESSES: Written comments should be sent to the DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street, NW., Washington, DC 20503.

Comments should also be addressed to: Sharon Evelin, Acting Director, IM-11/Germantown Bldg., U.S. Department of Energy, 1000 Independence Ave, SW., Washington, DC 20585-1290, and to Joseph Konrade, EE-2K, U.S. Department of Energy, 1000 Independence Ave, SW., Washington, DC 20585-1290.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information copies of the information collection instrument and instructions should be directed to Joseph Konrade at the address listed in **ADDRESSES**.

SUPPLEMENTARY INFORMATION: This package contains: (1) *OMB No.:* "New"; (2) *Package Title:* Weatherization Assistance Program (3) *Type of Request:* New collection. (4) *Purpose:* The Weatherization Assistance Program provides grants to States, the District of Columbia and Native American tribes annually. (5) *Type of Respondents:* States, District of Columbia and Native American Tribes; (6) *Estimated Number of Respondents:* 52; (7) *Estimated Number of Burden Hours:* 3 Hours Per Respondent.

Statutory Authority: 10 CFR part 440.

Issued in Washington, DC on March 8, 2005.

Sharon Evelin,

Acting Director, Records Management Division, Office of the Chief Information Officer.

[FR Doc. 05-4961 Filed 3-11-05; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection Submitted for OMB Review and Comment

AGENCY: U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: The Department of Energy (DOE) has submitted to the Office of Management and Budget (OMB) for clearance, a proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995. The proposed collection is the State Energy Program (SEP). This information collection pertains to Department State Energy Program (SEP) grants to States, intended to promote energy conservation and renewable energy in 55 areas specified in the collection instrument, such as agriculture, geothermal, biomass, traffic signals, home energy ratings, building codes, etc. Requested information includes matters such as which one of the following six broad categories that the request pertains to (buildings, electric power and renewable energy, energy education, industry, policy planning and energy security, and transportation); the State; the program year; the area or areas of the 55 referred to above; estimated annual energy saving; a description of the requested grant's goals and objectives; program year milestones; and program year funds by source.

DATES: Comments regarding this collection must be received on or before April 13, 2005. If you anticipate that you will be submitting comments, but

find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202-395-4650.

ADDRESSES: Written comments should be sent to: DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street, NW., Washington, DC 20503.

Comments should also be addressed to: Sharon A. Evelin, Director, IM-11/ Germantown Bldg., U.S. Department of Energy, 1000 Independence Ave, SW., Washington, DC 20585-1290, and to Joseph Konrade, EE-2K, U.S. Department of Energy, 1000 Independence Ave, SW., Washington DC 20585.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Joe Konrade at the address listed above in **ADDRESSES**.

SUPPLEMENTARY INFORMATION: This package contains: (1) *OMB No.:* "New"; (2) *Package Title:* State Energy Program (3) *Type of Request:* New collection. (4) *Purpose:* Promote the conservation of energy, reduce the rate of growth of energy demand and reduce dependence on imported oil. (5) *Type of Respondents:* States and U.S. Territories; (6) *Estimated Number of Respondents:* 56 (Fifty Six); (8) *Estimated Number of Burden Hours:* 1,344.

Statutory Authority: 10 CFR 420, State Energy Program.

Issued in Washington, DC on March 8, 2005.

Sharon A. Evelin,

Director, Records Management Division, Office of the Chief Information Officer.

[FR Doc. 05-4964 Filed 3-11-05; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EMSSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, April 7, 2005, 6 p.m. to 9 p.m.

ADDRESSES: College Hill Library, Room L-211, Front Range Community College, 3705 West 112th Avenue, Westminster, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Executive Director, Rocky Flats Citizens Advisory Board, 10808 Highway 93, Unit B, Building 60, Room 107B, Golden, CO 80403; telephone (303) 966-7855; fax (303) 966-7856.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Presentation on Available Chapters of the Draft Rocky Flats Remedial Investigation/Feasibility Study Report.
2. Update on the Independent Validation and Verification of Rocky Flats Cleanup.
3. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the office of the Rocky Flats Citizens Advisory Board, 10808 Highway 93, Unit B, Building 60, Room 107B, Golden, CO 80403; telephone (303) 966-7855. Hours of operations are 7:30 a.m. to 4 p.m., Monday through Friday. Minutes will also be made available by writing or calling Ken Korkia at the address or telephone number listed above. Board meeting minutes are posted on RFCAB's Web site within one month following each meeting at: <http://www.rfcab.org/Minutes.HTML>.

Issued at Washington, DC on March 8, 2005.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 05-4963 Filed 3-11-05; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Science; High Energy Physics Advisory Panel

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the High Energy Physics Advisory Panel (HEPAP). Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, May 18, 2005, 8:30 a.m. to 6 p.m.; and Thursday, May 19, 2005, 8:30 a.m. to 4 p.m.

ADDRESSES: Radisson Hotel, 2121 P St., NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT:

Bruce Strauss, Executive Secretary; High Energy Physics Advisory Panel; U.S. Department of Energy; SC-20/ Germantown Building, 1000 Independence Avenue, SW., Washington, DC 20585-1290; Telephone: 301-903-3705.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda: Agenda will include discussions of the following: Wednesday, May 18, 2005, and Thursday, May 19, 2005.

- Discussion of Department of Energy High Energy Physics Programs.
- Discussion of National Science Foundation Elementary Particle Physics Program.
- Reports on and Discussions of Topics of General Interest in High Energy Physics.
- Public comment (10-minute rule).

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Panel, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Bruce Strauss, 301-903-3705 or Bruce.Strauss@science.doe.gov (e-mail). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The

Chairperson of the Panel will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for public review and copying within 90 days at the Freedom of Information Public Reading Room; Room 1E-190; Forrester Building; 1000 Independence Avenue, SW.; Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on March 8, 2005.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 05-4962 Filed 3-11-05; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC05-603-000; FERC-603]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

March 4, 2005.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of section 3506(c)(2) (a) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Comments on the collection of information are due by May 2, 2005.

ADDRESSES: Copies of the proposed collection of information can be obtained from the Commission's Web site (<http://www.ferc.gov/help/how-to/ceii-req-form.doc>) or click on "Legal Resources", "CEII", "Help" and then click on CEII Request form. Written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael Miller, Office of the Executive Director, ED-33, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those parties filing electronically do not need to make a paper filing. For paper filings, the original and 14 copies of such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First

Street, NE., Washington, DC 20426 and refer to Docket No. IC05-603-000.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at <http://www.ferc.gov> and click on "Make an E-filing," and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's home page using the eLibrary link. For user assistance, contact FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676 or for TTY, contact (202) 502-8659.

FOR FURTHER INFORMATION CONTACT:

Michael Miller may be reached by telephone at (202) 502-8415, by fax at (202) 273-0873, and by e-mail at michael.miller@ferc.gov.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC-603 "Critical Energy Infrastructure Information" (OMB No. 1902-0197) is used by the Commission to implement procedures for gaining access to critical energy infrastructure information (CEII) that would not otherwise be available under the Freedom of Information Act (5 U.S.C. 552). On February, 21, 2003, the Commission issued Order No. 630 (66 FR 52917) to address the appropriate treatment of CEII in the aftermath of the September 11, 2001, terrorist attacks and to restrict unrestrained general access due to the ongoing terrorism threat. These steps enable the Commission to keep sensitive infrastructure information out of the public domain, decreasing the likelihood that such information could be used to plan or execute terrorist attacks. The process adopted in Order No. 630 is a more efficient alternative for handling requests for previously public documents than FOIA. The Commission has defined CEII to include information about "existing or proposed critical infrastructure that (i) relates to the production, generation, transportation, transmission, or distribution of energy; (ii) could be useful to a person planning an attack on critical infrastructure; (iii) is exempt from mandatory disclosure under the Freedom of Information Act; and (iv) does not simply give the location of the critical infrastructure. Critical infrastructure means existing and

proposed systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health or safety, or any combination of those matters. A person seeking access to CEII may file a request for that information by providing

information about their identity and reason as to the need for the information. Through this process, the Commission is able to review the requester's need for the information against the sensitivity of the information. The compliance with these requirements is mandatory.

Action: The Commission is requesting a three-year extension of the current expiration date, with no changes to the existing collection of data.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually (1)	Number of responses per respondent (2)	Average burden hours per response (3)	Total annual burden hours (1) × (2) × (3)
182	1	.25	46*

*Rounded off.

The estimated total cost to respondents is \$2,392. The cost per respondent = \$13. (46 hours @ \$52 hourly rate ÷ 182).

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) Reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the

burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1047 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2277-000]

AmerenUE; Notice of Intent to File Application for New License

March 4, 2005.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

- a. *Type of Filing:* Notice of intent to file application for a new license.
- b. *Project No:* 2277-000.
- c. *Date Filed:* February 17, 2005.
- d. *Submitted by:* AmerenUE.
- e. *Name of Project:* Taum Sauk Pumped Storage Project.
- f. *Location:* The project is located on the East Fork Black River and Taum Sauk Creek, in Reynolds, Iron, St. Francois, and Washington counties, near the Town of Lesterville, Missouri. The project does not occupy any Federal lands.
- g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.
- h. *Effective Date of Current License:* July 1, 1960.
- i. *Expiration Date of Current License:* June 30, 2010.
- j. *Project Description:* The Taum Sauk Project consists of the following

principal features: (1) A 54.5-acre upper reservoir, having a total useable volume of 4,360 acre-feet; (2) a 55-foot-high, 390-foot-long, ogee-shaped concrete-gravity dam, with (i) a 26-foot-long gated sluice, (ii) a steel-lined conduit having a capacity of 2,500 cubic feet per second (cfs), and (iii) a crest elevation of 750 feet mean sea level (msl); (3) a 380-acre lower reservoir at an elevation of 749 feet msl; (4) an approximately 2,000-foot-long tailrace channel; (5) a sediment trap located just upstream of the tailrace channel on the East Fork Black River; (6) a 451-foot-long vertical shaft, a 6,572-foot-long (2-section) tunnel, and a short penstock that bifurcates into the powerhouse; (7) a 148-foot-long, 70-foot-wide concrete powerhouse equipped with two reversible pump units that are connected to a generator having a rated capacity of 204 megawatts (MW), for a total installed capacity of 408 MW; and (8) transmission and other appurtenant facilities.

AmerenUE proposes no changes to the existing pump-storage operation of the project, at this time. AmerenUE is proposing to investigate certain operational constraints that include sediment build-up, potential hydraulic constraints, and electrical/mechanical constraints. In addition, AmerenUE intends to remove the currently, licensed 30-mile-long, 138-kilovolt transmission line from the project.

k. Pursuant to 18 CFR 16.7, information on the project is available from Brenda Parks, AmerenUE—Taum Sauk Plant, Route 1, P.O. Box 112, Annapolis, MO 63620, (573) 637-2281.

l. *FERC Contact:* Allan Creamer, 888 First St. NE., Washington, DC; 202-502-8365; allan.creamer@ferc.gov.

m. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2277. Pursuant to 18 CFR 16.8, 16.9, and 16.10, each application for a new license and any competing license

applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by June 30, 2008.

n. A copy of this filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number to access the document excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or TTY 202-502-8659. A copy is also available for inspection and reproduction at the address in item k above.

o. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support as shown in the paragraph above.

p. By this notice, the Commission is seeking corrections and updates to the attached mailing list. Updates should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1053 Filed 3-11-05; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Applications for Non-Project Use of Project Lands and Soliciting Comments, Motions To Intervene, and Protests

March 4, 2005.

Take notice that the following applications have been filed with the Commission and are available for public inspection:

a. *Application Types:* Non-project use of project lands and modification of non-project use of project lands.

b. *Project Nos:* 2210-114 and 2210-115.

c. *Dates Filed:* February 9 and February 15, 2005.

d. *Applicant:* Appalachian Power Company (APC).

e. *Name of Project:* Smith Mountain Pumped Storage Project.

f. *Location:* The project is located on the Roanoke River, in Bedford,

Pittsylvania, Franklin, and Roanoke Counties, Virginia.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact:* Teresa P. Rogers, Hydro Generation Department, American Electric Power, P.O. Box 2021, Roanoke, VA 24022-2121, (540) 985-2441.

i. *FERC Contact:* Any questions on this notice should be addressed to Mrs. Heather Campbell at (202) 502-6182, or e-mail address:

heather.campbell@ferc.gov.

j. *Deadline for Filing Comments and or Motions:* April 4, 2005.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P-2210-114 for the Byrd Property and P-2210-115 for Mariner's Landing) on any comments or motions filed. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at <http://www.ferc.gov> under the e-Filing link. The Commission strongly encourages e-filings.

k. *Description of Requests:* APC is requesting approval for the following non-project uses of project lands:

P-2210-114: Clifton F. Byrd and Sons, Inc proposes to construct two docks with twelve slips each and two floating slips. The slips will be used for personnel use of an adjacent business and for rental to the general public. The facilities would be located on the Roanoke River in the Halesford Bridge area at Byrd Property.

APC is also requesting the following modification of an approved non-project use of project lands.

P-2210-115: Mariner's Landing requests after-the-fact approval to relocate one dock with 16 slips to a location further upstream in the cove. This request also includes dredging. These facilities would serve the Mariners Landing development along Smith Mountain Lake. The original application was approved by an order issued July 12, 2001.

l. *Location of the Application:* This filing is available for review at the Commission in the Public Reference Room 888 First Street, NE., Room 2A, Washington, DC 20426 or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "e-library" link. Enter the docket number excluding the last three digits in the docket number field to access the

document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described applications. Copies of the applications may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1050 Filed 3-11-05; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP96-200-136]****CenterPoint Energy Gas Transmission Company; Notice of Negotiated Rate**

March 4, 2005.

Take notice that on March 1, 2005, CenterPoint Energy Gas Transmission Company (CEGT) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, First Revised Sheet No. 835, to be effective March 1, 2005.

CEGT states that the purpose of this filing is to reflect the termination of negotiated rates with respect to a transaction.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1038 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP05-210-000]****Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff**

March 4, 2005.

Take notice that on March 1, 2005, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, with a proposed effective date of April 1, 2005:

Seventy-fifth Revised Sheet No. 25,
Seventy-fifth Revised Sheet No. 26,
Seventy-fifth Revised Sheet No. 27,
Sixty-third Revised Sheet No. 28 and
Twentieth Revised Sheet No. 31

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for

review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1034 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****[Docket No. RP05-211-000]****Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff**

March 4, 2005.

Take notice that on March 1, 2005, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Fifteenth Revised Sheet No. 44, with a proposed effective date of April 1, 2005.

Columbia submits its annual filing pursuant to the provisions of section 35, "Retainage Adjustment Mechanism (RAM)", of the General Terms and Conditions (GTC) of its Tariff. Columbia states that Fifteenth Revised Sheet No. 44 sets forth the retainage factors applicable to Columbia's transportation, storage and gathering services, as revised by this filing.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or

protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1035 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05-212-000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 4, 2005.

Take notice that on March 1, 2005, Columbia Gas Transmission Corporation (Columbia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, with a proposed effective date of April 1, 2005:

Seventy-fourth Revised Sheet No. 25,
Seventy-fourth Revised Sheet No. 26,
Seventy-fourth Revised Sheet No. 27,
Sixty-second Revised Sheet No. 28.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance

with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1036 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR97-1-000]

Consumers Power Company; Notice of Extension of Time

March 4, 2005.

On March 1, 2004, Consumers Energy Company (Consumers) filed a motion for an extension of time to file a title transfer tracking (TTT) rate proposal pursuant to the Commission's order issued February 14, 2005, in the above-docketed proceeding. 110 FERC ¶ 61,156 (2005). The Commission's order directed Consumers to file a TTT rate for gas transported in conjunction with service under its FERC blanket certificate, along with appropriate cost support within fifteen days of the date of the order. In its motion, Consumers states that because a number of key personnel who were personally involved with this matter, including its General Counsel, have retired or

otherwise ended their employment with Consumers, more time is needed to prepare and file the TTT compliance filing. The motion also states that an extension of time is unlikely to delay the ultimate resolution in this proceeding.

Upon consideration, notice is hereby given that an extension of time to comply with the Commission's February 14, 2005, Order is granted to and including March 16, 2005, as requested by Consumers.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1031 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05-213-000]

Dominion Cove Point LNG, LP; Notice of Proposed Changes in FERC Gas Tariff

March 4, 2005.

Take notice that on March 1, 2005, Dominion Cove Point LNG, LP (Cove Point) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Fifth Revised Sheet No. 10, to become effective April 1, 2005.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1037 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RM03-8-000, RM03-8-001, RM03-8-002]

Quarterly Financial Reporting and Revisions to the Annual Reports; Notice of Filing

March 4, 2005.

On March 3, 2005, the Edison Electric Institute (EEI) filed a motion requesting that the Commission: (1) Promptly grant an extension of time, from April 25, 2005, until April 18, 2007, for companies to adopt the revised Form 1 certification required by Commission Orders No. 646 and 646-A, which were issued on February 11, 2004, and June 2, 2004, in the above-referenced dockets; and (2) while the requested extension is in effect, adopt some modest changes in the certification to bring it in line with the certification adopted by the Securities and Exchange Commission (SEC) in implementing sections 302 and 404 of the Sarbanes-Oxley Act of 2002.

Comments on the EEI's motion must be filed on or before March 11, 2005.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1032 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05-164-000]

Equitrans, L.P.; Errata

March 4, 2005.

On February 28, 2005, the Commission issued an Order Accepting And Suspending Tariff Sheets Subject To Refund And Establishing Hearing And Technical Conference Procedures, in the above-docketed proceeding. 110 FERC ¶ 61,194 (2005).

The effective date of July 1, 2005, mentioned in paragraphs number 2 and 31, Ordering Paragraph (A), and the title of the Appendix of the Commission's order is in error and is hereby revised. The correct effective date is August 1, 2005.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1033 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP04-24-001]

Gulf South Pipeline Company, LP; Notice of Application

March 4, 2005.

Take notice that on March 3, 2005, Gulf South Pipeline Company, LP (Gulf South) located at 20 East Greenway Plaza, Suite 900, Houston, Texas 77046, filed, in Docket No. CP04-24-001, an application pursuant to section 7(b) of the Natural Gas Act (NGA), as amended, and part 157 of the Commission regulations for an amendment to the order issued by the Commission in Docket No. CP04-24-000 on March 30, 2004. Gulf South states that the purpose of the amendment is to reflect a change in the buyer of Gulf South's Panola County Facilities (to Duke Energy Field Services, L.P.) and to reflect a reduced sales price. This filing may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (202) 502-8222 or for TTY, call (202) 208-1659.

Any questions concerning this application may be directed to J. Kyle Stephens, Director of Certificates, Gulf South Pipeline Company, LP, 20 East

Greenway Plaza, Houston, Texas, 77046, or: phone (713) 544-7309, fax (713) 544-3540, e-mail kyle.stephens@gulfsouthpl.com.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or a motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date indicated below. Anyone filing a motion to intervene or to protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: March 14, 2005.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1041 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05-570-001]

Hot Spring Power Company, LP; Notice Shortening Comment Period

March 4, 2005.

On February 28, 2005, the Commission issued a Notice of Filing regarding a supplement to an application that Hot Spring Power Company, LP (Hot Spring) filed on February 23, 2005, in Docket No. ER05-570-001. Hot Spring's application requests authorization to make wholesale sales of electric energy, capacity, and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights. The February 28 Notice of Filing established March 16, 2005, as the date by which to file comments, protests, or interventions. By

this notice, the time for filing comments, protests, or interventions is shortened to and including March 11, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5-1046 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05-80-000]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Request Under Blanket Authorization

March 4, 2005.

Take notice that on February 25, 2005, Kinder Morgan Interstate Gas Transmission LLC (KMIGT), P.O. Box 281304, Lakewood, Colorado 80228-8304, filed in Docket No. CP05-80-000, an application pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA) as amended, for authorization to increase the maximum allowable operating pressure (MAOP) of approximately 9.5 miles along its Segment 140 pipeline, located in Phillips County, Colorado, from 800 psig to 1141 psig, under KMIGT's blanket certificate issued in Docket Nos. CP83-140-000 and CP83-140-001 pursuant to section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any questions concerning this application may be directed to Skip George, Manager of Certificates, at (303) 763-3581 or facsimile at (303) 914-4969.

This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or call toll-free at (866) 206-3676, or, for TTY, contact (202) 502-8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages intervenors to file electronically.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Magalie R. Salas,

Secretary.

[FR Doc. E5-1043 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05-74-000]

Maritimes & Northeast Pipeline; Notice of Application

March 4, 2005.

On February 22, 2005, Maritimes & Northeast Pipeline (Maritimes) filed an application pursuant to section 7(c) of the Natural Gas Act and parts 284 and 157 of the regulations of the Federal Energy Regulatory Commission (Commission) requesting a certificate of public convenience and necessity authorizing Maritimes: (1) To acquire an interest from Portland Natural Gas Transmission System (PNGTS) in the Haverhill Lateral and existing interconnect with Tennessee Gas Pipeline; (2) to construct a meter station and interconnect facilities to establish an interconnect with the Essex Gas Company, d/b/a/ KeySpan Energy Delivery New England (KeySpan); and (3) to establish initial rates under Rate Schedules MNLFT and MNIT for firm and interruptible service on the Haverhill Lateral. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "e-Library" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call

toll-free, (866) 208-3676, or for TTY, (202) 502-8659.

Any questions regarding this application should be directed to Joseph F. McHugh, Director, Rates and Regulatory Affairs, M&N Management Company Waltham Woods Corporate Center, 890 Winter Street, Suite 300, Waltham, MA, 02451, phone (617) 560-1518.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties.

However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. *Comment Date:* March 25, 2005.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1042 Filed 3-11-05; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99-2342-001, ER99-2342-003, ER01-931-004, ER01-931-006, ER01-931-007, ER01-930-004, ER01-930-006, ER01-930-007, ER96-1563-017, ER96-1563-019, ER96-1563-020, ER99-415-005, ER99-415-006, ER02-510-002, ER02-510-003, ER02-507-002, ER02-507-003, ER02-1000-003, ER02-1000-004, EL05-68-000]

Tampa Electric Company, Panda Gila River, L.P., Union Power Partners, L.P., TECO EnergySource, Inc., Commonwealth Chesapeake Company, L.L.C., TPS Dell, LLC, TPS McAdams, LLC, TECO-PANDA Generating Company, L.P., Tampa Electric Company, Panda Gilda, L.P., Union Power Partners, L.P., TECO EnergySource, Inc., Commonwealth Chesapeake Company, L.L.C., TPS Dell, LLC, TPS McAdams, LLC and TECO-PANDA Generating Company, L.P.; Notice of Institution of Proceeding and Refund Effective Date

Issued March 4, 2005.

On March 3, 2005, the Commission issued an order in the above-referenced dockets initiating a proceeding in Docket No. EL05-68-000 under section 206 of the Federal Power Act to determine whether TECO may continue to charge market-based rates.

The refund effective date in Docket No. EL05-68-000, established pursuant to section 206 of the Federal Power Act, will be 60 days following publication of this notice in the **Federal Register**.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1044 Filed 3-11-05; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05-481-000]

Trimont Wind I LLC; Notice of Issuance of Order

March 4, 2005.

Trimont Wind I LLC (Trimont) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed rate tariff provides for wholesale sales of energy, capacity and ancillary services at market-based rates. Trimont also requested waiver of various Commission regulations. In particular, Trimont requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Trimont.

On March 3, 2005, the Commission granted the request for blanket approval under part 34, subject to the following:

Any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Trimont should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing motions to intervene or protest, is April 4, 2005.

Absent a request to be heard in opposition by the deadline above, Trimont is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of Trimont, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Trimont's issuances of securities or assumptions of liability.

Copies of the full text of the Commission's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at <http://www.ferc.gov>, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the

document. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1045 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD04-4-000]

Panel Member List for Hydropower Licensing Study Dispute Resolution; Notice Requesting Applications for Panel Member List for Hydropower Licensing Study Dispute Resolution

March 4, 2005.

On March 12, 2004, and July 8, 2004, the Commission requested applications from persons who wish to be included on a list of resource experts willing to serve as a third panel member in the study dispute resolution process of the Commission's hydropower integrated licensing process (ILP). We are now reopening the application period indefinitely. Respondents to the initial requests need not reapply to be considered.

Background

The Commission's ILP encourages informal resolution of study disagreements. In cases where this is not successful, a formal study dispute resolution process is available for state and federal agencies or Indian tribes with mandatory conditioning authority.¹

The ILP provides that the disputed study must be submitted to a dispute resolution panel consisting of a person from Commission staff, a person from the agency or Indian tribe referring the dispute to the Commission, and a third person selected by the other two panelists from a pre-established list of persons with expertise in the disputed resource area.² The third panel member (TPM) will serve without compensation, except for certain allowable travel

¹ See § 5.14 of the final rule, which may be viewed on the Commission's Web site at <http://www.ferc.gov/industries/hydropower/indus-act/ilp.asp>, and see excerpted attachment describing the formal dispute resolution process."

² These persons must not be otherwise involved with the proceeding.

expenses to be borne by the Commission (31 CFR 301).

The role of the panel members is to make a finding, with respect to each disputed study request, on the extent to which each study criteria set forth in the regulations is or is not met,³ and why. The panel will then make a recommendation to the Director of the Office of Energy Projects based on the panel's findings.

TPMs can only be selected from a list of qualified persons (TPM List) that is developed and maintained by the Commission. Each qualified panel member will be listed by area(s) and sub-area(s) of technical expertise, for example Fisheries Resources-instream flow. The Commission is seeking the service of individuals with technical expertise in specific resource areas. While such individuals should be able to promote constructive dialog among the panelists, the Commission is not seeking the services of a mediator or arbitrator.

The TPM list will be available to the public on the Commission's Web site. All individuals submitting their applications to the Commission for consideration must meet the Commission's qualifications.

Application Contents

The applicant should describe in detail his/her qualifications in items 1–4 listed below. To expedite processing of the application and to ensure accurate identification of areas of interest and expertise, the applicant must, in response to item 1, list the specific resource area(s) for which he/she wishes to be considered, such as "Aquatic Resources: water quality and instream flow" or "Recreational Resources: whitewater boating and general".

1. Technical expertise, including education and experience in each resource area and sub-area for which the applicant wishes to be considered:

- Aquatic Resources.
 - Water quality.
 - Instream flows.
- Fish passage.
 - Macroinvertebrates.
 - Threatened and endangered species.
 - General.
- Terrestrial Resources.
 - Wildlife biology.
 - Botany.
 - Wetlands ecology.
 - Threatened and endangered species.
 - General.
- Cultural Resources.

- Recreational Resources.
 - Whitewater boating.
 - General.
- Land use.
 - Shoreline management.
 - Visual/aesthetics.
 - General.
- Geology
 - Geomorphology.
 - Erosion.
 - General.
- Socio-economics.
- Engineering.
 - Civil engineering.
 - Hydraulic engineering.
 - Electrical engineering.
 - General.

2. Knowledge of the effects of construction and operation of hydroelectric projects.

3. Working knowledge of laws relevant to expertise, such as: The Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, the Coastal Zone Management Act, the Wild and Scenic Rivers Act, the Federal Power Act or other applicable laws.

4. Ability to promote constructive communication about a disputed study.

How To Submit Applications

Applicants must submit their applications along with the names and contact information of three references. Applicants will be individually notified of the Commission's decision.

DATES: There is no deadline for applications; the application period will remain open until further notice.

ADDRESSES: Applications must be filed electronically via the Internet. See the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link. Applications should reference "Docket No. Ad04–4–000, Notice Requesting Applications For Panel Member List For Hydropower Licensing Study Dispute Resolution".

Other Information: Requests submitted must be in Word, Times New Roman 13 pt. font, and must not be longer than ten pages in length. Complete individual contact information must be provided.

FOR FURTHER INFORMATION CONTACT:

David Turner, Federal Energy Regulatory Commission, Office of Energy Projects, 888 First Street, NE., Washington, DC 20426, (202) 502–6091, david.turner@ferc.gov.

Magalie Salas,

Secretary.

[FR Doc. E5–1055 Filed 3–11–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7577–010]

Burton Creek Hydro, Inc.; Notice of Availability of Environmental Assessment

March 4, 2005.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects' staff has prepared an Environmental Assessment (EA) for an application for an amendment of exemption of the Burton Creek Project. The Burton Creek Project, FERC No. 7577, is located on Burton Creek in Lewis County, Washington.

The EA contains the staff's analysis of the potential environmental impacts of the proposal and concludes that approval of the proposal would not constitute a major Federal action significantly affecting the quality of the human environment.

A copy of the EA is attached to a March 3, 2005 Commission order titled "Order Amending Exemption to Relocate Powerhouse," which is available for review and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426. The EA may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number (prefaced by P–) and excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

For further information, contact Rebecca Martin at (202) 502–6012.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1039 Filed 3–11–05; 8:45 am]

BILLING CODE 6717–01–P

³ See § 5.9 of the final rule.

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Application for Surrender of Exemption and Soliciting Comments, Motions To Intervene, and Protests**

March 4, 2005.

Take notice that the following application has been filed with the Commission and is available for public inspection:

- a. *Application Type*: Surrender of exemption.
 - b. *Project No.*: 6662-006.
 - c. *Date Filed*: May 6, 2004.
 - d. *Applicant*: City of St. George.
 - e. *Name of Project*: Lower Gunlock Hydroelectric Project.
 - f. *Location*: This project is located on the Santa Clara River in Washington County, Utah. This project does not occupy any tribal or Federal lands.
 - g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r) and sections 799 and 801.
 - h. *Applicant Contact*: Mr. Rod Carter, Generation Superintendent; City of St. George; 175 East 200 North; St. George, Utah 84770; 435-634-5800.
 - i. *FERC Contact*: Any questions on this notice should be addressed to Kate DeBragga at 202-502-8961, or by e-mail: Kate.DeBragga@ferc.gov.
 - j. *Deadline for filing comments and or motions*: April 4, 2005.
- All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P-6662-006) on any comments or motions filed. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages e-filings.
- k. *Description of Request*: The City of St. George, licensee of the Lower Gunlock Hydroelectric Project, has requested Commission approval to surrender the exemption for the Gunlock Project (project). The project reservoir, Gunlock Lake, is not included under the exemption. An Operation Inspection of the project in 2004 reveals that the hydro facility has been removed from service, and that the project is no longer capable of generating power. All project features were found to be in good condition, and the overall maintenance of the project was adequate. No significant deficiencies

were noted. Upon approval of the proposed surrender, the project would no longer be subject to Commission inspections and regulations. The Utah Department of Natural Resources has indicated that it would continue to regulate the dam if the request for surrender is granted.

1. *Location of the Application*: This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://www.ferc.gov>, using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*: Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*: Federal, State, and local agencies are invited to file comments on the described applications. A copy of the applications may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also

be sent to the Applicant's representatives.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1040 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene**

March 4, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application*: Preliminary permit.
- b. *Project No.*: 12559-000.
- c. *Date filed*: November 18, 2004.
- d. *Applicant*: Cascade Power, LLC.
- e. *Name and Location of Project*: The Foothills South Project would be located on the Hancock Creek in King County, Washington. The proposed project would not use federal lands.
- f. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).
- g. *Applicant contact*: Mr. Donald J. Thompson, Cascade Power, LLC, 3035 Island Crest Way, Suite 210, Mercer Island, WA 98040, (206) 478-0910.
- h. *FERC Contact*: Tom Papsidero, (202) 502-6002.
- i. *Deadline for filing comments, protests, and motions to intervene*: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12559-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they

must also serve a copy of the document on that resource agency.

j. *Description of Project*: The proposed project would consist of: (1) A proposed concrete diversion and intake structure 8-foot-high and 60-foot-long, (2) a proposed 3,100-foot-long, 3-foot-diameter steel penstock, (2) a proposed powerhouse containing a generating unit with an installed capacity of 6.6 megawatts, (3) a proposed 9,300-foot-long, 34.5 kV transmission line, and (4) appurtenant facilities. The project would operate in a run-of-river mode and would have an average annual generation of 24.4 GWh.

k. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY (202) 502-8659. A copy is also available for inspection and reproduction at Cascade Power, LLC, 3035 Island Crest Way, Suite 210, Mercer Island, WA 98040, (206) 478-0910.

l. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicants representatives.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1048 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

March 4, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application*: Preliminary permit.

b. *Project No.*: 12560-000.

c. *Date Filed*: November 18, 2004.

d. *Applicant*: Cascade Power, LLC.

e. *Name and Location of Project*: The Foothills North Project would be located on the Calligan Creek in King County, Washington. The proposed project would not use lands of the United States.

f. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

g. *Applicant Contact*: Mr. Donald J. Thompson, Cascade Power, LLC, 3035 Island Crest Way, Suite 210, Mercer Island, WA 98040, (206) 478-0910.

h. *FERC Contact*: Tom Papsidero, (202) 502-6002.

i. *Deadline for Filing Comments, Protests, and Motions to Intervene*: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-12560-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project would consist of: (1) A proposed concrete diversion and intake structure 8-foot-high and 5-foot-long, (2) a proposed 5,200-foot-long, 34-inch-diameter steel penstock, (2) a proposed powerhouse containing a generating unit with an installed capacity of 5.5 megawatts, (3) a proposed 22,500-foot-long, 34.5 kV transmission line, and (4) appurtenant facilities. The project would operate in a run-of-river mode and would have an average annual generation of 21.1 GWh.

k. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC OnlineSupport at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or TTY (202) 502-8659. A copy is also available for inspection and reproduction at Cascade Power, LLC, 3035 Island Crest Way, Suite 210, Mercer Island, WA 98040, (206) 478-0910.

l. *Competing Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. *Competing Development Application*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely

notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. *Proposed Scope of Studies Under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division

of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Magalie R. Salas,
Secretary.

[FR Doc. E5-1049 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

March 4, 2005.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Partial transfer of license.

b. *Project No.:* 2790-045.

c. *Date Filed:* February 25, 2005

d. *Applicants:* Boott Hydropower, Inc., General Electric Credit Corporation, Eldred L. Field Hydroelectric Facility Trust.

e. *Name and Location of Project:* Lowell Hydropower Project, located on the Merrimack River in Middlesex County, Massachusetts.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

g. *Applicants' Contact:* Mr. Michael B. Peisner, Curtis Thaxter Stevens Broder & Micoleau LLC, One Canal Plaza, P.O. Box 7320, Portland, Maine 04112-7320, (207) 774-9000 ext. 211.

h. *FERC Contact:* James Hunter at (202) 502-6086.

i. *Deadline for Filing Comments, Protests, and Motions To Intervene:* March 25, 2005.

All Documents (Original and Eight Copies) Should be Filed With: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions

may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the Project Number on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the documents on that resource agency.

j. *Description of Application:* The Applicants seek Commission approval to modify the identity of co-licensee General Electric Credit Corporation (GECC), now known as General Electric Capital Corporation, to the Eldred L. Field Hydroelectric Facility Trust, as had been envisioned when a sale-leaseback transaction was consummated pursuant to the Commission's Order Approving Transfer of License issued on December 15, 1983. The Trust was formed pursuant to the Amended and Restated Trust Agreement between GECC and United States Trust Company of New York dated December 1, 1985.

k. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number (P-2790) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the addresses in item g. above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified

comment date for the particular application.

n. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicants specified in the particular application.

o. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicants. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicants' representatives.

Magalie R. Salas,

Secretary.

[FR Doc. E5-1054 Filed 3-11-05; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OECA-2004-0039; FRL-7883-3]

Agency Information Collection Activities; Submission for OMB Review and Approval; Comment Request; NESHAP for Primary Copper Smelters, ICR Number 1850.04, OMB Number 2060-0476 (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act, this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. This ICR is scheduled to expire on May 31, 2005. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. This ICR describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before April 13, 2005.

ADDRESSES: Submit your comments, referencing docket ID number OECA-2004-0039, to (1) EPA online using EDOCKET (our preferred method), by e-mail to docket.oeca@epa.gov, or by mail to: Environmental Protection Agency, EPA Docket Center (EPA/DC), Enforcement and Compliance Docket and Information Center, Mail Code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, (Mail Code 2223A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-4113; fax number: (202) 564-0050; e-mail address: williams.learia@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On September 14, 2004 (69 FR 55430), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments.

EPA has established a public docket for this ICR under Docket ID No. OECA-2004-0039, which is available for public viewing at the Enforcement and Compliance Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information Center Docket is: (202) 566-1752. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA and OMB within 30 days of this notice. EPA's

policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

Title: NESHAP for Primary Copper Smelters (40 CFR Part 63, Subpart QQQ) (Renewal).

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP), for Primary Copper Smelters were proposed on April 20, 1998 (63 FR 19582), and June 26, 2000 (65 FR 39326) respectively. These standards apply to any existing, reconstructed, or new primary copper smelters. The affected sources are each copper concentrate dryer, each smelting furnace, each slag cleaning vessel, each copper converter department, and the entire group of fugitive emission sources. Affected owners and operators are required to meet specific monitoring, recordkeeping, and reporting requirements in order to demonstrate initial and continuous compliance with the rule. A primary copper smelter is only subject to the regulation if it is a major source of hazardous air pollutant (HAP) emitting or has the potential to emit any single HAP at the rate of 10 tons or more per year or any combination of HAP at the rate of 25 tons or more per year.

Owners and operators must submit notification reports upon the construction, reconstruction, or modification of any primary copper smelter. Also, required is a one-time-only initial notification for new and reconstructed sources. The respondents are required to submit an annual performance test for each control device, and a semiannual summary report to EPA. Respondents subject to the final rule are required to prepare

and maintain on site two site-specific operating plans: (1) A startup, shutdown, malfunction plan, and (2) a fugitive dust control plan. Records and reports will be required to be retained for a total of five years, two years at the site, and the remaining three years at an off-site location.

Notifications are used to inform the Agency or delegated authority when a source becomes subject to the standard. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated, and the standard is being met. Performance test reports are needed as these are the Agency's records of a source's initial capability to comply with the emission standards, and serve as a record of the operating conditions under which compliance was achieved. The information generated by monitoring, recordkeeping and reporting requirements described in this ICR is used by the Agency to ensure that facilities affected by the standard continue to operate the control equipment and achieve continuous compliance with the regulation.

All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 196 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of primary copper smelters.

Estimated Number of Respondents: 3.

Frequency of Response: Initially, monthly, semiannually and annually.

Estimated Total Annual Hour Burden: 8,837 hours.

Estimated Total Annual Costs: \$564,848, which includes \$0 annualized capital/startup costs, \$8,000 annual O&M costs, and \$556,848 annual labor costs.

Changes in the Estimates: There is a decrease of 11,669 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The decrease in burden from the most recently approved ICR is due to a decrease in the number of sources. Our data indicates that there are approximately three sources subject to the rule, as compared to the active ICR that shows six sources. There are no new facilities expected to be constructed in the next three years. The decline in the number of sources was partially due to corporate mergers, coupled with power disruptions and high energy costs which resulted in loss of production and plant closure.

The annual reporting and recordkeeping cost burden is reduced from \$98,000 to \$8,000. In the initial rule related ICR, respondents were required to install monitoring equipment. For this ICR, all of the monitoring equipment has been installed and only O&M costs remain.

Dated: March 1, 2005.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 05-4900 Filed 3-11-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OW-2003-0019, FRL-7883-8]

Agency Information Collection Activities: Proposed Collection; Comment Request; Clean Watersheds Needs Survey (CWNS), EPA ICR Number 0318.10, OMB Control Number 2040-0050

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is

a request to renew an existing approved collection. This ICR is scheduled to expire on July 31, 2005. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 13, 2005.

ADDRESSES: Submit your comments, referencing docket ID number OW-2003-0019, to EPA online using EDOCKET (our preferred method), by e-mail to ow-docket@epa.gov or by mail to: EPA Docket Center, Environmental Protection Agency, Office of Water, Mail Code 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Lena Ferris, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Mail Code 4201M, Washington, DC 20460; telephone number: 202-564-8831; fax number: 202-501-2399; e-mail address: ferris.lena@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has established a public docket for this ICR under Docket ID number OW-2003-0019, which is available for public viewing at the Office of Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Office of Water Docket is (202) 566-0217. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in

EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket.

Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May 31, 2002), or go to <http://www.epa.gov/edocket>.

Affected entities: Entities potentially affected by this action are State governments.

Title: Clean Watersheds Needs Survey (CWNS).

Abstract: The Clean Watersheds Needs Survey (CWNS) is required by Sections 205(a) and 516(b)(1) of the Clean Water Act (<http://www.epa.gov/owm/mtb/cwns/index.htm>). It is a periodic inventory of existing and proposed publicly owned wastewater treatment works (POTWs) and other water pollution control facilities in the United States, as well as an estimate of how many POTWs need to be built. The CWNS is a voluntary, joint effort of EPA and the States. The Survey records cost and technical data associated with POTWs and other water pollution control facilities, existing and proposed, in the United States (for data elements, see http://oaspub.epa.gov/edr/edr_proc_qry.navigate?P_LIST_OPTION_CD=CSDIS&P_REG_AUTH_IDENTIFIER=1&P_DATA_IDENTIFIER=89802&P_VERSION=1). The State respondents who provide this information to EPA are State agencies responsible for environmental pollution control. No confidential information is used, nor is sensitive information protected from release under the Public Information Act. EPA achieves national consistency in the final results through the application of uniform guidelines and validation techniques.

During the period of this ICR, EPA will not be requiring or asking States to update CWNS information. EPA is planning to keep the CWNS database open for States that voluntarily choose to submit updated information, for their own purposes, between the 2004 and 2008 CWNS data entry periods. EPA will not be requiring or asking States to submit updated data until the 2008 CWNS data entry period, which will be covered under a subsequent ICR.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB

control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: As this ICR is intended to allow States to voluntarily update CWNS information for their own purposes, EPA will not be imposing any burden under this ICR. Should States choose to update CWNS facilities during this period, the average burden per respondent per facility updated is 1.55 hours. In previous between survey periods, five to ten States have selected to update CWNS facility information. Assuming five to ten states choose to update facilities in this between survey period, with an average of 600 facilities per state and an average of 50% of facilities needing updates every 4 years, the total overall voluntary burden to the five to ten States would range between 2,325 and 4,650 hours. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: March 4, 2005.

James A. Hanlon,

Director, Office of Wastewater Management.

[FR Doc. 05-4959 Filed 3-11-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7884-1]

Science Advisory Board Staff Office; Request for Nominations, Ad Hoc Integrated Nitrogen Research Committee of the Science Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office (hereinafter, the "Staff Office") is announcing the formation of a new Ad Hoc Integrated Nitrogen Research Committee of the Science Advisory Board (hereinafter, the "Committee") and is hereby soliciting nominations for this Committee.

DATES: Nominations should be submitted by April 11, 2005, per the instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Request for Nominations may contact Ms. Kathleen White, Designated Federal Officer (DFO), EPA Science Advisory Board Staff, at telephone/voice mail: (202) 343-9878; or via e-mail at: white.kathleen@epa.gov. General information concerning the SAB can be found on the EPA Web site at: <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION:

Background

Reactive nitrogen compounds (Nr)—that is, all biologically active, photochemically reactive, and radiatively active nitrogen compounds in the atmosphere and biosphere of the Earth can cause multiple effects in the atmosphere, in terrestrial ecosystems, in freshwater and marine systems, and on human health. The result is a wide variety of beneficial and detrimental changes in the health and welfare of people and ecosystems. Information to date indicates reactive nitrogen is accumulating in the environment. Anthropogenic activity leading to production of reactive nitrogen has been shown to exceed that from natural systems. Circulation of reactive nitrogen in the atmosphere, hydrosphere and

biosphere of the Earth has a wide variety of consequences that are magnified with time as reactive nitrogen moves along its biogeochemical pathway. Furthermore, research indicates the influence of reactive nitrogen in the environment should be considered from a systems perspective and integrated across environmental media. For example, reactive nitrogen that produces urban air pollution can also contribute to water pollution and the extensive use of nitrogen-containing materials in a watershed has a strong impact on the health of the associated coastal zone. Accordingly, there is a need to assess the extent of linkage among the effects that nitrogen causes in the environment, and to explore the implications of these linkages for nitrogen research and risk management.

The EPA Science Advisory Board (SAB) was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical bases for EPA policies and regulations. It is the initial assessment of the SAB that EPA's research programs on Nr could be better integrated. The SAB is conducting a study to assess the degree of integration among the current EPA programs, to make recommendations for a more integrated research program on Nr, and to identify opportunities for a more integrated approach to nitrogen management.

To carry out the Integrated Nitrogen Research Project, the SAB is forming an Ad Hoc Committee, known as the Integrated Nitrogen Research Committee. The Staff Office is soliciting nominations for members of the new Committee. The Committee will provide advice through the chartered SAB. The Committee will comply with the provisions of the Federal Advisory Committee Act (FACA) and all appropriate SAB Staff Office procedural policies.

The Committee will address the following questions:

1. What are the nitrogen problems?
2. What are the linkages among/ between the different nitrogen problems?
3. What EPA environmental programs and policies could provide the greatest control of nitrogen? What are the benefits of integrated nitrogen management?
4. What are the research needs to better understand the nitrogen problems and to strengthen the integrated risk management of nitrogen?

To achieve these overall goals, the SAB plans to conduct a number of

workshops and issue reports for this study.

Nomination of Candidates for SAB Committee

The SAB Staff Office is soliciting public nominations of nationally and internationally recognized scientists with expertise in one or more of the following areas:

Biogeochemistry and Effects

(1) The sources of Nr released into the environment from human activities and natural sources, including: Intentional cultivation of crops which promote conversion of nitrogen gas to organic nitrogen; combustion of fossil fuels; and the Haber-Bosch process.

(2) The behavior and effects of Nr in the atmosphere, including tropospheric ozone, particulate matter and visibility, and greenhouse gases and stratospheric ozone.

(3) The behavior and effects of Nr on humans and ecosystems in the terrestrial environment, including grassland/forest and agroecosystem.

(4) The behavior and effects of nitrogen in the aquatic environment, including wetlands, groundwater, surface waters, estuarine, coastal and marine environments.

Risk Reduction

(5) Risk Reduction Approaches including implementation of regulatory and voluntary approaches to risk reduction.

Control

(6) Specific control technologies or practices, including combustion controls for nitrogen oxides, ozone precursors, and particulate matter/visibility and practices for controlling ammonia in agriculture.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified experts from academia, industry, non-governmental organizations or State, local and tribal governments in the areas of expertise described above to serve on the Committee. Nominations should be submitted in electronic format through the Form for Nominating Individuals to Panels of the EPA Science Advisory Board provided on the SAB Web site at: <http://www.epa.gov/sab>. The form can be accessed through a link on the blue navigational bar at that Web site. To be considered, nominations must include all the information required on that form.

Anyone who is unable to submit nominations electronically using this form, or who has questions concerning the nomination process may contact Ms.

Kathleen White, DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than April 11, 2005.

To be considered, all nominations must include: (a) a current biography, *curriculum vitae* (C.V.) or resume, which provides the nominee's background, experience and qualifications for the Committee; and (b) a brief biographical sketch ("biosketch"). The biosketch should be no longer than one page and must contain the following information for the nominee:

(i) Current professional affiliations and positions held;

(ii) Area(s) of expertise, and research activities and interests;

(iii) Leadership positions in national associations or professional publications or other significant distinctions;

(iv) Educational background, especially advanced degrees, including when and from which institutions these were granted;

(v) Service on other advisory committees, professional societies, especially those associated with issues under discussion in this review; and

(vi) Sources of recent (*i.e.*, within the preceding two years) grant and/or other contract support, from government, industry, academia, etc., including the topic area of the funded activity. Please note that even if there is no responsive information (*e.g.*, no recent grant or contract funding), this must be indicated on the biosketch (by "N/A" or "None"). Incomplete biosketches will result in nomination packages not being accepted.

The EPA SAB Staff Office will acknowledge receipt of the nomination. After considering the nominees (termed the "Widecast"), the SAB Staff Office will identify a subset (known as the "Short List") for more detailed consideration. Criteria used by the Staff Office in developing this Short List are given at the end of the following paragraph. The Short List will be posted on the SAB Web site at: <http://www.epa.gov/sab>, and will include the nominees' names and their biosketches. Public comments will be accepted for 21 calendar days on the Short List. During this comment period, the public may provide information, analysis or other documentation on nominees that the Staff Office should consider in evaluating candidates for the Committee.

For the EPA SAB Staff Office, a balanced Committee is characterized by inclusion of candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced

by work history and affiliation), and the collective breadth of experience to adequately address the charge. Public responses to the Short List candidates will be considered in the selection of the Committee, along with information provided by candidates and information independently-gathered by the SAB Staff Office on the background of each candidate (*e.g.*, financial disclosure information and computer searches to evaluate a nominee's prior involvement with the topic under review). Specific criteria to be used in evaluating an individual Committee member include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) scientific credibility and impartiality; and (e) skills working in advisory committees, subcommittees and review panels.

Short List candidates must submit the "Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency" (EPA Form 3110-48). This confidential form allows Government officials to determine whether there is a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded from the following URL address: <http://www.epa.gov/sab/pdf/epaform3110-48.pdf>.

The approved policy under which the EPA SAB Office selects ad hoc committees and review panels is described in the following document: Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board (EPA-SAB-EC-02-010), which is on the SAB Web site at: (<http://www.epa.gov/sab>)<http://www.epa.gov/sab/ecm02003.pdf><http://www.epa.gov/sab/pdf/ec02010.pdf>.

Dated: March 4, 2005.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 05-4960 Filed 3-11-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-7883-9]

Science Advisory Board Staff Office; Notification of Advisory Meeting of the Science Advisory Board; Regulatory Environmental Modeling (REM) Guidance Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Science Advisory Board (SAB) Regulatory Environmental Modeling (REM) Guidance Review Panel will hold a public advisory meeting, as a teleconference, to discuss preparation of its draft peer review report of the Agency's draft guidance entitled, "Draft Guidance on the Development, Evaluation, and Application of Regulatory Environmental Models," dated November 2003 (referred to here also as the Draft Guidance), and the "Models Knowledge Base" related to modeling activity within the EPA.

DATES: March 28, 2005, 1 to 4 p.m. eastern standard time.

ADDRESSES: The public teleconference will take place via teleconference only.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to obtain the teleconference call-in number and access code, would like to submit written or brief oral comments (5 minutes or less for the public face-to-face meeting, and 3 minutes or less for the public teleconference meeting), or who wants further information concerning this public meeting should contact Dr. Jack Kooyoomjian, Designated Federal Officer (DFO), EPA SAB, 1200 Pennsylvania Avenue, NW, (MC 1400F), Washington, DC 20460; via telephone/voice mail: (202) 343-9984; fax: (202) 233-0643; or e-mail at: kooyoomjian.jack@epa.gov. The general SAB telephone number is (202) 343-9999 to obtain the dial in number and pass code for the conference call. General information concerning the SAB can be found on the SAB Web site at: <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION:

Background: The EPA's Office if Research Development (ORD) requested that the SAB review the Agency's Draft Guidance and Models Knowledge Base. Additional background information on this review activity, such as the **Federal Register** notice (68 FR 46602, Aug. 6, 2003) soliciting nominations for REM Guidance Review Panel membership and the **Federal Register** notice (70 FR 1243, January 6, 2005) announcing the

January 21, 2005, public conference call and the February 7 through 9, 2005, face-to-face meeting can be found on the SAB Web site at: <http://www.epa.gov/sab/panels/>.

Purpose of the March 28, 2005 Public Teleconference: The purpose of this public teleconference meeting is to prepare the SAB REM Guidance Review Panel consensus draft report.

Availability of Meeting Materials: Copies of the meeting agendas, the roster of the SAB's REM Guidance Review Panel, the charge to the SAB, and pre-decisional draft materials of the REM Guidance Advisory Panel will be posted on the SAB Web site at: <http://www.epa.gov/sab/panels/> prior to the meeting. Persons who wish to obtain copies of the Agency's Draft Guidance, the Models Knowledge Base or other materials pertinent to this advisory activity may obtain these materials at <http://www.epa.gov/crem/>, or <http://www.epa.gov/crem/sab/>.

For further information regarding the Agency's Draft Guidance or Models Knowledge Base or other relevant background materials, please contact Mr. Pasky Pascual of the U.S. EPA, Office of Research & Development (Mail Code 8102), by telephone/voice mail at (202) 564-2259, by fax at (202) 565-2925; or via e-mail at pascual.pasky@epa.gov.

Providing Oral or Written Comments at SAB Meetings: It is the policy of the SAB Staff Office to accept written public comments of any length, and to accommodate oral public comments wherever possible. The SAB Staff Office expects the public statements presented at its meetings will not be repetitive of previously-submitted oral or written statements. **Oral Comments:** In general, each individual or group requesting an oral presentation at a public face-to-face meeting will be limited to a total time of five minutes (unless otherwise indicated), and three minutes at a teleconference meeting (unless otherwise indicated). Requests to provide oral comments must be *in writing* (e-mail, fax, or mail) and received by the DFO no later than noon Eastern Time five business days prior to the meeting in order to reserve time on the meeting agenda. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. **Written Comments:** Although the SAB Staff Office accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office no later than noon Eastern Time five business days prior to the meeting so that the comments may

be made available to the Panelists for their consideration. Comments should be supplied to the DFO (preferably by e-mail) at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 98/2000/XP format)). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution.

Meeting Access: Individuals requiring special accommodation for this public meeting, such as hearing impaired accommodations for the teleconference call should contact the DFO at least five business days prior to the meeting, so that appropriate arrangements can be made.

Dated: March 9, 2005.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 05-4954 Filed 3-11-05; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2005-0016; FRL-7704-9]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from January 20, 2005 to February 18, 2005, consists of the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT-2005-0016 and the specific PMN number or TME number, must be received on or before April 13, 2005.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. **Docket.** EPA has established an official public docket for this action under docket identification (ID) number OPPT-2005-0016. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select “search,” then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA’s electronic public docket. EPA’s policy is that copyrighted material will not be placed in EPA’s electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA’s electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA’s electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA’s electronic public docket.

For public commenters, it is important to note that EPA’s policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA’s electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA’s electronic public docket. The entire printed comment, including the

copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA’s electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA’s electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA’s electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA’s policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA’s electronic public docket to submit comments to EPA electronically is EPA’s preferred method for receiving comments. Go directly to EPA Dockets

at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select “search,” and then key in docket ID number OPPT–2005–0016. The system is an “anonymous access” system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to oppt.ncic@epa.gov, Attention: Docket ID Number OPPT–2005–0016 and PMN Number or TME Number. In contrast to EPA’s electronic public docket, EPA’s e-mail system is not an “anonymous access” system. If you send an e-mail comment directly to the docket without going through EPA’s electronic public docket, EPA’s e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA’s e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier.* Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–20050016 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA’s electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be

disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those

chemicals. This status report, which covers the period from January 20, 2005 to February 18, 2005, consists of the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs and TMEs

This status report identifies the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 89 PREMANUFACTURE NOTICES RECEIVED FROM: 01/20/05 TO 02/18/05

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-05-0246	01/21/05	04/20/05	CBI	(G) Catalyst	(G) Sodium salt of a sulfonic acid derivative
P-05-0247	01/21/05	04/20/05	CBI	(G) Printing ink	(G) 3-phenylimino-6-oxo-1,4-cyclohexadiene derivative
P-05-0248	01/21/05	04/20/05	CBI	(G) Printing ink	(G) 5-amino-4-nitrophenylazo-1-phenylpirazole derivative
P-05-0249	01/21/05	04/20/05	CBI	(G) Additive, open, non-dispersive use	(G) Allyl compounds, copolymers with unsaturated acids
P-05-0250	01/21/05	04/20/05	CBI	(G) Additive, open, non-dispersive use	(G) Allyl compounds, copolymers with unsaturated acids
P-05-0251	01/21/05	04/20/05	CBI	(G) Semiconductor coating	(G) Hydroxy aromatics, polymer with fluorinated aromatics
P-05-0252	01/24/05	04/23/05	Henkel Corporation	(S) A component of adhesives for bonding, sealing, encapsulating and potting	(S) 1,3-butadiene, homopolymer, hydroxy-terminated, bis[[[(isocyanatophenyl)methyl]phenyl]carbamate]
P-05-0253	01/24/05	04/23/05	Ashland Inc., Environmental Health and Safety	(G) Adhesive, coating, ink	(G) 2-propenoic acid, bis(alkyldiyliminocarbonyloxy-2,1-ethanediy) ester
P-05-0254	01/24/05	04/23/05	Ashland Inc., Environmental Health and Safety	(G) Adhesive, coating, ink	(G) Alkanoic acid, bis(alkyldiyliminocarbonyloxy)]bis-, bis[6-oxo-6-[2-[1-oxo-2-propenyl]oxy] ethoxy] hexyl] ester
P-05-0255	01/24/05	04/23/05	Ashland Inc., Environmental Health and Safety	(G) Adhesive, coating, ink	(G) Dioxadiazalkanoic acid, 2-[(1-oxo-2-propenyl) oxy]ethyl ester
P-05-0256	01/24/05	04/23/05	Ashland Inc., Environmental Health and Safety	(G) Adhesive, coating, ink	(G) Dioxadiazalkanoic acid, bis[2-[(1-oxo-2-propenyl) o oxy]ethyl] ester

I. 89 PREMANUFACTURE NOTICES RECEIVED FROM: 01/20/05 TO 02/18/05—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-05-0257	01/24/05	04/23/05	Ashland Inc., Environmental Health and Safety	(G) Adhesive, coating, ink	(G) 2-propenoic acid, 2-[[[alkyl- [[[[2-[(1-oxo-2-propenyl)oxy]alkoxy]carbonyl] amino]alkyl]methyl]amino]carbonyl]oxy]ethyl ester
P-05-0258	01/24/05	04/23/05	Ashland Inc., Environmental Health and Safety	(G) Adhesive, coating, ink	(G) Diisocyanato alkane homopolymer, 2-hydroxyethyl acrylate-blocked
P-05-0259	01/25/05	04/24/05	Henkel Corporation	(S) A component of adhesive formulations for general industrial bonding applications	(S) Tricyclodecanedimethanol, polymer with 2,4-diisocyanato-1-methylbenzene and .alpha.-hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl), 2-hydroxyethyl acrylate-blocked
P-05-0260	01/25/05	04/24/05	CBI	(S) Adhesion promoter for window sealant (at oem)	(G) aminoalkoxypolysiloxane
P-05-0261	01/26/05	04/25/05	CBI	(G) Reactant used in internal manufacture of polymers	(G) Phenol-substituted amide
P-05-0262	01/26/05	04/25/05	CBI	(S) Chemical intermediate	(G) Halogenated alkene
P-05-0263	01/26/05	04/25/05	CBI	(G) Functional coating polymer	(G) Acrylic copolymer
P-05-0264	01/28/05	04/27/05	CBI	(S) Resin for coatings applied by electrodeposition	(G) Amine functional epoxy resin salted with organic acid
P-05-0265	01/28/05	04/27/05	CBI	(S) Resin for coatings applied by electrodeposition	(G) Amine functional epoxy resin salted with organic acid
P-05-0266	01/28/05	04/27/05	CBI	(S) Resin for coatings applied by electrodeposition	(G) Amine functional epoxy resin salted with organic acid
P-05-0267	01/28/05	04/27/05	Wacker Silicones a Division of Wacker Chemical Corporation	(S) Crosslinker in elastomer products	(G) Polydimethyl fluoroalkyl hydrogen siloxane
P-05-0268	01/28/05	04/27/05	Macdermid Incorporated	(G) Photocure polymer, open non-dispersive use	(G) Oxirane, methyl-, polymer with 1,3-diisocyanatomethylbenzene, alpha-hydro-omega-hydroxypoly[oxy(methyl-1,2-ethanediyl)] and oxirane, poly(alkyl)glycol acrylate-blocked
P-05-0269	01/31/05	04/30/05	CBI	(G) softening of cellulose	(G) Polyethanolamine diester with fatty acids dialkyl sulfate salts
P-05-0270	01/31/05	04/30/05	CBI	(S) softening of cellulose	(G) Polyethanolamine diester with fatty acids dialkyl sulfate salts
P-05-0271	01/31/05	04/30/05	CBI	(S) softening of cellulose	(G) Polyethanolamine diester with fatty acids dialkyl sulfate salts
P-05-0272	01/31/05	04/30/05	CBI	(S) softening of cellulose	(G) Polyethanolamine diester with fatty acids dialkyl sulfate salts
P-05-0273	02/01/05	05/01/05	Surface Specialties, Inc.	(S) Dispersant for industrial coatings concentrates	(G) Alkanolactone, polymer with substituted 2h-pyran-2-one, 2-(2-butoxyethoxy)ethyl ester, phosphate
P-05-0274	02/01/05	05/01/05	CBI	(G) Open, non-dispersive (component of leather finishing system)	(G) Polyester carbonate-based polyurethane-polyurea
P-05-0275	02/01/05	05/01/05	CBI	(G) Ultra violet photoinitiator	(G) Di(alkyl phenyl) iodonium hexafluoroantimonate
P-05-0276	02/01/05	05/01/05	CBI	(G) Paint component	(G) Rare earth salt of a carboxylic acid
P-05-0277	01/24/05	04/23/05	Global Matrechs, Inc	(S) Flooring; top clear coating	(G) Urethane containing polyamine
P-05-0278	01/24/05	04/23/05	Global Matrechs, Inc	(S) Paints; top clear coatings	(G) Urethane containing polyamine
P-05-0279	02/01/05	05/01/05	CBI	(G) Panel laminating adhesive	(G) Polyurethane polymer
P-05-0280	01/24/05	04/23/05	Global Matrechs, Inc	(S) Paints; top clear coatings	(G) Urethane containing polyamine
P-05-0281	02/02/05	05/02/05	Global Matrechs, Inc	(S) Flooring; paints; top clear coatings	(G) Aliphatic cyclocarbonate
P-05-0282	02/03/05	05/03/05	CBI	(G) Polymerization aid	(G) Bis(polyalkyl-alkoxy-polyheteroatom containing alkanolic acid) derivative
P-05-0283	02/03/05	05/03/05	CBI	(G) Polymerization aid	(G) Polyalkyl-alkoxy-polyheteroatom containing alkanolic acid
P-05-0284	02/03/05	05/03/05	CBI	(G) Open, non-dispersive use	(G) Styrene acrylate copolymer
P-05-0285	02/04/05	05/04/05	CBI	(G) Fuel additive	(G) Butanedioic acid, monopolyisobutylene derivatives., ethylene esters, compounds with alkanolamine (1:2)

I. 89 PREMANUFACTURE NOTICES RECEIVED FROM: 01/20/05 TO 02/18/05—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-05-0286 P-05-0287	02/04/05 02/07/05	05/04/05 05/07/05	CBI Applied Power Concepts, Inc.	(S) Hydraulic fracturing additive (G) A bioremediation material for chlorinated hydrocarbons.	(G) Aklyl phosphonate (S) Glycerides, tall-oil di-, mono [2-[2-(2-hydroxy-1-oxopropoxy)-1-oxopropoxy]propanoates]
P-05-0288	02/07/05	05/07/05	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Rosin/acrylic support resin for printing inks	(G) Tall oil modified aromatic acrylic polymer
P-05-0289	02/07/05	05/07/05	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Rosin/acrylic support resin for printing inks	(G) Tall oil modified aromatic acrylic polymer, ammonium salt
P-05-0290	02/07/05	05/07/05	PPG Industries, Inc.	(G) Component of an automotive re-finish direct-gloss topcoat	(G) Alkanedioic acid, polymer with 1,3,5-tris(substituted alkyl)-1,3,5-triazine-2,4,6(1h,3h,5h)-trione, alkanoate (ester) 3-substituted-2-(substituted alkyl)-2-alkanoate (ester)
P-05-0291	02/08/05	05/08/05	Lubrizol Metalworking Additives	(S) Anti-corrosion additive for metal-working fluids	(S) Hexanoic acid, 6,6',6''-(1,3,5-triazine-2,4,6-triyltriimino)tris-, compound with 2-aminoethanol
P-05-0292	02/08/05	05/08/05	Lubrizol Metalworking Additives	(S) Anti-corrosion additive for metal-working fluids	(S) Hexanoic acid, 6,6',6''-(1,3,5-triazine-2,4,6-triyltriimino)tris-, compound with 2-amino-2-methyl-1-propanol
P-05-0293	02/08/05	05/08/05	Lubrizol Metalworking Additives	(S) Anti-corrosion additive for metal-working fluids	(S) Hexanoic acid, 6,6',6''-(1,3,5-triazine-2,4,6-triyltriimino)tris-, compound with 1-amino-2-propanol
P-05-0294	02/08/05	05/08/05	Lubrizol Metalworking Additives	(S) Anti-corrosion additive for metal-working fluids	(S) Hexanoic acid, 6,6',6''-(1,3,5-triazine-2,4,6-triyltriimino)tris-, compound with 1,1',1''-nitritoltris[2-propanol]
P-05-0295	02/08/05	05/08/05	Lubrizol Metalworking Additives	(S) Anti-corrosion additive for metal-working fluids	(S) Hexanoic acid, 6,6',6''-(1,3,5-triazine-2,4,6-triyltriimino)tris-, compound with 1,1'-iminobis[2-propanol]
P-05-0296	02/08/05	05/08/05	Lubrizol Metalworking Additives	(S) Anti-corrosion additive for metal-working fluids	(S) Hexanoic acid, 6,6',6''-(1,3,5-triazine-2,4,6-triyltriimino)tris-, compound with 2-(2-aminoethoxy)ethanol
P-05-0297	02/08/05	05/08/05	CBI	(S) Polyurethane coating; polyurethane adhesive	(G) Aqueous polyurethane dispersion
P-05-0298	02/08/05	05/08/05	CBI	(G) Open, non-dispersive use	(G) Styrene acrylate copolymer
P-05-0299	02/09/05	05/09/05	Zeon Chemicals L.P.	(S) Automotive timing belts; oilfield wellhead seals, blow-out preventers	(G) Modified acrylonitrile-butadiene polymer
P-05-0300	02/02/05	05/02/05	Reference Metals Company Inc.	(G) Niobium precursor	(G) Niobium organic compound
P-05-0301	02/08/05	05/08/05	CBI	(G) Hardener for epoxy resin	(G) Trisphenol
P-05-0302	02/08/05	05/08/05	Mitsubishi Gas Chemical America, Inc.	(S) Reactant to form ingredient for use in ultra violet cured paint	(S) 1,3-dioxane-2-ethanol, 5-ethyl-5-(hydroxymethyl)-.beta.,.beta.-dimethyl-
P-05-0303	02/08/05	05/08/05	CBI	(G) Resin for coatings	(G) Alkanoic acid, 3-hydroxy-2-(hydroxyalkyl)-2-alkyl-, ion(1-), salts with bisphenol a-bisphenol a-epichlorohydrin polymer 2-alkyl-1-alkanol-1-[(2-hydroxyalkyl)thio]-2-alkanol-tdi reaction products
P-05-0304	02/08/05	05/08/05	Mitsubishi Gas Chemical America, Inc.	(S) Monomer for production of polymers	(S) 2,4,8,10-tetraoxaspiro[5.5]undecane-3,9-diethanol, .beta.,.beta.,.beta.,.beta.-tetramethyl-
P-05-0305	02/09/05	05/09/05	CBI	(S) Isolated chemical intermediate precursor for the manufacture of casrn 390748-76-2, tall-oil pitch, sapond., neutralized, sterol-low	(S) Tall-oil pitch, sapond., sterol-low
P-05-0306	02/10/05	05/10/05	Custom Synthesis, LLC	(S) Additive for industrial and metal-working lubricants	(G) Mixed fatty acids and diacids polymer with polyol

I. 89 PREMANUFACTURE NOTICES RECEIVED FROM: 01/20/05 TO 02/18/05—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-05-0307	02/10/05	05/10/05	Materia Inc.	(S) Catalyst	(S) Ruthenium, [1,3-bis(2,4,6-trimethylphenyl)-2-imidazolidinylidene]dichloro(phenylmethylene)(tricyclohexylphosphine)-, (sp-5-41)-
P-05-0308	02/10/05	05/10/05	Meadwestvaco Corporation - Specialty Chemicals Division	(S) Support resin for printing inks	(S) 2-propenoic acid, polymer with ethenylbenzene and (1-methylethenyl)benzene, compound with 2-aminoethanol
P-05-0309	02/11/05	05/11/05	Kuraray America, Inc.	(S) Inkjet ink	(S) 1,3-butanediol, 3-methyl-
P-05-0310	02/14/05	05/14/05	CBI	(S) Resin for rubber	(G) Olefin modified hydrocarbon resin
P-05-0311	02/14/05	05/14/05	CBI	(S) Resin for rubber	(G) Olefin modified hydrocarbon resin
P-05-0312	02/14/05	05/14/05	CBI	(S) Resin for rubber	(G) Olefin modified hydrocarbon resin
P-05-0313	02/14/05	05/14/05	CBI	(S) Resin for rubber	(G) Olefin modified hydrocarbon resin
P-05-0314	02/14/05	05/14/05	CBI	(S) Resin for rubber	(G) Olefin modified hydrocarbon resin
P-05-0315	02/14/05	05/14/05	CBI	(S) Resin for rubber	(G) Olefin modified hydrocarbon resin
P-05-0316	02/11/05	05/11/05	CBI	(G) Additive, open, non-dispersive use	(S) Siloxanes and silicones, di-methyl, 3-hydroxypropyl me, me octyl, ethoxylated
P-05-0317	02/14/05	05/14/05	CBI	(G) Scale inhibitor for subterranean oilfield brines such as calcium carbonate and barium sulphate.	(G) Mono-methyl maleate/acrylic acid/hydroxypropyl methacrylate copolymer ammonium salt
P-05-0318	02/14/05	05/14/05	CBI	(G) Scale inhibitor for subterranean oilfield brines such as calcium carbonate and barium sulphate.	(G) Mono-methyl maleate/acrylic acid/hydroxypropyl methacrylate sodium salt
P-05-0319	02/14/05	05/14/05	CBI	(G) Scale inhibitor for subterranean oilfield brines such as calcium carbonate and barium sulphate.	(G) Mono-methyl maleate/acrylic acid/hydroxypropyl methacrylate/sodium -p-sulphophenylmethallyl ether copolymer ammonium salt
P-05-0320	02/14/05	05/14/05	CBI	(G) Scale inhibitor for subterranean oilfield brines such as calcium carbonate and barium sulphate.	(G) Mono-methyl maleate/acrylic acid/hydroxypropyl methacrylate/2-propenoic acid, 2-methyl-2(phosphonoxy)ethyl ester/2-propenoic acid, 2-methylphosphinicobis(oxy-2,1-ethanediyl ester copolymer ammonium salt
P-05-0321	02/14/05	05/14/05	CBI	(G) Scale inhibitor for subterranean oilfield brines such as calcium carbonate and barium sulphate.	(G) Mono-methyl maleate/acrylic acid/hydroxypropyl methacrylate copolymer
P-05-0322	02/14/05	05/14/05	CBI	(G) The polymer will be used as an additive in detergent formulations.	(G) Polyoxyethylene tristyrilphenyl ether methacrylate/methacrylic acid copolymer
P-05-0323	02/15/05	05/15/05	Incorez Corporation	(S) 2 part protective coating	(S) Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymer with 2-[(3-aminopropyl)amino]ethanol, dimethyl carbonate, 1,6-hexanediol, 1,1'-methylenebis[4-isocyanatocyclohexane] and 2-oxepanone, compound with n,n-diethylethanamine
P-05-0324	02/15/05	05/15/05	CBI	(G) Paint component	(G) Rare earth salt of a carboxylic acid
P-05-0325	02/16/05	05/16/05	E.I. Du pont De Nemours and Company, Inc.	(S) Extruded film; powder coatings; composite tapes and prepregs; molded parts; molded shapes for machining	(G) Thermoplastic polyimide
P-05-0326	02/16/05	05/16/05	Bio Based Chemical, LLC	(S) As a polyol in elastomer formulations; as a polyol in flexible slab block and molding formulations; as a polyol in rigid foam formulations; as a polyol in coatings formulations; as a polyol in binder formulations; as polyol in adhesive formulations; as a polyol in sealant formulations	(S) Soybean oil, reaction products with ethaneperoxoic acid
P-05-0327	02/17/05	05/17/05	CBI	(G) Pigment dispersion polymer	(G) Amine salt of styrene acrylic polymer
P-05-0328	02/17/05	05/17/05	International Specialty Products	(S) Intermediate in the production of styleze w-20 / styleze w-10	(S) 3-methacryloylaminopropyl-lauryl-dimethyl-ammonium chloride

I. 89 PREMANUFACTURE NOTICES RECEIVED FROM: 01/20/05 TO 02/18/05—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-05-0329	02/18/05	05/18/05	Clariant LSM (America) Inc.	(S) Fungicide intermediate	(G) Halogenated phenoxy aromatic
P-05-0330	02/17/05	05/17/05	CBI	(S) Coating for the leather industry	(G) Carboxylic acid and ketone-functional polyurethane polymer, 2-dimethylaminoethyl salt
P-05-0331	02/17/05	05/17/05	International Specialty Products	(S) Thickening of strong acids (oilfield drilling, toilet bowl cleaners, automatic dishwashing liquids)	(S) 1-dodecanaminium, n,n-dimethyl-n-[3-[(2-methyl-1-oxo-2-propenyl)amino]propyl]-, chloride, polymer with n-[3-(dimethylamino)propyl]-2-methyl-2-propenamamide and 1-ethenyl-2-pyrrolidinone
P-05-0332	02/18/05	05/18/05	CBI	(S) Screen inks; flexo inks; plastic coatings; electronics	(G) Acrylic oligomer
P-05-0333	02/18/05	05/18/05	CBI	(S) Adhesives; coatings	(G) Urethane acrylate
P-05-0334	02/18/05	05/18/05	SPI Pharma, Inc.	(S) Destructive use as a processing aid	(S) Aluminum hydroxycarbonate

In Table II of this unit, EPA provides that such information is not claimed as the following information (to the extent CBI) on the TMEs received:

II. 2 TEST MARKETING EXEMPTION NOTICES RECEIVED FROM: 01/20/05 TO 02/18/05

T-05-0001	02/07/05	03/23/05	PPG Industries, Inc.	(G) Component of an automotive re-finish direct-gloss topcoat	(G) Alkanedioic acid, polymer with 1,3,5-tris(substituted alkyl)-1,3,5-triazine-2,4,6(1h,3h,5h)-trione, alkanoate (ester) 3-substituted-2-(substituted alkyl)-2-alkanoate (ester)
T-05-0002	02/18/05	04/03/05	Forbo Adhesives, LLC	(G) Liquid polyurethane adhesive	(G) Isocyanate functional urethane polymer

In Table III of this unit, EPA provides that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

III. 30 NOTICES OF COMMENCEMENT FROM: 01/20/05 TO 02/18/05

Case No.	Received Date	Commencement Notice End Date	Chemical
P-02-0161	02/16/05	01/06/05	(G) Copolymer
P-02-0238	01/25/05	12/19/04	(S) Pentadecane, branched
P-02-0239	01/25/05	12/19/04	(S) Hexadecane, branched
P-03-0272	02/01/05	12/29/04	(G) Olefins
P-03-0342	01/26/05	01/11/05	(G) Functional alcohol, polymer with tdi, 2-hydroxymethyl acrylate-blocked
P-03-0358	01/26/05	12/20/04	(S) 1-chloro-4-propoxy thioxanthone
P-03-0471	02/15/05	01/24/05	(G) Bis oxetanyl ether
P-04-0091	02/08/05	01/10/05	(S) Carbamodithioic acid, dipentyl-, compound with n-pentyl-1-pentanamine (1:1)
P-04-0276	02/03/05	01/19/05	(G) Isobutene-maleic anhydride copolymer sodium salt
P-04-0346	02/02/05	01/21/05	(G) Copolymer of phenol and aromatic hydrocarbon
P-04-0347	02/02/05	01/21/05	(G) Copolymer of phenol and aromatic hydrocarbon
P-04-0491	02/15/05	01/27/05	(G) 1,3-isobenzofurandione, polymer with 2,5-furandione, oxybis[propanol] and 1,2-propanediol, 1 (or 2)-(2-methoxymethylethoxy)-alkyl ester
P-04-0530	02/14/05	01/13/05	(G) Chloromethylketone
P-04-0760	01/27/05	01/20/05	(G) Acrylic polymer
P-04-0787	02/11/05	01/31/05	(G) Polyether carboxylate
P-04-0791	02/11/05	01/31/05	(G) Polyether phosphonate
P-04-0795	01/21/05	12/16/04	(G) Isocyanate terminated urethane polymer
P-04-0816	02/03/05	01/28/05	(G) Disubstituted furanone
P-04-0836	02/10/05	02/01/05	(G) Substituted naphthalenesulfonic acid substituted azo phenyl amino triazin amino substituted phenyl compound
P-04-0880	02/11/05	01/26/05	(G) Carbomonocyclic carboxylic salt
P-04-0885	02/11/05	01/24/05	(G) Poly ester polyol
P-04-0933	01/28/05	01/09/05	(S) Silane, ethenyltriethoxy-, reaction products with wollastonite (ca(sio3))

III. 30 NOTICES OF COMMENCEMENT FROM: 01/20/05 TO 02/18/05—Continued

Case No.	Received Date	Commencement Notice End Date	Chemical
P-04-0936	01/28/05	01/19/05	(S) Silane, (3-chloropropyl)trimethoxy-, reaction products with wollastonite (ca(sio3))
P-04-0937	02/02/05	01/06/05	(G) Silsesquioxanes
P-04-0940	02/09/05	01/25/05	(G) Alkyl amine nitrile
P-04-0948	01/28/05	01/01/05	(G) Siloxane coating
P-05-0013	02/07/05	01/08/05	(S) Ethane, 1-ethoxy-2-(2-methoxyethoxy)-
P-05-0036	02/11/05	02/07/05	(G) Alkyl methacrylate copolymer
P-05-0047	02/17/05	02/11/05	(G) Stabilized aluminum alcoholate
P-96-1590	02/16/05	04/14/03	(G) Polysiloxane epoxy acrylate copolymer

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: March 8, 2005.

Pamela M. Moseley,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 05-4955 Filed 3-11-05; 8:45 am]

BILLING CODE 6560-50-S

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Revision of an Information Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the proposed revision of an information collection, as required by the Paperwork Reduction Act (PRA, 44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection currently titled "Deposit Broker Processing."

DATES: Comments must be submitted on or before May 13, 2005.

ADDRESSES: Interested parties are invited to submit written comments to Thomas Nixon, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. All comments should refer to "Deposit Broker Processing." Comments may be hand-delivered to the guard station at

the rear of the 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. Comments may also be submitted to the Office of Management and Budget (OMB) desk officer for the FDIC: Mark Menchik, Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Thomas Nixon, (202) 898-8766, or at the address above.

SUPPLEMENTARY INFORMATION:

Proposal to revise the following currently approved collection of information:

Title: Deposit Broker Processing.

OMB Number: 3064-0143.

Affected Public: Deposit brokers and depositors of failed insured institutions.

Information about the Collection:

When an insured institution is closed by its primary regulatory authority, the FDIC has the responsibility to pay the insured claims of the failed bank depositors pursuant to Federal Deposit Insurance Act and the FDIC's Deposit Insurance Coverage regulation, 12 CFR part 330. Generally, deposits are insured to a maximum of \$100,000. This maximum coverage is based on "ownership rights and capacities." All deposits that are maintained in the same right and capacity are added together and insured up to \$100,000 in accordance with the regulations relating to deposit insurance of that particular deposit insurance ownership category. Deposits held in different ownership categories are eligible for \$100,000 coverage per category. For example, as a general rule, single-ownership accounts are separately insured from trust accounts held for the benefit of others.

In order to assist the FDIC in paying deposit insurance to persons who had deposited funds in a failed depository institution through a deposit broker, the FDIC requests deposit brokers who opened a deposit account in a failed institution to provide the FDIC with information about the parties for whom the broker acted as agent and the amounts of their deposits. An essential element of this collection is an electronic file from every broker that provides information about its customers and their accounts, including: each customer's name, address, tax identification number, ownership interest in the account, principal balance of the account and interest earned on the account. The FDIC also has developed forms to assist in determining account ownership and the availability of "pass-through" deposit insurance coverage where the account balance exceeds \$100,000. The FDIC form numbers are 7200/03, /04, /05, /06, /07, /08, /09, /10, /11, /12, /13, /14, and /15.

The FDIC uses these same forms to determine whether individual account holders at failed institutions may receive pass-through deposit insurance coverage. The FDIC's use of these forms for individuals has been approved by OMB under PRA control number 3064-0150 (expires September 30, 2007).

In order to facilitate public access to the common forms and to improve administrative efficiency, the FDIC proposes to consolidate the two OMB approved collections into a single collection titled, "Forms Relating to Processing Deposit Insurance Claims," under the 3064-0143 control number.

Burden estimate, deposit brokers only.

Frequency of response: occasional.

	Burden per response	Number of responses	Burden hours
Deposit Broker Submission Checklist	5 minutes	70	6
Diskette, following "Broker Input File Requirements" ..	The burden will vary depending on the broker's number of brokered accounts.		
	45 minutes	153	40

	Burden per response	Number of responses	Burden hours
Exhibit B, the standard agency agreement, or the non-standard agency agreement.	5 hours	² 18	90
	1 minute	70	1
Subtotal .....	.....	.....	137

¹ 75% of 70 annual responses.
² 25% of 70 annual responses.

Burden estimate, combined deposit brokers and individuals. Frequency of response: Occasional.

Form No.	Form title	Hours	Respondents	Burden hours
7200/03	Declaration for Testamentary Deposit (Single Grantor) .....	.50	1000	500
7200/04	Declaration for Public Unit Deposit .....	.50	500	250
7200/05	Declaration for Trust .....	.50	1100	550
7200/06	Declaration of Independent Activity .....	.50	25	12.5
7200/07	Declaration of Independent Activity for Unincorporated Association.	.50	25	12.5
7200/08	Declaration for Joint Ownership Deposit .....	.50	25	12.5
7200/09	Declaration for Testamentary Deposit (Multiple Grantors) .....	.50	500	250
7200/10	Declaration for Defined Contribution Plan	1.0	50	50
7200/11	Declaration for IRA/KEOGH Deposit .....	.50	50	25
7200/12	Declaration for Defined Benefit Plan	1.0	200	200
7200/13	Declaration of Custodian Deposit .....	.50	50	25
7200/14	Declaration for Health and Welfare Plan	1.0	200	200
7200/15	Declaration for Plan and Trust .....	.50	1300	650
Subtotal .....	.....	.....	5025	2738

Total burden estimate: 2875 hours.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's request to OMB for renewal of this collection. All comments will become a matter of public record.

Dated at Washington, DC, this 9th day of March 2005.

Federal Deposit Insurance Corporation.
Robert E. Feldman,
Executive Secretary.
 [FR Doc. 05-4974 Filed 3-11-05; 8:45 am]
BILLING CODE 6714-01-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 7, 2005.

A. Federal Reserve Bank of Cleveland
 (Nadine W. Wallman, Assistant Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *Peoples Community Bancorp, Inc.*, West Chester, Ohio; to merge with American State Corporation, Lawrenceburg, Indiana, and thereby indirectly acquire American State Corporation, Lawrenceburg, Indiana, and thereby acquire American State Corporation, Lawrenceburg, Indiana.

B. Federal Reserve Bank of Atlanta
 (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30303:

1. *Firsttrust Corporation*, New Orleans, Louisiana; to acquire 100 percent of the voting shares of Central Bank for

Savings, Winona, Mississippi, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii) of Regulation Y. In addition, Firtrust Corporation will acquire 100 percent of the voting shares of Central Bank For Savings upon its conversion to a state chartered bank, under the name of FirstBank and Trust of Mississippi.

Board of Governors of the Federal Reserve System, March 8, 2005.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 05-4913 Filed 3-11-05; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. 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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 29, 2005.

A. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *Perry County Bancorp, Inc.*, DuQuoin, Illinois; to engage *de novo* through its subsidiary, DQSB Financial Services, Inc., DuQuoin, Illinois, and thereby engage in securities brokerage

and advisory service activities, pursuant to sections 225.28(b)(6)(ii), (b)(6)(iv), (b)(6)(v), and (b)(7)(i) of Regulation Y.

Board of Governors of the Federal Reserve System, March 9, 2005.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.05-4975 Filed 3-11-05; 8:45 am]

BILLING CODE 6210-01-S

FEDERAL TRADE COMMISSION

Sunshine Act Meeting Notice

AGENCY: Federal Trade Commission.

TIME AND DATE: 2 p.m., Monday, March 14, 2005.

PLACE: Federal Trade Commission Building, Room 532, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to public:

(1) Oral Argument in the matter of Telebrands Corporation, *et al.*, Docket 9313.

Portion closed to the public:

(2) Executive Session to follow Oral Argument in Telebrands Corporation, Docket 9313.

FOR FURTHER INFORMATION CONTACT: Mitch Katz, Office of Public Affairs: (202) 326-2180. Recorded Message: (202) 326-2711.

Donald S. Clark,

Secretary.

[FR Doc. 05-5022 Filed 3-10-05; 10:41 am]

BILLING CODE 6750-01-M

FEDERAL TRADE COMMISSION

Delegation of Authority To Respond to Requests From Spain's Data Protection Agency

AGENCY: Federal Trade Commission.

ACTION: Delegation of authority.

SUMMARY: The Commission has delegated authority to the Associate Director for International Consumer Protection to respond to disclosure and other requests from Spain's Agencia Española de Protección de Datos ("AEPD") regarding unsolicited commercial e-mail pursuant to a memorandum of understanding with the Commission.

EFFECTIVE DATE: February 17, 2005.

FOR FURTHER INFORMATION CONTACT: Elena Gasol Ramos, Legal Advisor for International Consumer Protection, International Division of Consumer

Protection, (202) 326-3102, egasolramos@ftc.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given, pursuant to Reorganization Plan No. 4 of 1961, 26 FR 6191, that the Commission has delegated to the Associate Director for International Consumer Protection the authority to respond to disclosure and other requests from Spain's Agencia Española de Protección de Datos ("AEPD") pursuant to a memorandum of understanding with the Commission about commercial e-mail information sharing and enforcement cooperation. This delegated authority does not apply to competition-related investigations. When exercising its authority under this delegation, staff may only disclose information regarding commercial e-mail investigations that involve consumers, businesses, commerce or markets in Spain, and will require assurances of confidentiality from the AEPD. Disclosures shall be made only to the extent consistent with current limitations on disclosure, including section 6(f) of the FTC Act, 15 U.S.C. 46(f), section 21 of the Act, 15 U.S.C. 57b-2, and Commission Rule 4.10(d), 16 CFR 4.10(d), and with the Commission's enforcement policies and other important interests. Where the subject matter of the information to be shared raises significant policy concerns, staff shall consult with the Commission before disclosing such information.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 05-4966 Filed 3-11-05; 8:45 am]

BILLING CODE 6750-01-M

FEDERAL TRADE COMMISSION

[Docket No. 9319]

Nationwide Mortgage Group, Inc., et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of Federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 4, 2005.

ADDRESSES: Comments should refer to "Nationwide Mortgage Group, Inc., et

al., Docket No. 9319,” to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following address: Federal Trade Commission/Office of the Secretary, Room H-159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. Comments containing confidential material must be filed in paper form, as explained in the Supplementary Information section. The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form (except comments containing any confidential material) should be sent to the following e-mail box: consentagreement@ftc.gov.

FOR FURTHER INFORMATION CONTACT: Jessica Rich, FTC, Bureau of Consumer Protection, 600 Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326-3224.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and section 3.25(f) of the Commission’s Rules of Practice, 16 CFR 3.25(f), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC home page (for March 4, 2005), on the World Wide Web, at <http://www.ftc.gov/os/2005/03/index.htm>. A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. Written comments must be submitted on or before April 4, 2005. Comments should refer to “Nationwide Mortgage Group, Inc., *et al.*, Docket No. 9319,” to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope, and should be mailed or delivered to the following

address: Federal Trade Commission/Office of the Secretary, Room H-159, 600 Pennsylvania Avenue, NW., Washington, DC 20580. If the comment contains any material for which confidential treatment is requested, it must be filed in paper (rather than electronic) form, and the first page of the document must be clearly labeled “Confidential.”¹ The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments filed in electronic form should be sent to the following e-mail box: consentagreement@ftc.gov.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC Web site, to the extent practicable, at <http://www.ftc.gov>. As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC’s privacy policy, at <http://www.ftc.gov/ftc/privacy.htm>.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (“Commission”) has accepted a consent agreement, subject to final approval, from Nationwide Mortgage Group, Inc., and John D. Eubank (collectively “Nationwide”). Nationwide is a mortgage broker with headquarters in Fairfax, Virginia. Nationwide collects sensitive customer information, including customer names, social security numbers, credit histories, bank account numbers, and income tax returns, and is a “financial institution” subject to the Gramm-Leach-Bliley Act’s Standards for Safeguarding Customer Information Rule, 16 CFR part 314 (“Safeguards Rule”) and Privacy of

Consumer Financial Information Rule, 16 CFR part 313 (“Privacy Rule”).

The proposed consent agreement has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement’s proposed order.

This matter concerns Nationwide’s alleged violations of the Safeguards and Privacy Rules. The Safeguards Rule, which became effective on May 23, 2003, requires financial institutions to implement reasonable policies and procedures to ensure the security and confidentiality of customer information, including:

- Designating one or more employees to coordinate the information security program;
- Identifying reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information, and assessing the sufficiency of any safeguards in place to control those risks;
- Designing and implementing information safeguards to control the risks identified through risk assessment, and regularly testing or otherwise monitoring the effectiveness of the safeguards’ key controls, systems, and procedures;
- Overseeing service providers, and requiring them by contract to protect the security and confidentiality of customer information; and
- Evaluating and adjusting the information security program in light of the results of testing and monitoring, changes to the business operation, and other relevant circumstances.

The Privacy Rule, which became effective on July 1, 2001, requires financial institutions to provide customers with clear and conspicuous notices that explain the financial institution’s information collection and sharing practices and allow customers to opt out of having their information shared with certain non-affiliated third parties.

The Commission’s administrative complaint, issued on November 9, 2004, charges that Nationwide engaged in violations of the Safeguards Rule, specifically by: (1) Failing to identify reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information; (2) failing to implement information safeguards to control the risks to customer

¹ Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission’s General Counsel, consistent with applicable law and the public interest. See Commission Rule 4.9(c), 16 CFR 4.9(c).

information and failing to regularly test or monitor them; (3) failing to develop, implement, and maintain a comprehensive written information security program; and (4) failing to designate one or more employees to coordinate the information security program. The complaint also alleges that Nationwide failed to provide its customers with the notice required by the Privacy Rule.

The proposed order contains provisions designed to prevent Nationwide from engaging in future practices similar to those alleged in the complaint. Specifically, Part I of the proposed order prohibits Nationwide from violating the Safeguards Rule or the Privacy Rule. Part II of the proposed order requires that Nationwide obtain, within 180 days after being served with the final order approved by the Commission, and on a biennial basis thereafter for a period of ten (10) years, an assessment and report from a qualified, objective, independent third-party professional, certifying that: (1) Nationwide has in place a security program that provides protections that meet or exceed the protections required by the Safeguards Rule, and (2) Nationwide's security program is operating with sufficient effectiveness to provide reasonable assurance that the security, confidentiality, and integrity of consumers' personal information has been protected. This provision is substantially similar to comparable provisions obtained in prior Commission orders under Section 5 of the FTC Act. *See* In the Matter of Petco Animal Supplies Inc., FTC File No. 032-3221 (consent order) (Placed on the public record on Nov. 17, 2004); In the Matter of MTS, Inc., doing business as Tower Records/Books/Video, *et al.*, FTC Docket No. C-4110 (consent order) (Issued May 28, 2004); In the Matter of Guess?, Inc., and Guess.com, Inc., FTC Docket No. C-4091 (consent order) (Issued July 30, 2003); and In the Matter of Microsoft Corporation, FTC Docket No. C-4069 (consent order) (Issued Dec. 20, 2002).

Part II of the proposed order also requires Nationwide to retain documents relating to compliance. For the assessments and supporting documents, Nationwide must retain the documents for three years after the date that each assessment is prepared.

Parts III through VI of the proposed order are reporting and compliance provisions. Part III requires dissemination of the order now and in the future to all employees and other persons having responsibilities with respect to the subject matter of the order. Part IV requires Mr. Eubank to

notify the FTC, for a period of ten years, if he discontinues his current business or becomes affiliated with a new one. Part V ensures notification to the FTC of changes in corporate status. Part VI mandates that Nationwide submit compliance reports to the FTC. Part VII is a provision "sunsetting" the order after twenty (20) years, with certain exceptions.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the proposed order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 05-4967 Filed 3-11-05; 8:45 am]

BILLING CODE 6750-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Nomination for Appointment to the Chronic Fatigue Syndrome Advisory Committee

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

Authority: 42 U.S.C. 217a, section 222 of the Public Health Service (PHS) Act, as amended. The committee is governed by the provisions of Public Law 92-463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: The Office of Public Health and Science, DHHS, is seeking nominations of qualified candidates to be considered for appointment as a member of the Chronic Fatigue Syndrome Advisory Committee (CFSAC). CFSAC provides science-based advice and recommendations to the Secretary of Health and Human Services, through the Assistant Secretary for Health, on a broad range of issues and topics pertaining to chronic fatigue syndrome (CFS). CFSAC, which was formerly known as the Chronic Fatigue Syndrome Coordinating Committee, was established by the Secretary of Health and Human Services on September 5, 2002. The appointments of six Committee members are scheduled to end on September 30, 2005. Nominations of qualified candidates are being sought to fill these scheduled vacancies.

DATES: Nominations for membership on the Committee must be received no later than 5 p.m. EST on April 20, 2005, at the address listed below.

ADDRESSES: All nominations should be mailed or delivered to Dr. Howard Zucker, Executive Secretary, Chronic Fatigue Syndrome Advisory Committee; Office of Public Health and Science; Department of Health and Human Services; 200 Independence Avenue, SW., Room 716G; Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Ms. Olga Nelson; Committee Management Officer, OPHS; Department of Health and Human Services; 200 Independence Avenue, SW., 20201; Telephone: (202) 690-5205.

A copy of the Committee charter and list of the current membership can be obtained by contacting Ms. Nelson or by accessing the CFSAC Web site, <http://www.hhs.gov/advcomcfs>.

SUPPLEMENTARY INFORMATION:

1. The Committee shall advise and make recommendations to the Secretary, through the Assistant Secretary for Health, on a broad range of topics including: (1) The current state of knowledge and research about the epidemiology and risk factors relating to chronic fatigue syndrome, and identifying potential opportunities in these areas; (2) current and proposed diagnosis and treatment methods for chronic fatigue syndrome, and; (3) development and implementation of programs to inform the public, health care professionals, and the biomedical, academic, and research communities about chronic fatigue syndrome advances.

2. *Nominations*

The Office of Public Health and Science is requesting nominations to fill six positions for the CFSAC. The positions are scheduled to become vacant in September 30, 2005. The Committee is composed of seven biomedical research scientists with demonstrated expertise in biomedical research and four individuals with demonstrated expertise in health care delivery, private health care services or insurer, or voluntary organizations concerned with the problems of individuals with CFS. To qualify for consideration of appointment to the Committee, an individual must possess demonstrated experience and expertise in the designated fields or discipline, as well as expert knowledge of the broad issues and topics pertinent to the chronic fatigue syndrome.

Individuals selected for appointment to the Committee will serve as voting members. Individuals selected for appointment to the Committee can be invited to serve terms of up to four years. Committee members receive a stipend for attending Committee

meetings and conducting other business in the interest of the Committee, including *per diem* and reimbursement for travel expenses incurred.

Nominations should be typewritten. The following information should be included in the package of material submitted for each individual being nominated for consideration: (1) A letter of nomination that clearly states the name and affiliation of the nominee, the basis for the nomination (*i.e.*, specific attributes which qualify the nominee for service in this capacity), and a statement that the nominee is willing to serve as a member of the Committee; (2) the nominator's name, address, and daytime telephone number, and the home and/or work address, telephone number, and e-mail address of the individual being nominated; and (3) a current copy of the nominee's *curriculum vitae*. The names of Federal employees should not be nominated for consideration of appointment to this Committee.

The Department makes every effort to ensure that the membership of DHHS Federal advisory committees is fairly balanced in terms of points of view represented and the committee's function. Every effort is made to ensure that a broad representation of geographic areas, females, ethnic and minority groups, and the disabled are given consideration for membership on DHHS Federal advisory committees. Appointment to this Committee shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status. Nominations must state that the nominee is willing to serve as a member of CFSAC and appears to have no conflict of interest that would preclude membership. Potential candidates are required to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts to permit evaluation of possible sources of conflict of interest.

Dated: March 4, 2005.

Howard A. Zucker,

Executive Secretary, Chronic Fatigue Syndrome Advisory Committee.

[FR Doc. 05-4949 Filed 3-11-05; 8:45 am]

BILLING CODE 4150-28-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Chronic Fatigue Syndrome Advisory Committee

AGENCY: Department of Health and Human Services, Office of the Secretary, Office of Public Health and Science.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Services is hereby giving notice that the Chronic Fatigue Syndrome Advisory Committee (CFSAC) will hold a meeting. The meeting will be open to the public.

DATES: The meeting will be held on Monday, April 4, 2005, from 9 a.m. to 5 p.m.

ADDRESSES: Department of Health and Human Services, Room 800 Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Dr. Howard Zucker; Executive Secretary, Chronic Fatigue Syndrome Advisory Committee; Department of Health and Human Services, 200 Independence Avenue, SW., Room 716G, Washington, DC 20201; (202) 690-7694.

SUPPLEMENTARY INFORMATION: CFSAC was established on September 5, 2002, to replace the Chronic Fatigue Syndrome Coordinating Committee. CFSAC was established to advise, consult with, and make recommendations to the Secretary, through the Assistant Secretary for Health, on a broad range of topics including (1) the current state of knowledge and research about the epidemiology and risk factors relating to chronic fatigue syndrome, and identifying potential opportunities in these areas; (2) current and proposed diagnosis and treatment methods for chronic fatigue syndrome; and (3) development and implementation of programs to inform the public, health care professionals, and the biomedical, academic, and research communities about chronic fatigue syndrome advances.

The agenda for this meeting is being developed. The agenda will be posted on the CFSAC Web site, <http://www.hhs.gov/advcocmcs>, when it is finalized.

Public attendance at the meeting is limited to space available. Individuals must provide a photo ID for entry into the meeting. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person. Members of the public will have the opportunity to provide comments at the meeting. Pre-registration is required for public comment by March 28, 2005. Any individual who wishes to participate in the public comment session should call the telephone number listed in the contact information

to register. Public comment will be limited to five minutes per speaker. Any members of the public who wish to have printed material distributed to CFSAC members should submit materials to the Executive Secretary, CFSAC, whose contact information is listed above prior to close of business March 28, 2005.

Dated: March 4, 2005.

Howard A. Zucker,

Executive Secretary, Chronic Fatigue Syndrome Advisory Committee.

[FR Doc. 05-4948 Filed 3-11-05; 8:45 am]

BILLING CODE 4150-28-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) and the Acting Assistant Secretary for Health have taken final action in the following case:

Gary M. Kammer, M.D., Wake Forest University: Based on the Wake Forest University (WFU) Investigation Report, the respondent's admission, and additional analysis conducted by ORI in its oversight review, the U.S. Public Health Service (PHS) found that Gary M. Kammer, M.D., former Professor, Division of Rheumatology, Department of Internal Medicine, and Department of Microbiology and Immunology at the WFU School of Medicine, engaged in scientific misconduct by falsification and fabrication of research in grant application 2 R01 AR39501-12A1, "T Lymphocyte Dysfunction in Lupus Erythematosus," submitted to the National Institute of Arthritis and Musculoskeletal Skin Diseases (NIAMS), National Institutes of Health (NIH), and in 1 R01 AI46526-01A2, "Protein Kinase A-II in the Pathogenesis of Lupus," submitted to the National Institute of Allergy and Infectious Diseases (NIAID), NIH.

Specifically, PHS found that:

- The respondent fabricated Families 2 and 3 in Figure 6 and related text in application 2 R01 AR39501-12A1 (pp. 29-30), entitled ("T Lymphocyte Dysfunction in Lupus Erythematosus") by:

- a. Making up both of the pedigrees,
- b. Fabricating 13 PKA-I and 13 PKA-II values for these non-existent affected and unaffected family members, and
- c. Composing the false text describing these two fabricated families.

- The respondent falsified the text describing the results in Figure 20 (“Inhibition of c-fos luciferase activity in S49 T cells transiently transfected with pIRES2-Riib-EGFP and treated with 8-Cl-cAMP”) in application 1 R01 AI46526–01A2 (p. 27), by falsely reporting N = 4, P less than 0.002, when the experiment had been performed only one time at the time that the application was submitted.

PHS also concluded that the respondent further demonstrated a lack of present responsibility as a Principal Investigator by submitting NIH grant proposals with additional unsupported experimental results:

- The pedigree and data for the family reported in grant application 2 R01 AR39501–12 and for Family 1 in grant application 2 R01 AR39501–12A1 are incorrect and the data pertaining to this family that Dr. Kammer subsequently provided to WFU after the inquiry were not the data reported in the applications. Dr. Kammer stated that he did not recall who in his laboratory gave him this pedigree. ORI noted that the actual PKA data for the “proof-of-principle” family, while suggesting that low PKA values may be hereditary (the presence of low PKA–I values in three generations), do not support the claims of the fabricated and mixed up pedigree and data that show that low PKA–I values were associated with Systemic Lupus Erythematosus (SLE) (application 2R01 AR39501–12).

- In application, R01 AI39501–12A1, the following unsupported statement was also included: “In both normal and disease controls, all T cells express CD59+ and there is no significant difference in its cell surface expression on CD4+, CD45RA+, CD4+, CD45RO+, CD8+, CD45RA+, CD8+, CD45RO+ subsets (n=4 each control group; data not shown).” No data could be produced to support the information in the grant application about these control experiments.

Dr. Kammer has entered into a Voluntary Exclusion Agreement (Agreement) in which he has voluntarily agreed for a period of three (3) years, beginning on February 15, 2005:

(1) To exclude himself from serving in any advisory capacity to PHS including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant, and

(2) To exclude himself from any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States Government referred to as “covered transactions” as defined in the debarment regulations at 45 CFR part 76. This voluntary exclusion precludes the respondent from receiving Federal research, research training, or other research related funds from the Federal Government for three (3) years, but shall not apply to the respondent’s participation in a Federal health care program as defined in section 1128B(f) of the Social Security Act and shall not apply to Federal funds used solely for purposes of teaching or training medical students, residents, or fellows in clinical medical matters.

FOR FURTHER INFORMATION CONTACT:

Director, Division of Investigative Oversight, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852; (301) 443–5330.

Chris B. Pascal,

Director, Office of Research Integrity.

[FR Doc. 05–4957 Filed 3–11–05; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects:

Title: Evaluation of the Early Head Start Enhanced Home Visiting Pilot Project.

OMB No.: New Collection.

Description: The Head Start Reauthorization Act of 1994 established a special initiative creating funding for services for families with infants and toddlers. In response, the Administration on Children, Youth and Families (ACYF) within the Administration for Children and Families (ACF) developed the Early Head Start program. Since its inception, Early Head Start has expanded to include more than 700 programs and 70,000 families enrolled nationwide. The program is designed to produce outcome in four domains: (1) Child development, (2) family development, (3) staff development and (4)

community development. The Head Start Bureau has given programs a mandate to support the quality of all settings where children receive care by providing high-quality services and supporting parents and child care providers in caring for their young children.

In keeping with this mandate, the Head Start Bureau recently funded 24 Early Head Start programs to participate in the Enhanced Home Visiting Pilot Project. The goal of the pilot project is to develop program models for supporting relatives and neighbors and who care for Early Head Start children in acquiring the knowledge, skills and resources they need to support children’s healthy development.

The Enhanced Home Visiting Pilot Project evaluation will collect and disseminate information about the program models and service delivery strategies developed by the pilot sites, as well as the characteristics and needs of participating children, families and caregivers. The evaluation will collect and analyze information from three main sources: (1) Interviews with staff and focus groups with parents and caregivers to be conducted during two rounds of visits to pilot programs (in spring 2005 and 2006), (2) a program recordkeeping system for tracking services to be maintained by the pilot sites and (3) observational assessments of the quality of the caregiving environment and the interactions between children and caregivers to be conducted in spring 2006. All data-collection instruments have been designed to minimize the burden on respondents by minimizing the time required to respond. Participation in the study is voluntary.

The results of the research will be used by the Head Start Bureau and ACF to identify and disseminate information about promising program models and service delivery strategies and lessons learned from the experiences of the pilot programs.

Respondent: Early Head Starts directors, coordinators, specialists and home visitors; staff from other community service providers; parents of Early Head Start children; and neighbor and relative caregivers of Early Head Start children.

Annual Burden Estimates

ESTIMATED RESPONSE BURDEN FOR RESPONDENTS FOR THE ENHANCED HOME VISITING PILOT EVALUATION

Instrument	Number of respondents	Number of responses per respondent	Average burden per response (hours)	Annual burden (hours)
Site Visit Protocols (2005):				
Director Protocol	24	1	3.0	72.0
Coordinator/Specialist Protocol	24	1	1.5	36.0
Community Partner Protocol	24	1	1.5	36.0
Home Visitor Protocol	48	1	1.5	72.0
Parent Protocol	192	1	1.5	288.0
Caregiver Protocol	192	1	1.5	288.0
Case Review Protocol	48	1	3.0	144.0
Recordkeeping System (2005)	24	^a 27	^b 2.0	1,296.0
Total for 2005				2,232.00
Site Visit Protocols (2006):				
Director Telephone Protocol	24	1	1.0	24.0
Director Protocol	12	1	3.0	36.0
Coordinator/Specialist Protocol	12	1	1.5	18.0
Community Partner Protocol	12	1	1.5	18.0
Home Visitor Protocol	24	1	1.5	36.0
Parent Protocol	96	1	1.5	144.0
Case Review Protocol	24	1	3.0	72.0
Recordkeeping System (2006)	24	^a 27	^b 1.0	648.0
Caregiver Observations (2006)	96	1	2.5	240.0
Total for 2006				1,236.0
Total for 2005 and 2006				1,734.0

^a Average expected number of children to be enrolled in the pilot per site. Expected enrollment ranges from 7 to 60 across the 24 sites.

^b Based on an estimated burden of 10 minutes per child per month.

Additional Information:

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: grjohnson@acf.hhs.gov.

OMB Comment:

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF; e-mail address: Katherine_T_Astrich@omb.eop.gov.

Dated: March 4, 2005.

Robert Stargis,

Reports Clearance Officer.

[FR Doc. 05-4939 Filed 3-11-05; 8:45 am]

BILLING CODE 4184-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIEHS.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6) title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Environmental Health Sciences, including consideration of personal qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly

unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIEHS.

Date: April 3-5, 2005.

Closed: April 3, 2005, 8 p.m. to 9:30 p.m.

Agenda: To review and evaluate programmatic and personnel issues.

Place: Doubletree Guest Suites, 2515 Meridian Parkway, Research Triangle Park, NC 27713.

Open: April 4, 2005, 8:30 a.m. to 5:15 p.m.

Agenda: An overview of the organization and conduct of research in the Epidemiology Branch.

Place: Building 101 Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Closed: April 5, 2005, 8 a.m. to adjournment.

Agenda: To review and evaluate Epidemiology Branch.

Place: Building 101 Rodbell Auditorium, 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Lutz Birnbaumer, Scientific Director, Division of Intramural Research, National Institute of Environmental Health Sciences, National Institutes of Health, MD A2-09, P.O. Box 12233, Research Triangle Park, NC 17709, 919/541-3205.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation-Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances-Basic Research and Education; 93.894, Resources and Manpower Development in

the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS.)

Dated: March 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-4920 Filed 3-11-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel R13 Grants.

Date: March 24, 2005.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Prabha L. ATREYA, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of Biomedical Imaging and Bioengineering, Bethesda, MD 20892, (301) 496-8633, atreyapr@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Dated: March 7, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-4921 Filed 3-11-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel Cortical Development.

Date: March 9, 2005.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone conference call).

Contact Person: W. Ernest Lyons, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-4056.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel Sleep Studies.

Date: March 15, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Sofitel LaFayette Square, 806 15th St., Washington, DC 20005.

Contact Person: Andrea Sawczuk, DDS, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, 6001 Executive Blvd., Room #3208, Bethesda, MD 20892-9529, 301-496-0660, sawczuka@ninds.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel Udall Centers.

Date: March 16, 2005.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Grand Hyatt Washington, 1000 H Street, NW., Washington, DC 20001.

Contact Person: Joann McConnell, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-5324, mcconnej@ninds.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 4, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05-4922 Filed 3-11-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel Male Hormone and Aging.

Date: April 6-7, 2005.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn-Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Louise L. Hsu, PhD, Health Scientist Administrator, Scientific Review Office, National Institute on Aging, Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496-7705, hsul@exmur.nia.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: March 7, 2005.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 05-4923 Filed 3-11-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review, Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 14, 2005, 1 p.m. to March 14, 2005, 5 p.m. Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD, 20814 which was published in the **Federal Register** on February 22, 2005, 70 FR 8597-8599.

The meeting will be held at the Holiday Inn Select Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814. The meeting date and time remain the same. The meeting is closed to the public.

Dated: March 4, 2005.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 05-4918 Filed 3-11-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 15, 2005, 8 a.m. to March 15, 2005, 6 p.m., Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD, 20814 which was published in the **Federal Register** on February 22, 2005, 70 FR 8597-8599.

The meeting will be held at the Holiday Inn Select Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814. The meeting data and time remain the same. The meeting is closed to the public.

Dated: March 4, 2005.

LaVerne Y. Stringfield,

*Director, Office of Federal Advisory
Committee Policy.*

[FR Doc. 05-4919 Filed 3-11-05; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4972-N-04]

Notice of Submission of Proposed Information Collection to OMB; Emergency Comment Request; Continuum of Care Homeless Assistance Grant Application

AGENCY: Office of Community Planning and Development, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* March 21, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within seven (7) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: HUD Desk Officer, Office of Management and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Paperwork Reduction Act Compliance Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708-2374. This is a toll-free number. Copies of documentation submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a proposed information collection requirement as described below. This Notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4)

minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Continuum of Care Homeless Assistance Grant Application.

Description of Information Collection: Revised Application for Continuum of Care Homeless Assistance Grants. Information to be used in the rating, ranking and selection of proposals submitted to HUD by State and local governments, public housing authorities, and nonprofit organizations for awarded funds under the Continuum of Care Homeless Assistance programs.

OMB Control Number: To be assigned.

Agency Form Numbers: HUD-40076 CoC-A thru HUD-40076 CoC-N, HUD-40076 CoC-2A thru HUD-40076 CoC-21, HUD 40076 CoC-2RA thru HUD 40076 CoC-2RD, HUD 40076 CoC-3A thru HUD 40076 CoC-3H, HUD 40076 CoC-3RA thru HUD 40076 CoC-3RE, HUD 40076 CoC-4A thru HUD 40076 CoC-4E, plus standard grant application forms SF-424, SF-424 SUPP, HUD-96010, HUD-2991, HUD-2992, HUD-2880, HUD-92041, HUD-27300, OMB-SF-LLL.

Members of Affected Public: Eligible applicants interested in applying for Continuum of Care Homeless Assistance funds.

Estimation of the Total Number of Hours Needed To Prepare the Information Collection: Program staff determines that it will take approximately 190,729.

Status: Revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: March 9, 2005.

Nelson Bregón,

*General Deputy Assistant Secretary,
Community Planning and Development.*

[FR Doc. 05-4972 Filed 3-11-05; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4975-N-03]

Notice of Proposed Information Collection: Comment Request

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 13, 2005.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410 or Wayne_Eddins@hud.gov.

FOR FURTHER INFORMATION CONTACT: Lester J. West, Director, Financial Operations Center, Department of Housing and Urban Development, telephone (518) 464-4200, extension 4206 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Financial Statement.
OMB Control Number, if applicable: 2502-0098.

Description of the need for the information and proposed use: This information collection is used by HUD to obtain information about a debtor's ability to pay a debt in full, pay in installments, and/or compromise a debt. Failure to collect this information

would result in uninformed decisions in the handling of a debtor's account.

Agency form numbers, if applicable: HUD-56142.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The total number of annual hours needed to prepare the information is 800.

The number of respondents is estimated to be 800; the frequency of the response is once per respondent; and the estimated time per response is one hour.

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 8, 2005

Frank L. Davis,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 05-4973 Filed 3-11-05; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by April 13, 2005.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following applications for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

PRT-099567.

Applicant: University of Montana, Missoula, MT

The applicant requests a permit to import biological samples of Vancouver Island Marmot (*Marmota vancouverensis*) from Canada for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a five-year period.

PRT-099603.

Applicant: Miami Metrozoo, Miami, FL

The applicant requests a permit to import from Colombia three male and one female giant otter (*Pteronura brasiliensis*) captive-bred at the Fundacion Zoologica de Cali, for the purpose of enhancement of the survival of the species through captive propagation and conservation education.

PRT-100220.

Applicant: San Francisco Zoological Society, San Francisco, CA

The applicant requests a permit to import five male and five female captive-bred San Francisco garter snakes (*Thamnophis sirtalis tetrataenia*) from the Netherlands for the purpose of enhancement of the survival of the species through captive propagation and conservation education.

PRT-099521.

Applicant: John Erkmann, Anchorage, AK

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT-100457.

Applicant: Floyd Gillenwater, Richmond Hill, GA

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd

maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Marine Mammals

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361, *et seq.*), and the regulations governing marine mammals (50 CFR part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT-099532.

Applicant: Rick L. Hunt, Elizabeth, CO
 The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Southern Beaufort Sea polar bear population in Canada for personal, non-commercial use.

Dated: March 4, 2005.

Lisa J. Lierheimer,
Senior Permit Biologist, Branch of Permits, Division of Management Authority.
 [FR Doc. 05-4976 Filed 3-11-05; 8:45 am]
BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.
ACTION: Notice of issuance of permit for marine mammals.

SUMMARY: The following permit was issued.

ADDRESSES: Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax (703) 358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone (703) 358-2104.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on the dates below, as authorized by the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361, *et seq.*), the Fish and Wildlife Service issued the requested permit subject to certain conditions set forth therein.

MARINE MAMMALS

Permit No.	Applicant	Receipt of application Federal Register notice	Permit issuance date
095276	California Department of Fish and Game, Marine Wildlife Veterinary Care and Research Center.	69 FR 68968; November 26, 2005	February 4, 2005.

Dated: March 4, 2005.

Lisa J. Lierheimer,
Senior Permit Biologist, Branch of Permits, Division of Management Authority.
 [FR Doc. 05-4977 Filed 3-11-05; 8:45 am]
BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Preparation of an Environmental Impact Statement for the North County Multiple Species Conservation Program, San Diego, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Fish and Wildlife Service (Service) advises the public that we intend to gather information necessary to prepare, in coordination with the County of San Diego (County), a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the North County Multiple Species Conservation Program (NCMSCP) Plan. The NCMSCP

Plan would serve as a multiple species Habitat Conservation Plan under Section 10(a)(1)(B) of the Federal Endangered Species Act, as amended in 1982 (ESA).

The Service provides this notice to: (1) Describe the proposed action and possible alternatives; (2) advise other Federal and State agencies, affected Tribes, and the public of our intent to prepare an EIS/EIR; (3) announce the initiation of a public scoping period; and (4) obtain suggestions and information on the scope of issues and alternatives to be included in the EIS/EIR.

DATES: A public meeting will be held on Wednesday, March 30, 2005, from 4 p.m. to 6 p.m. Written comments should be received on or before April 13, 2005.

ADDRESSES: The public meeting will be held at the following location: Wednesday, March 30, 2005, at the U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, CA 92009.

Information, written comments, or questions related to the preparation of the EIS/EIR and NEPA process should be submitted to Susan Wynn, Fish and Wildlife Biologist, Carlsbad Fish and

Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California 92009 (facsimile (760) 431-5902).

FOR FURTHER INFORMATION CONTACT: Susan Wynn (*see ADDRESSES*) at (760) 431-9440.

SUPPLEMENTARY INFORMATION:

Reasonable Accommodation

Persons needing reasonable accommodations in order to attend and participate in the public meeting should contact Susan Wynn as soon as possible (*see FOR FURTHER INFORMATION CONTACT*). In order to allow sufficient time to process requests, please call no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Background

The purpose of the EIS/EIR is to analyze the impacts of the proposed issuance of an ESA incidental take permit based on implementation of the NCMSCP Plan. The Federal need is to ensure compliance with the ESA, NEPA, and other applicable Federal laws and regulations.

Section 9 of the Federal ESA (16 U.S.C. 1531 *et seq.*) and Federal regulations prohibit the “take” of a fish or wildlife species listed as endangered or threatened. Under the ESA, the following activities are defined as take: harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect listed animal species, or attempt to engage in such conduct (16 U.S.C. 1538). However, under section 10(a) of the ESA, we may issue permits to authorize “incidental take” of listed animal species. “Incidental take” is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing permits for threatened species and endangered species, respectively, are at 50 CFR 17.32 and 50 CFR 17.22.

Take of listed plant species is not prohibited under the ESA and cannot be authorized under an ESA section 10 permit. We propose to include plant species on the permit in recognition of the conservation benefits provided for them under the plan. All species included on the permit would receive assurances under the Service’s “No Surprises” regulation.

The proposed NCMSCP Plan is intended to protect key sensitive plant and animal populations and habitats within the unincorporated portion of northern San Diego County, with an overall goal of allowing currently threatened and endangered species to maintain or improve their status in the wild and eliminating the need to list more species as endangered in the future under Federal and State Endangered Species Acts. The proposed NCMSCP Plan also is intended to provide an economic benefit by reducing constraints on future development and decreasing the costs of compliance with Federal and State laws protecting biological resources.

The proposed NCMSCP Plan would serve as a multiple species Habitat Conservation Plan under Section 10(a)(1)(B) of the Federal ESA. The proposed NCMSCP Plan is a cooperative effort among the County, the Service and California Department of Fish and Game (Wildlife Agencies). This program would support applications to the Wildlife Agencies for incidental “take” of threatened or endangered animal species. Incidental take may be authorized for otherwise legal activities that would allow harm to listed individual animals or their habitat in return for supporting conservation in planned preserve areas. If the County obtains take authorization, it could permit take of animal species for

projects that conform to the standards outlined in the plan.

Currently the County intends to request a permit authorizing the incidental take of 30 animal species (8 federally listed and 22 unlisted animal species) for 50 years during the course of conducting otherwise lawful land use or development activities on public and private land in northern San Diego County. The permit would also cover 9 listed and 19 unlisted plant species. Listed species proposed to be included are: (1) The endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*); (2) endangered arroyo toad (*Bufo californicus*); (3) endangered Stephens’ kangaroo rat (*Dipodomys stephensi*); (4) endangered light-footed clapper rail (*Rallus longirostris levipes*); (5) endangered least Bell’s vireo (*Vireo bellii pusillus*); (6) endangered southwestern willow flycatcher (*Empidonax traillii extimus*); (7) threatened California gnatcatcher (*Poliptila californica californica*); (8) threatened bald eagle (*Haliaeetus leucocephalus*); (9) endangered Nevin’s barberry (*Berberis nevinii*); (10) endangered San Diego button-celery (*Eryngium aristulatum var. parishii*); (11) endangered Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*); (12) endangered Orcutt’s spineflower (*Chorizanthe orcuttiana*); (13) endangered San Diego ambrosia (*Ambrosia pumila*); (14) threatened Encinitas baccharis (*Baccharis vanessae*); (15) threatened thread-leaved brodiaea (*Brodiaea filifolia*); (16) threatened spreading navaretia (*Navaretia fossalis*); and (17) threatened San Diego thornmint (*Acanthomintha illicifolia*). The total species covered by the NCMSCP Plan may fluctuate based on the review process and alternatives proposed.

The intended overall effect of the proposed NCMSCP Plan is to create large, connected preserve areas that address the regional habitat needs for a number of species together and provide for ongoing management and monitoring. The proposed NCMSCP Plan is the second of three County Habitat Conservation Plans that would work together to protect sensitive plants, animals, and their habitats in the unincorporated portions of the County of San Diego. Currently, there is a Subarea Plan that covers South County and a Plan for East County is in its initial planning phase. The cities in the northern portion of the county (Solana Beach to Oceanside and east to Escondido) have recently completed a subregional plan, the Multiple Habitat Conservation Plan, which is being implemented on a city-by-city basis

through individual Habitat Management Plans. The proposed NCMSCP Plan would provide connections to the planned open space areas in the Multiple Habitat Conservation Plan as well as the South County MSCP Subarea Plan, thereby providing a regional open space preserve system. This could also provide an opportunity for coordinated management and monitoring of preserves throughout the region. Outside of multiple species planning programs, project-level mitigation occurs for relatively few species and can result in small, isolated open space easements that are difficult to manage and monitor. The NCMSCP Plan proposes to include a requirement to manage, maintain and monitor plant and animal life on the lands once they are acquired or dedicated as preserve lands. There are two levels of management activities proposed: stewardship (removal of trash, prevention of trespass, erosion control, etc.) and biological monitoring (habitat monitoring, corridor monitoring, species-specific surveys).

Three documents will be prepared and the project impacts will be analyzed as part of the NEPA/California Environmental Quality Act (CEQA) review process:

1. *Draft NCMSCP Plan*. The draft NCMSCP Plan would outline the goals and policies that affect land within the NCMSCP Plan boundaries. It would identify conservation policies, allowable uses in preserve areas, and general procedures and guidelines for assembling the preserve. The draft NCMSCP Plan would also include a map that illustrates a number of conservation elements.

2. *Draft North County Biological Mitigation Ordinance (NCBMO)*. The draft NCBMO would explain the requirements for processing project development applications and describe required habitat mitigation measures for projects not exempt from the NCBMO. The NCBMO would apply to those lands within the proposed NCMSCP Plan boundaries.

3. *Draft North County MSCP Implementing Agreement (Agreement)*. The third document to be drafted is an Implementing Agreement among the County and the Wildlife Agencies. The purpose of this proposed Agreement is to ensure the implementation of the NCMSCP Plan by binding each of the parties to fulfill and faithfully perform the obligations, responsibilities, and tasks assigned to it pursuant to the terms of the NCMSCP Plan as proposed. This Agreement would also provide remedies and recourse should any of the Parties fail to perform its obligations,

responsibilities, and tasks as set forth in the MSCP, the NCMSCP Plan and this Agreement.

There are six specific conservation areas associated with the proposed NCMSCP plan:

1. *Publicly-Owned Preserve Areas.*

These are permanent open space preserve areas currently owned and managed by public agencies.

2. *Negotiated "Hardline" Areas.*

These are proposed areas where portions of private land development projects have been identified for development and others committed to the proposed NCMSCP Plan preserve as permanent open space.

3. *Pre-Approved Mitigation Area (PAMA).* Lands within the proposed PAMA have been identified through an extensive computer modeling process and independent scientific review as being of high biological importance. Mitigation, in the form of private land open space dedications, would be encouraged to take place in these areas as set forth in the NCBMO as proposed. Development would occur within the proposed PAMA area but mitigation ratios would be higher and certain design standards would have to be met as set forth in the NCBMO. The County anticipates that 75 percent of the proposed PAMA would be preserved as natural open space or agricultural lands through acquisition of lands in fee title or easements by public and private organizations and private land dedications.

4. *San Luis Rey River Regional Park Area.* Preservation of habitat within the San Luis Rey River Regional Park Area is proposed to meet outdoor recreational needs of San Diego County residents and help provide coverage for incidental take of animal species under the proposed NCMSCP Plan for the widening of State Route 76. Take authorization for the improvement of State Route 76 would be permitted if the improvement plans meet set criteria and goals.

5. *Working Landscapes.* These proposed areas include agricultural operations that maintain conservation value for endangered species such as the arroyo toad and the Stephen's kangaroo rat, and could also provide habitat connectivity in core and linkage areas. Maintaining agriculture in these areas would be encouraged. The County is investigating a variety of economic incentive programs for landowners in these areas such as exempting agricultural clearing from NCBMO in areas outside of Pre-approved Mitigation Areas, if Agricultural Conservation Easements are granted to the County on areas to be cleared.

6. *The Ramona Vernal Pools Planning Area.* Vernal pools in the downtown area of Ramona and the adjacent grasslands have been assessed in a study funded by the Environmental Protection Agency. The results from the final report would be incorporated into the plan. The proposed Ramona Vernal Pool component would prescribe a process for project review and mitigation to preserve the most valuable pools with the greatest likelihood of perpetual preservation.

Components of the proposed conservation program are now under consideration by the Service and the Applicants. These components would likely include avoidance and minimization measures, monitoring, adaptive management, and mitigation measures consisting of preservation, restoration, and enhancement of habitat. We also welcome public input on formulating these components.

**Environmental Impact Statement/
Environmental Impact Report**

The County, the Service, and the California Department of Fish and Game have selected Jones and Stokes to prepare the Draft EIS/EIR under the agencies supervision. The joint document will be prepared in compliance with NEPA and CEQA. Although Jones and Stokes will prepare the EIS/EIR, the Service will be responsible for the scope and content of the document for NEPA purposes, and the County will be responsible for the scope and content of the EIR for CEQA purposes.

The EIS/EIR will consider the proposed action (*i.e.*, the issuance of a section 10(a)(1)(B) permit under the Federal ESA to the County), and a reasonable range of alternatives. A detailed description of the impacts of the proposed action and each alternative will be included in the EIS/EIR. The alternatives to be considered for analysis in the EIS/EIR may include: variations of the geographical coverage of the permit; variations in the amount and type of conservation; variations in permit duration; variations of the scope or type of covered activities or covered species; no project/no action; or, a combination of these elements. Under the No Action alternative, the Service would not issue a section 10(a)(1)(B) permit.

The EIS/EIR will also identify potentially significant impacts on biological resources, recreation, and other environmental issues that could occur directly or indirectly with implementation of the proposed action and alternatives. For all potentially significant impacts, the EIS/EIR will

identify mitigation measures where feasible to reduce these impacts to a level below significance.

Environmental review of the EIS/EIR will be conducted in accordance with the requirements of NEPA (42 U.S.C. 4321 *et seq.*), its implementing regulations (40 CFR 1500–1508), other applicable regulations, and Service procedures for compliance with those regulations. This notice is being furnished in accordance with 40 CFR 1501.7 of NEPA to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives to be addressed in the EIS/EIR. The primary purpose of the scoping process is to identify important issues raised by the public, related to the proposed action. Written comments from interested parties are invited to ensure that the full range of issues related to the proposed action is identified. Comments will only be accepted in written form. You may submit written comments by mail, facsimile transmission, or in person (see **ADDRESSES**). All comments received, including names and addresses, will become part of the official administrative record, and may be made available to the public.

Dated: March 8, 2005.

Vicki Campbell,

*Acting Deputy Manager, California/Nevada
Operations Office, Sacramento, California.*

[FR Doc. 05–4926 Filed 3–11–05; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

**Notice of Meeting of the Trinity
Adaptive Management Working Group**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Trinity Adaptive Management Working Group (TAMWG). The TAMWG affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River restoration efforts to the Trinity Management Council. Primary objectives of the meeting will include: Introduction of new members; Trinity River Restoration Program orientation; TAMWG priorities and operations; 2005 Trinity River flow schedule, and Restoration Program budget. Completion of the agenda is dependent on the amount of time each item takes. The

meeting could end early if the agenda has been completed. The meeting is open to the public.

DATES: The Trinity Adaptive Management Working Group will meet from 12:30 p.m. to 5 p.m. on Tuesday, April 12, 2005, and from 8 a.m. to 5 p.m. on Wednesday, April 13, 2005.

ADDRESSES: The meeting will be held at the Veteran's Memorial Hall, 101 Memorial Lane, Weaverville, CA 96001. Telephone: (530) 623-3975.

FOR FURTHER INFORMATION CONTACT: Mike Long of the U.S. Fish and Wildlife Service, Arcata Fish and Wildlife Office, 1655 Heindon Road, Arcata, California 95521, (707) 822-7201. Mike Long is the working group's Designated Federal Official.

SUPPLEMENTARY INFORMATION: For background information and questions regarding the Trinity River Restoration Program, please contact Douglas Schleusner, Executive Director, Trinity River Restoration Program, P.O. Box 1300, 1313 South Main Street, Weaverville, California 96093, (530) 623-1800.

Dated: March 8, 2005.

John Engbring,

Acting Manager, California/Nevada Operations Office, Sacramento, CA.

[FR Doc. 05-4938 Filed 3-11-05; 8:45 am]

BILLING CODE 4310-55-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1090 (Preliminary)]

Superalloy Degassed Chromium From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping investigation and scheduling of a preliminary phase investigation.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping investigation No. 731-TA-1090 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from superalloy degassed chromium from Japan, provided for in subheading 8112.21.00 of the

Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by April 18, 2005. The Commission's views are due at Commerce within five business days thereafter, or by April 25, 2005.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: Effective Date: March 4, 2005.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202-205-3187 or via e-mail fred.ruggles@usitc.gov), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background. This investigation is being instituted in response to a petition filed on March 4, 2005, by Eramet Marietta Inc., Marietta, OH and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639, Belpre, OH.

Participation in the investigation and public service list. Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing

the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference. The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on March 25, 2005, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. Parties wishing to participate in the conference should contact Fred Ruggles (202-205-3187 or via e-mail fred.ruggles@usitc.gov) not later than March 23, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions. As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before March 30, 2005, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: March 9, 2005.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05-4986 Filed 3-11-05; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on February 16, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Interchangeable Virtual Instruments Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Support Systems Associates, Inc., Melbourne, FL has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Interchangeable Virtual Instruments Foundation, Inc. intends to file additional written notification disclosing all changes in membership.

On May 29, 2001, Interchangeable Virtual Instruments Foundation, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on November 26, 2004.

A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 5, 2005 (70 FR 919).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-4932 Filed 3-11-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Network Centric Operations Industry Consortium, Inc.

Notice is hereby given that, on February 17, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Network Centric Operations Industry Consortium, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Israel Aircraft Industries, Ltd., Lod, Israel; ITT Industries, White Plains, NY; Harris Corporation, Melbourne, FL; Alcatel Government Solutions, Sterling, VA; Argon St, Incorporated, Fairfax, VA; Ciena Government Solutions, Linthicum, MD; Cryptek, Inc., Sterling, VA; Engenio Information Technologies, Inc., Milpitas, CA; Innovative Concepts, Inc., McLean, VA; Marconi Communications Federal, Inc., Columbia, MD; The MITRE Corporation, McLean, VA; Motorola, Inc., Schaumburg, IL; RUAG Electronics, C4ISTAR Division, Berne, Switzerland; Software Engineering Institute/Carnegie Mellon University, Pittsburgh, PA; and Wind River Systems, Alameda, CA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Network Centric Operations Industry Consortium, Inc. intends to file additional written notification disclosing all changes in membership.

On November 19, 2004, Network Centric Operations Industry Consortium, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal**

Register pursuant to section 6(b) of the Act on February 2, 2005 (70 FR 5486).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-4935 Filed 3-11-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—PXI Systems Alliance, Inc.

Notice is hereby given that, on February 16, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), PXI Systems Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provision limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Elma Electronics, Fremont, CA; and 4DSP, Inc., Reno, NV has been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PXI Systems Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems Alliance, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on November 26, 2004. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 5, 2005 (70 FR 921).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-4933 Filed 3-11-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE**Antitrust Division****Notice Pursuant to the National Cooperative Research and Production Act of 1993—Water Heater Industry Joint Research and Development Consortium**

Notice is hereby given that, on February 14, 2005, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Water Heater Industry Joint Research and Development Consortium (“the Consortium”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its nature and objective. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the term of the Consortium has been changed from a term of nine years beginning February 27, 1995, to a period of eleven years beginning February 27, 1995.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the Consortium intends to file additional written notification disclosing all changes in membership.

On February 28, 1995, the Consortium filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 27, 1995 (60 FR 15789).

The last notification was filed with the Department on February 26, 2004. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 25, 2004 (69 FR 15382).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 05-4934 Filed 3-11-05; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF LABOR**Bureau of Labor Statistics****Proposed Collection; Comment Request**

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce

paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the “Current Population Survey (CPS).” A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 13, 2005.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone number 202-691-7628. (This is not a toll-free number.)

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202-691-7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:**I. Background**

The CPS has been the principal source of the official Government statistics on employment and unemployment for over 60 years. The labor force information gathered through the survey is of paramount importance in keeping track of the economic health of the Nation. The survey is the only source of data on total employment and unemployment, with the monthly unemployment rate obtained through this survey being regarded as one of the most important economic indicators. Moreover, the survey also yields data on the basic status and characteristics of persons not in the labor force. The CPS data are used monthly, in conjunction with data from other sources, to analyze the extent to which the various components of the American population are participating in the economic life of the Nation and with what success.

The labor force data gathered through the CPS are provided to users in the greatest detail possible, consistent with the demographic information obtained in the survey. In brief, the labor force data can be broken down by sex, age, race and ethnic origin, marital status, family composition, educational level, and other characteristics. Through such breakdowns, one can focus on the employment situation of specific population groups as well as on the general trends in employment and unemployment. Information of this type can be obtained only through demographically oriented surveys such as the CPS.

The basic CPS data also are used as an important platform to base the data derived from the various supplemental questions that are administered in conjunction with the survey. By coupling the basic data from the monthly survey with the special data from the supplements, one can get valuable insights on the behavior of American workers and on the social and economic health of their families.

There is wide interest in the monthly CPS data among Government policymakers, legislators, economists, the media, and the general public. While the data from the CPS are used in conjunction with data from other surveys in assessing the economic health of the Nation, they are unique in various ways. They provide a measurement of total employment (including farm work, self-employment, and unpaid family work), while the other surveys are generally restricted to the nonagricultural wage and salary sector. The CPS provides data on all jobseekers, and on all persons outside the labor force, while payroll-based surveys cannot, by definition, cover these sectors of the population.

Finally, the CPS data on employment, unemployment, and on persons not in the labor force can be linked to the demographic characteristics of the many groups that make up the Nation’s population, while the data from other surveys are usually devoid of demographic information.

II. Current Action

Office of Management and Budget clearance is being sought for the Current Population Survey (CPS).

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Current Population Survey (CPS).

OMB Number: 1220-0100.

Affected Public: Households.

Total Respondents: 55,000 per month.

Frequency: Monthly.

Total Responses: 660,000.
Average Time Per Response: 7 minutes.

Estimated Total Burden Hours: 77,000 hours.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$0.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed in Washington, DC, this 2nd day of March, 2005.

Cathy Kazanowski,

*Chief, Division of Management Systems,
Bureau of Labor Statistics.*

[FR Doc. 05-4943 Filed 3-11-05; 8:45 am]

BILLING CODE 4510-24-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Appraisal Guidelines for Federal Research and Development Records; Request for Comment

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of document; request for comment.

SUMMARY: NARA is seeking public comment on the draft Appraisal Guidelines for Federal Research and Development Records. This document supplements NARA's Appraisal Policy,

which is available on the NARA Web site at http://www.archives.gov/records_management/initiatives/appraisal.html. For a paper copy of the Appraisal Policy, contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

DATES: Comments must be received by April 28, 2005.

ADDRESSES: Please send your comments by e-mail to comments@nara.gov or by fax to 301-837-0319 or by mail to NPOL, National Archives and Records Administration, Room 4100, 8601 Adelphi Rd, College Park, MD 20740-6001

FOR FURTHER INFORMATION CONTACT: Nancy Allard at 301-837-1477 or via e-mail at nancy.allard@nara.gov.

SUPPLEMENTARY INFORMATION: The Strategic Plan of the National Archives and Records Administration (NARA) states that NARA will ensure ready access to essential evidence that documents the rights of American citizens, the actions of Federal officials, and the national experience. The NARA Appraisal Policy (found at http://www.archives.gov/records_management/initiatives/appraisal.html) sets out the strategic framework, objectives, and guidelines that the National Archives and Records Administration uses to determine whether Federal records have archival value. It also provides more specific guidelines for appraising the continuing historical value of certain categories of records. The draft guidelines at the end of this notice concern appraisal of research and development records. NARA developed these draft guidelines after conducting a series of site visits to Federal agency R&D facilities and consulting stakeholder agencies.

Dated: March 8, 2005.

Nancy Allard,

Federal Register Liaison.

Draft Appraisal Guidelines for Federal Research and Development (R&D) Records

Research and development (R&D) records relate to the planning and execution of basic and applied research in engineering and the physical and natural sciences. Basic research seeks to generate new knowledge, and applied research uses the results of basic research and applies them to the design, development, and testing of new products and processes. Agency R&D programs tend to be large in scale, expending hundreds of millions of dollars annually and generating voluminous records. Records pertain to such research fields as biology,

chemistry, medicine, physics, materials science, aerospace technology, weapons development, computer science, energy development, and environmental protection.

Appraisal of the records requires an understanding of the entire R&D business process, including the project/product lifecycle and use of outside entities for review or support. Most R&D conducted by or for the Federal government follows a standard workflow based on the scientific method. The basic steps include formulating a hypothesis or statement of need, obtaining approval and/or funding, designing and conducting experiments and analyzing results, and disseminating findings. Records created and accumulated by these steps can be separated into the following categories: program management records covering the processes of formulation, selection, and funding; project records covering design, collection, analysis, and reporting; and dissemination of findings. Types of records found under these categories include planning records, project files, procurement and financial records, laboratory notebooks, research data, and technical reports and similar publications.

The status and availability of records produced by a project often depend upon the funding arrangement. Records of projects funded by contracts generally are Federal records and, in conformance with the contract requirements, may be maintained by either the contractor or the funding agency. By contrast, the primary records of grant-funded projects usually are not considered to be Federal records and are maintained by the grantee. Recordkeeping for collaborative projects is affected by the diversity of funding sources and institutions (including non-Federal institutions) involved. Records of collaborative projects are thus generally kept by multiple institutions, often with no single one maintaining a complete project file. As a result, it may be difficult to determine which institution is responsible for the records and their disposition.

Appraisal Considerations

- Program management records that document the planning, policies, and priorities of research programs usually are appraised as permanent. Such records may be maintained by offices with agencywide R&D responsibilities, by individual divisions and laboratories, and by scientific and technical advisory bodies.
- Technical reports, conference proceedings, and similar publications that disseminate the findings,

methodology, and conclusions of projects are usually appraised as permanent and are often maintained centrally by an agency component responsible for their collection, management, and distribution. Review of a cross-section of such publications can help determine the subject matter and scope of R&D projects and thereby prove useful in assessing the value of other project-related records and data.

- Project files may include such records as statements of work, progress reports, briefing papers and presentations, specifications and drawings, laboratory notebooks, research data, and environmental and safety information. (Such records also may be maintained separate from project files.) The value of project files varies across R&D programs, based on such factors as the files' organization and content, nature and scope of the research, and extent to which project work is documented in other records such as planning records and technical reports.

- Because many R&D projects have a very limited focus and project records often are voluminous, a very strong justification is needed to appraise all of an agency's project files as permanent. If selection criteria are to be applied to identify files for permanent retention, the agency must devise a practical arrangement for applying the criteria to the records and agree to implement it, because NARA lacks the expertise and resources to evaluate the files individually. For overall guidance on when to apply selection criteria, see the NARA Appraisal Policy, Appendix 1—General Appraisal Guidelines—"Is sampling an appropriate appraisal tool?" (http://www.archives.gov/records_management/initiatives/appraisal.html).

- Contracting, procurement and other fiscal records generally are appraised as temporary when readily segregable from other project records.

- Laboratory notebooks may be maintained separately and formally issued and strictly controlled to protect intellectual property and patent rights. Notebooks with these characteristics are more likely to be appraised as having long-term scientific value or permanent value.

- Research data created by R&D projects most often are electronic but also may be in another format such as paper or photographs. Electronic data generally are maintained separately from other project records. Data may be unprocessed (raw) or processed (compiled or analyzed) at different levels. Raw data are generated by an experiment, whereas processed data

consist of raw data manipulated to help identify patterns in the data. It is very difficult to generalize about the value of processed data as opposed to raw data, since they each have their own significance for the research process.

- Generated in large volumes, R&D data commonly have short-term value because they tend to be narrow in scope and frequently can be replicated by a new experiment if necessary. Data may have long-term scientific value (or, very rarely, permanent value) when they are extremely difficult or impossible to replicate and are potentially useful for such purposes as permitting an important experiment to be reviewed and validated, supporting new scientific research, or providing a legal basis for health-related claims. Data from certain fields like medicine and environmental protection are most likely to have long-term scientific value.

- For data to be valuable over the long term, they should be unique, complete, valid, and accompanied by appropriate metadata. In considering these attributes of data, appraisers should consult with the relevant scientific experts. Because of the expertise needed to perform preservation and reference, data with long-term scientific value often are most appropriately maintained by the R&D agencies which created them.

- R&D agencies, particularly those involved in environmental or health research, may create tissue samples, slides, and specimens which are treated by researchers as project records and preserved by the agency for long periods at substantial expense. Although NARA generally does not consider such materials to meet the definition of Federal records, agencies nonetheless need to manage them properly because of their importance to R&D programs and potential for long-term scientific value.

[FR Doc. 05-4940 Filed 3-11-05; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Research and Education Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Environment Research and Education (9487).

Dates: April 13, 2005, 8:30 a.m.–5 p.m., April 14, 2005, 8:30 a.m.–3:30 p.m.

Place: Stafford I, Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Dr. David Campbell, Office of the Director, National Science Foundation, Suite 1205, 4201 Wilson Blvd., Arlington, Virginia 22230. Telephone: 703-292-8002.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for environmental research and education.

Agenda: April 13:

Welcome, Introductions and Goals of Meeting.

NSF Update on Budget and Environmental Programs.

Reports on Recent ERE Activities.

Occasional Paper on Water.

Plans for International Polar Year.

Charge to Task Groups and Task Group Membership.

AC-ERE Task Group Meetings.

ERE Distinguished Speaker.

April 14:

Task Group Reports and Discussion of Ongoing Projects.

ERE Issues for Discussion with the Deputy Director.

O/D Guidance and Meeting with Dr. J. Bordogna, Deputy Director.

Background on GEOSS Programs.

Discussion of Ongoing Projects

(continued).

Wrap-up: Review Action Items, Plans for next meeting.

Dated: March 9, 2005.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 05-4944 Filed 3-11-05; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL SCIENCE FOUNDATION

Mathematical and Physical Sciences Advisory Committee; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Directorate for Mathematical and Physical Sciences Advisory Committee (#66).

Date/Time: April 7, 2005, 8 a.m.–5 p.m., April 8, 2005, 8 a.m.–6 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Room 375.

Type of Meeting: Open.

Contact Person: Dr. Morris L. Aizenman, Senior Science Associate, Directorate for Mathematical and Physical Sciences, Room 105, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292-8807.

Purpose of Meeting: To provide advice and recommendations concerning NSF science and education activities within the Directorate for Mathematical and Physical Sciences.

Agenda:

Update on current status of Directorate
Report of Committee of Visitors on Division
of Astronomical Sciences
Report of Committee of Visitors on Division
of Materials Research
Report on MPS Theory Workshop
Meeting of MPSAC with Divisions within
MPS Directorate
Discussion of Possible Future MPS Activities
Related to Increasing Participation of
Women in the MPS Sciences
Summary Minutes: May be obtained from
the contact person listed above.

Dated: March 9, 2005.

Susanne E. Bolton,

Committee Management Officer.

[FR Doc. 05-4945 Filed 3-11-05; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory
Commission (NRC).

ACTION: Notice of the OMB review of
information collection and solicitation
of public comment.

SUMMARY: The NRC has recently
submitted to OMB for review the
following proposal for the collection of
information under the provisions of the
Paperwork Reduction Act of 1995 (44
U.S.C. Chapter 35). The NRC hereby
informs potential respondents that an
agency may not conduct or sponsor, and
that a person is not required to respond
to, a collection of information unless it
displays a current valid OMB control
number.

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR Part 61—Licensing Requirements for Land Disposal of Radioactive Waste.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* Applications for licenses are submitted as needed. Other reports are submitted annually and as other events require.
5. *Who will be required or asked to report:* Applicants for and holders of an NRC license (to include Agreement States) for land disposal of low-level radioactive waste, and all generators, collectors, and processors of low-level waste intended for disposal at a low-level waste facility.
6. *An estimate of the number of responses:* 16 (12 Agreement State

responses + 4 Agreement State
recordkeepers).

7. *The estimated number of annual respondents:* 4.

8. *An estimate of the number of hours needed annually to complete the requirement or request:* 5,412 hours (56 hours for reporting [approximately 4.6 hours per response] and 5,356 hours for recordkeeping [approximately 1,339 hours per recordkeeper]).

9. *An indication of whether Section 3507(d), Pub. L. 104-13 applies:* Not applicable.

10. *Abstract:* Part 61 establishes the procedures, criteria, and license terms and conditions for the land disposal of low-level radioactive waste. Reporting and recordkeeping requirements are mandatory or, in the case of application submittals, are required to obtain a benefit. The information collected in the applications, reports, and records is evaluated by the NRC to ensure that the licensee's or applicant's physical plant, equipment, organization, training, experience, procedures, and plans provide an adequate level of protection of public health and safety, common defense and security, and the environment.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 13, 2005. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. John A. Asalone, Office of Information and Regulatory Affairs (3150-0135), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to John_A._Asalone@omb.eop.gov or submitted by telephone at (202) 395-4650.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 8th day of March, 2005.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 05-4924 Filed 3-11-05; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: U.S. Nuclear Regulatory
Commission (NRC).

ACTION: Notice of the OMB review of
information collection and solicitation
of public comment.

SUMMARY: The NRC has recently
submitted to OMB for review the
following proposal for the collection of
information under the provisions of the
Paperwork Reduction Act of 1995 (44
U.S.C. Chapter 35). The NRC hereby
informs potential respondents that an
agency may not conduct or sponsor, and
that a person is not required to respond
to, a collection of information unless it
displays a current valid OMB control
number.

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* 10 CFR Part 72, Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* Required reports are collected and evaluated on a continuing basis as events occur; submittal of reports varies from less than one per year under some rule sections to up to an average of about 100 per year under other rule sections. Applications for new licenses, certificates of compliance (CoCs), and amendments may be submitted at anytime; applications for renewal of licenses are required every 20 years for an Independent Spent Fuel Storage Installation (ISFSI) or Certificate of Compliance (CoC) and every 40 years for a Monitored Retrievable Storage (MRS) facility.
5. *Who will be required or asked to report:* Certificate holders of casks for the storage of spent fuel, licensees and applicants for a license to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, and the Department of Energy for licenses to receive, transfer, package and possess power

reactor spent fuel, high-level waste, and other radioactive materials associated with spent fuel and high-level waste storage in an MRS.

6. *An estimate of the number of responses:* 370 (320 responses + 50 recordkeepers).

7. *The estimated number of annual respondents:* 50.

8. *An estimate of the number of hours needed annually to complete the requirement or request:* 25,551 (22,781 hours for reporting [71 hours per response] and 2,770 hours for recordkeeping [55 hours per recordkeeper]).

9. *An indication of whether Section 3507(d), Public Law 104-13 applies:* Not applicable.

10. *Abstract:* 10 CFR part 72 establishes mandatory requirements, procedures, and criteria for the issuance of licenses to receive, transfer, and possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, and requirements for the issuance of licenses to the Department of Energy to receive, transfer, package, and possess power reactor spent fuel and high-level radioactive waste, and other associated radioactive materials, in an MRS. The information in the applications, reports and records is used by NRC to make licensing and other regulatory determinations.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC World Wide Web site: <http://www.nrc.gov/public-involve/doc-comment/omb/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by April 13, 2005. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. John A. Asalone, Office of Information and Regulatory Affairs (3150-0132), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be e-mailed to John_A_Asalone@omb.eop.gov or submitted by telephone at (202) 395-4650.

The NRC Clearance Officer is Brenda Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 8th day of March, 2005.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 05-4925 Filed 3-11-05; 8:45 am]

BILLING CODE 7590-01-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: RI 38-47

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. Information and Instructions on Your Reconsideration Rights, RI 38-47, outlines the procedures required to request reconsideration of an initial OPM decision about Civil Service or Federal Employees retirement, Federal or Retired Federal Employees Health Benefits requests to enroll or change enrollment, or Federal Employees' Group Life Insurance coverage. This form lists the procedures and time periods required for requesting reconsideration.

Approximately 3,100 annuitants and survivors request reconsideration annually. We estimate it takes approximately 45 minutes to apply. The annual burden is 2,325 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via e-mail to mbtoomey@opm.gov. Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Pamela S. Israel, Chief, Operations Support Group, Retirement Services Programs, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415; and Joseph F. Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Cyrus S. Benson, Team Leader,

Publications Team, RIS Support Services/Support Group, (202) 606-0623.

U.S. Office of Personnel Management.

Dan G. Blair,

Acting Director.

[FR Doc. 05-4901 Filed 3-11-05; 8:45 am]

BILLING CODE 6325-38-P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for A Revised Information Collection: OPM Online Form 1417

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management has submitted to the Office of Management and Budget a request for a revised information collection. Online OPM Form 1417, Combined Federal Campaign Results Form, is used to collect information from the 320 local CFC's around the country to verify campaign results. Revisions to the form clarify OPM's request for budgeted campaign costs and provide the ability to create a printer friendly copy of the report.

We estimate 320 Online OPM Forms 1417 are completed annually. Each form takes approximately 20 minutes to complete. The annual estimated burden is 107 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or e-mail to mbtoomey@opm.gov. Please be sure to include a mailing address with your request.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Cherlynn Stevens, CFC Operations Specialist, Office of CFC Operations, U.S. Office of Personnel Management, 1900 E Street, NW., Room 5450, Washington, DC 20415; and Joseph F. Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

U.S. Office of Personnel Management.

Dan G. Blair,

Acting Director.

[FR Doc. 05-4902 Filed 3-11-05; 8:45 am]

BILLING CODE 6325-46-P

**OFFICE OF PERSONNEL
MANAGEMENT****Submission for OMB Review;
Comment Request for Review of an
Existing Information Collection: Court
Orders Affecting Retirement Benefits,
5 CFR 838.221, 838.421, and 838.721**

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of an existing information collection. The regulations describe how former spouses give us written notice of a court order requiring us to pay benefits to the former spouse. Specific information is needed before OPM can make court-ordered benefit payments.

Approximately 19,000 former spouses apply for benefits based on court orders annually. We estimated it takes approximately 30 minutes to collect the information. The annual burden is 9,500 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via e-mail to mbtoomey@opm.gov. Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 30 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Pamela S. Israel, Chief, Operations Support Group, Retirement Services Program, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415; and Joseph F. Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Cyrus S. Benson, Team Leader, Publications Team, RIS Support Services/Support Group, (202) 606-0623.

U.S. Office of Personnel Management.

Dan G. Blair,
Acting Director.

[FR Doc. 05-4903 Filed 3-11-05; 8:45 am]

BILLING CODE 6325-38-P

**OFFICE OF PERSONNEL
MANAGEMENT****Proposed Collection; Comment
Request for Review of a Revised
Information Collection: Standard
Forms 2800 and 2800A**

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) will submit to the Office of Management and Budget (OMB) a request for review of a revised information collection. SF 2800, Application for Death Benefits Under the Civil Service Retirement System (CSRS), is needed to collect information so that OPM can pay death benefits to the survivors of Federal employees and annuitants. SF 2800A, Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death, is needed for deaths in service only so that survivors can make the needed elections regarding military service.

Comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 68,000 SF 2800's are processed annually. The form requires approximately 45 minutes to complete. An annual burden of 51,000 hours is estimated. Approximately 6,800 applicants will use SF 2800A annually. This form also requires approximately 45 minutes to complete. An annual burden of 5,100 hours is estimated. The total burden is 56,100 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606-8358, FAX (202) 418-3251 or via e-mail to mbtoomey@opm.gov. Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—Pamela S. Israel, Chief, Operations Support Group, Retirement Services Program, Center for Retirement and

Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT:

Cyrus S. Benson, Team Leader,
Publications Team/RIS Support
Services, (202) 606-0623.

U.S. Office of Personnel Management.

Dan G. Blair,

Acting Director.

[FR Doc. 05-4904 Filed 3-11-05; 8:45 am]

BILLING CODE 6325-38-P

**SECURITIES AND EXCHANGE
COMMISSION****Submission for OMB Review;
Comment Request**

Upon Written Request, Copies Available
From: Securities and Exchange
Commission, Office of Filings and
Information Services, Washington, DC
20549.

Extension:

Rule 11Aa3-2, SEC File No. 270-439, OMB
Control No. 3235-0500.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request a revision of revision to the existing collection of information discussed below.

Rule 11Aa3-2 provides that self-regulatory organizations (SROs) may, acting jointly, file a National Market System Plan ("NMS Plan") or may propose an amendment to an effective NMS Plan by submitting the text of the plan or amendment to the Secretary of the Commission, together with a statement of the purpose of such plan or amendment and, to the extent applicable, the documents and information required by paragraphs (b)(4) and (5) of Rule 11Aa3-2. A recently-adopted amendment to Rule 11Aa3-2 will require all participants in NMS Plans to arrange for posting on a designated Web site a current and complete version of the NMS Plans and amendments to such NMS Plans.

The collection of information is designed to permit the Commission to achieve its statutory directive to facilitate the development of a national market system. The information is used to determine if a NMS Plan, or an amendment thereto, should be approved and implemented.

The respondents to the collection of information are self-regulatory

organizations (as defined by the Act), including national securities exchanges and national securities associations.

Ten respondents file an average total of twelve responses per year, which corresponds to an estimated annual response burden of 553 hours.

Compliance with Rule 11Aa3-2 is required to obtain or retain the benefits provided to those SROs who, acting jointly, shall sponsor a NMS Plan. Information received in response to Rule 11Aa3-2 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (a) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an e-mail to: *David_Rostker@omb.eop.gov*; and (b) R. Corey Booth, Director / Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to the Office of Management and Budget within 30 days of this notice.

Dated: March 1, 2005.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5-1060 Filed 3-11-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form D and Regulation D, OMB Control No. 3235-0076, SEC File No. 270-72.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Regulation D sets forth rules governing the limited offer and sale of securities without Securities Act registration. Those relying on Regulation D must file Form D. The purpose of the Form D notice is to collect empirical data, which provides a continuing basis for action by the Commission either in terms of amending existing rules and regulations or proposing new ones. In addition, the form allows the Commission to elicit information necessary to assess the effectiveness of Regulation D and Section 4(6) as capital-raising devices. Form D information is required to obtain or retain benefits under Regulation D. Approximately 17,500 issuers file Form D. We estimate that it takes 4 hours to prepare Form D for a total burden of 70,000 hours. We estimate that 25% of the total burden hours (17,500 reporting burden hours) is prepared by the company.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Office Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 7, 2005.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5-1061 Filed 3-11-05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51304; File No. S7-24-89]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of Amendment No. 14 to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis, Submitted by the Pacific Exchange, Inc., the National Association of Securities Dealers, Inc., the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Stock Exchange, Inc., the Cincinnati Stock Exchange, Inc., and the Philadelphia Stock Exchange, Inc.

March 2, 2005.

I. Introduction

Pursuant to Rule 11Aa3-2¹ and Rule 11Aa3-1² under the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on February 17, 2005, the Pacific Exchange, Inc. ("PCX") on behalf of itself and the National Association of Securities Dealers, Inc. ("NASD"), the American Stock Exchange LLC ("Amex"), the Boston Stock Exchange, Inc. ("BSE"), the Chicago Stock Exchange, Inc. ("CHX"), the Cincinnati Stock Exchange, Inc. ("CSE"),³ and the Philadelphia Stock Exchange, Inc. ("Phlx") (hereinafter referred to collectively as "Participants"),⁴ as members of the operating committee ("Operating Committee" or "Committee") of the Plan submitted to the Securities and Exchange Commission ("Commission") a proposal to amend the Plan. The proposal represents the fourteenth amendment ("Amendment No. 14") made to the Plan and reflects several changes unanimously adopted by the Committee. The Commission is publishing this notice of filing and immediate effectiveness to solicit

¹ 17 CFR 240.11Aa3-2.

² 17 CFR 240.11Aa3-1.

³ The Commission notes that the CSE changed its name to the National Stock Exchange, Inc. See Securities Exchange Act Release No. 48774 (November 12, 2003), 68 FR 65332 (November 19, 2003) (File No. SR-CSE-2003-12).

⁴ PCX and its subsidiary the Archipelago Exchange were elected co-chairs of the operating committee ("Operating Committee" or "Committee") for the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis ("Nasdaq UTP Plan" or "Plan") by the Participants.

comments from interested persons on Amendment No. 14.

II. Background

The Plan governs the collection, consolidation, and dissemination of quotation and transaction information for the Nasdaq Stock Market, Inc. ("Nasdaq") National Market ("NNM") and Nasdaq SmallCap securities listed on Nasdaq or traded on an exchange pursuant to unlisted trading privileges ("UTP").⁵ The Plan provides for the collection from Plan Participants and the consolidation and dissemination to vendors, subscribers, and others of quotation and transaction information in "eligible securities."⁶

The Commission originally approved the Plan on a pilot basis on June 26, 1990.⁷ The parties did not begin trading until July 12, 1993; accordingly, the pilot period commenced on July 12, 1993. The Plan was most recently extended on December 21, 2004.⁸

III. Description and Purpose of the Amendment

The complete text of the Plan, as amended, is attached as Exhibit A. The following is a summary of the changes to the Plan prepared by the Participants.

A. Section I.A. of the Plan provides for the list of Plan Participants. Amendment No. 14 adds the Chicago Board Options Exchange ("CBOE") and the New York Stock Exchange ("NYSE") as new Participants to the Plan. In addition, CSE's name is modified to reflect their new name, National Stock Exchange ("NSX"). Lastly, the PCX address has been updated.

B. Amendment 14 corrects a cross-reference to Section XIV contained in Section I.B. by replacing it with a reference to Section XIII (relating to the

development costs owed by new Participants).⁹

C. Amendment 14 modifies Section III.Z. by removing the reference to Nasdaq Participant and moving it to new Section III.AA. as a separate definition.

D. Amendment 14 modifies Section IV.C.4. to reflect previously approved language from Amendment 13A that was not incorporated into a recently published version of the Plan.¹⁰

E. Section VIII.C. provides for the Participant market identifiers for quotation and transaction report information. Amendment No. 14 adds "W" as the identifier for the CBOE and "N" for NYSE. Further, the reference to the CSE has been changed to NSX.

F. Amendment 14 modifies Section XI. to reflect that the Processor will be available to accept and disseminate quotes and transaction reports as early as 4 a.m. Eastern Time. Currently the Plan states that quotations and transaction reports may be entered and disseminated as of 8 a.m. Eastern Time. Amendment No. 14 modifies the opening hours to 4 a.m.¹¹

G. Amendment 14 modifies Section 3.a.1. to Exhibit 1 to the Plan to reflect previously approved language from Amendment 13A that was not incorporated into the most recent version of the Plan.¹²

According to the Participants, Nasdaq as Processor will implement the new Processor hours in its next release. CBOE and NYSE may commence quoting and trading in Nasdaq-listed securities with the effectiveness of Amendment No. 14, once they complete the necessary development and implementation work.

IV. Date of Effectiveness of the Amendment

The Commission has determined that the changes set forth in Amendment 14 are technical in nature, and thus have become effective upon filing with the Commission.¹³ At any time within 60

days of the filing of any such amendment, the Commission may summarily abrogate the amendment and require that such amendment be refilled in accordance with paragraph (b)(1) of Rule 11Aa3-2 under the Act¹⁴ and reviewed in accordance with paragraph (c)(2) of Rule 11Aa3-2 under the Act,¹⁵ if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.¹⁶

V. Solicitation of Comments

The Commission seeks general comments on Amendment No. 14. Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the Plan amendment is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number S7-24-89 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. All comment letters should refer to File No. S7-24-89. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the Plan amendment that are filed with the Commission, and all written communications relating to the Plan amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. The text of the Plan is being

⁵ Section 12 of the Act generally requires an exchange to trade only those securities that the exchange lists, except that Section 12(f) of the Act permits UTP under certain circumstances. For example, Section 12(f) of the Act, among other things, permits exchanges to trade certain securities that are traded over-the-counter ("OTC/UTP"), but only pursuant to a Commission order or rule. For a more complete discussion of the Section 12(f) requirement, see Securities Exchange Act Release No. 36481 (November 13, 1995), 60 FR 58119 (November 24, 1995).

⁶ The Plan defines "Eligible Securities" as any Nasdaq National Market or Nasdaq SmallCap security, as defined in NASD Rule 4200, (i) as to which unlisted trading privileges have been granted to a national securities exchange pursuant to Section 12(f) of the Act or which become eligible for such trading pursuant to order of the Commission, or (ii) which is also listed on a national securities exchange.

⁷ See Securities Exchange Act Release No. 28146, 55 FR 27917 (July 6, 1990).

⁸ See Securities Exchange Act Release No. 50855 (December 14, 2004), 69 FR 76499 (December 21, 2004).

⁹ Section XIII of the Plan specifies that a condition to becoming a Participant is to pay a proportionate share of \$439,530 which are the aggregate development costs previously paid by Plan Participants to the Processor.

¹⁰ See Securities Exchange Act Release No. 49711 (May 14, 2004), 69 FR 29339, (May 21, 2004) ("Amendment No. 13A Approval Order").

¹¹ PCX/ArcaEx has submitted a proposal to the Commission to begin quoting and trading at 4:00 a.m. Eastern Time. See Securities Exchange Act Release No. 50756 (November 30, 2004), 69 FR 70489, (December 6, 2004) (approving File No. SR-PCX-2004-83). To disseminate quotes and trades as of 4:00 a.m., PCX/ArcaEx requested that the Operating Committee and Nasdaq, as Plan Processor, modify the operating hours of the Processor.

¹² See 13A Approval Order, *supra* note 10.

¹³ 17 CFR 240.11Aa3-2(c)(3)(iii).

¹⁴ 17 CFR 240.11Aa3-2(b)(1).

¹⁵ 17 CFR 240.11Aa3-2(c)(2).

¹⁶ See 17 CFR 240.11Aa3-2(c)(3)(iii).

published as Exhibit A to this proposal. Copies of the proposal will also be available for inspection and copying at the office of the Secretary of the Committee, currently located at Pacific Exchange, Inc. and Archipelago Exchange L.L.C., 100 South Wacker Drive, Suite 2000, Chicago, IL 60606. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. S7-24-89 and should be submitted on or before April 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁷

Margaret H. McFarland,
Deputy Secretary.

Exhibit A—Amendment No. 14; Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privilege Basis

The undersigned registered national securities association and national securities exchanges (collectively referred to as the “Participants”), have jointly developed and hereby enter into this Nasdaq Unlisted Trading Privileges Plan (“Nasdaq UTP Plan” or “Plan”).

I. Participants

The Participants include the following:

A. Participants

1. American Stock Exchange LLC, 86 Trinity Place, New York, New York 10006.
2. Boston Stock Exchange, 100 Franklin Street, Boston, Massachusetts 02110.
3. Chicago Stock Exchange, 440 South LaSalle Street, Chicago, Illinois 60605.
4. Chicago Board Options Exchange, Inc., 400 South LaSalle Street, 26th Floor, Chicago, Illinois 60605.
5. National Association of Securities, Dealers, Inc., 1735 K Street, NW., Washington, DC 20006.
6. National Stock Exchange, 440 South LaSalle Street, 26th Floor, Chicago, Illinois 60605.
7. New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005.
8. Pacific Exchange, Inc., 115 Sansome Street, San Francisco, CA 94104.
9. Philadelphia Stock Exchange, 1900 Market Street, Philadelphia, Pennsylvania 19103.

B. Additional Participants

Any other national securities association or national securities exchange, in whose market Eligible Securities become traded, may become a Participant, provided that said organization executes a copy of this Plan and

pays its share of development costs as specified in Section XIII.

II. Purpose of Plan

The purpose of this Plan is to provide for the collection, consolidation and dissemination of Quotation Information and Transaction Reports in Eligible Securities from the Participants in a manner consistent with the Exchange Act.

It is expressly understood that each Participant shall be responsible for the collection of Quotation Information and Transaction Reports within its market and that nothing in this Plan shall be deemed to govern or apply to the manner in which each Participant does so.

III. Definitions

A. “Current” means, with respect to Transaction Reports or Quotation Information, such Transaction Reports or Quotation Information during the fifteen (15) minute period immediately following the initial transmission thereof by the Processor.

B. “Eligible Security” means any Nasdaq National Market or Nasdaq SmallCap security, as defined in NASD Rule 4200: (i) as to which unlisted trading privileges have been granted to a national securities exchange pursuant to Section 12(f) of the Exchange Act or which become eligible for such trading pursuant to order of the Securities and Exchange Commission; or (ii) which also is listed on a national securities exchange.

C. “Commission” and “SEC” shall mean the U.S. Securities and Exchange Commission.

D. “Exchange Act” means the Securities Exchange Act of 1934.

E. “Market” shall mean (i) when used with respect to Quotation Information, the NASD in the case of a Nasdaq market maker or a Nasdaq-registered electronic communications network/alternative trading system (hereafter collectively referred to as “Nasdaq market participants”) acting in such capacity, or the Participant on whose floor or through whose facilities the quotation was disseminated; and (ii) when used with respect to Transaction Reports, the Participant through whose facilities the transaction took place or was reported, or the Participant to whose facilities the order was sent for execution.

F. “NASD” means the National Association of Securities Dealers Inc.

G. “NASD Participant” means an NASD member that is registered as a market maker or an electronic communications network or otherwise utilizes the facilities of the NASD pursuant to applicable NASD rules.

H. “NASD Transaction Reporting System” means the System provided for in the NASD’s Transaction Reporting Plan filed with and approved by the Commission pursuant to SEC Rule 11Aa3-1, governing the reporting of transactions in Nasdaq securities.

I. “UTP Quote Data Feed” means the service that provides Subscribers with the National Best Bid and Offer quotations, size and market center identifier, as well as the Best Bid and Offer quotations, size and market center identifier from each individual Participant in Eligible Securities.

J. “Nasdaq Level 2 Service” means the Nasdaq service that provides Subscribers with query capability with respect to quotations and sizes in securities included in the Nasdaq System, best bid and asked quotations, and Transaction Reports.

K. “Nasdaq Level 3 Service” means the Nasdaq service that provides Nasdaq market participants with input and query capability with respect to quotations and sizes in securities included in the Nasdaq System, best bid and asked quotations, and Transaction Reports.

L. “Nasdaq System” means the automated quotation system operated by Nasdaq.

M. “UTP Trade Data Feed” means the service that provides Vendors and Subscribers with Transaction Reports.

N. “Nasdaq Security” or “Nasdaq-listed Security” means any security listed on the Nasdaq National Market or Nasdaq SmallCap Market.

O. “News Service” means a person that receives Transaction Reports or Quotation Information provided by the Systems or provided by a Vendor, on a Current basis, in connection with such person’s business of furnishing such information to newspapers, radio and television stations and other news media, for publication at least fifteen (15) minutes following the time when the information first has been published by the Processor.

P. “OTC Montage Data Feed” means the data stream of information that provides Vendors and Subscribers with quotations and sizes from all Participants and Nasdaq market participants.

Q. “Participant” means a registered national securities exchange or national securities association that is a signatory to this Plan.

R. “Plan” means this Nasdaq UTP Plan, as from time to time amended according to its provisions, governing the collection, consolidation and dissemination of Quotation Information and Transaction Reports in Eligible Securities.

S. “Processor” means the entity selected by the Participants to perform the processing functions set forth in the Plan.

T. “Quotation Information” means all bids, offers, displayed quotation sizes, the market center identifiers and, in the case of NASD and Nasdaq, the NASD and Nasdaq market participant that entered the quotation, withdrawals and other information pertaining to quotations in Eligible Securities required to be collected and made available to the Processor pursuant to this Plan.

U. “Regulatory Halt” means a trade suspension or halt called for the purpose of dissemination of material news, as described at Section X hereof or that is called for where there are regulatory problems relating to an Eligible Security that should be clarified before trading therein is permitted to continue, including a trading halt for extraordinary market activity due to system misuse or malfunction under Section X.E.1. of the Plan (“Extraordinary Market Regulatory Halt”).

V. “Subscriber” means a person that receives Current Quotation Information or Transaction Reports provided by the Processor or provided by a Vendor, for its

¹⁷ 17 CFR 200.30-3(a)(27).

own use or for distribution on a non-Current basis, other than in connection with its activities as a Vendor.

W. "Transaction Reports" means reports required to be collected and made available pursuant to this Plan containing the stock symbol, price, and size of the transaction executed, the Market in which the transaction was executed, and related information, including a buy/sell/cross indicator and trade modifiers, reflecting completed transactions in Eligible Securities.

X. "Upon Effectiveness of the Plan" means July 12, 1993, the date on which the Participants commenced publication of Quotation Information and Transaction Reports on Eligible Securities as contemplated by this Plan.

Y. "Vendor" means a person that receives Current Quotation Information or Transaction Reports provided by the Processor or provided by a Vendor, in connection with such person's business of distributing, publishing, or otherwise furnishing such information on a Current basis to Subscribers, News Services or other Vendors.

Z. "NQDS" means the data stream of information that provides Vendors and Subscribers with the best quotations and sizes from each Nasdaq Participant.

AA. "Nasdaq Participant" means an entity that is registered as a market maker or an electronic communications network in Nasdaq or otherwise utilizes the facilities of The Nasdaq Stock Market pursuant to applicable NASD rules but does not include an NASD Participant as defined in Section III.G. of this Plan.

IV. Administration of Plan

A. Operating Committee: Composition

The Plan shall be administered by the Participants through an operating committee ("Operating Committee"), which shall be composed of one representative designated by each Participant. Each Participant may designate an alternate representative or representatives who shall be authorized to act on behalf of the Participant in the absence of the designated representative. Within the areas of its responsibilities and authority, decisions made or actions taken by the Operating Committee, directly or by duly delegated individuals, committees as may be established from time to time, or others, shall be binding upon each Participant, without prejudice to the rights of any Participant to seek redress from the SEC pursuant to Rule 11Aa3-2 under the Exchange Act or in any other appropriate forum.

An Electronic Communications Network, Alternative Trading System, Broker-Dealer or other securities organization ("Organization") which is not a Participant, but has an actively pending Form 1 Application on file with the Commission to become a national securities exchange, will be permitted to appoint one representative and one alternate representative to attend regularly scheduled Operating Committee meetings in the capacity of an observer/advisor. If the Organization's Form 1 petition is withdrawn, returned, or is otherwise not actively pending with the Commission for any reason, then the Organization will no

longer be eligible to be represented in the Operating Committee meetings. The Operating Committee shall have the discretion, in limited instances, to deviate from this policy if, as indicated by majority vote, the Operating Committee agrees that circumstances so warrant.

Nothing in this section or elsewhere within the Plan shall authorize any person or organization other than Participants and their representatives to participate on the Operating Committee in any manner other than as an advisor or observer, or in any Executive Session of the Operating Committee.

B. Operating Committee: Authority

The Operating Committee shall be responsible for:

1. Overseeing the consolidation of Quotation Information and Transaction Reports in Eligible Securities from the Participants for dissemination to Vendors, Subscribers, News Services and others in accordance with the provisions of the Plan;
2. Periodically evaluating the Processor;
3. Setting the level of fees to be paid by Vendors, Subscribers, News Services or others for services relating to Quotation Information or Transaction Reports in Eligible Securities, and taking action in respect thereto in accordance with the provisions of the Plan;
4. Determining matters involving the interpretation of the provisions of the Plan;
5. Determining matters relating to the Plan's provisions for cost allocation and revenue-sharing; and
6. Carrying out such other specific responsibilities as provided under the Plan.

C. Operating Committee: Voting

Each Participant shall have one vote on all matters considered by the Operating Committee.

1. The affirmative and unanimous vote of all Participants entitled to vote shall be necessary to constitute the action of the Operating Committee with respect to:
 - a. Amendments to the Plan;
 - b. Amendments to contracts between the Processor and Vendors, Subscribers, News Services and others receiving Quotation Information and Transaction Reports in Eligible Securities;
 - c. Replacement of the Processor, except for termination for cause, which shall be governed by Section V(B) hereof;
 - d. Reductions in existing fees relating to Quotation Information and Transaction Reports in Eligible Securities; and
 - e. Except as provided under Section IV(C)(3) hereof, requests for system changes; and
 - f. All other matters not specifically addressed by the Plan.
2. With respect to the establishment of new fees or increases in existing fees relating to Quotation Information and Transaction Reports in Eligible Securities, the affirmative vote of two-thirds of the Participants entitled to vote shall be necessary to constitute the action of the Operating Committee.
3. The affirmative vote of a majority of the Participants entitled to vote shall be necessary to constitute the action of the Operating Committee with respect to:

- a. Requests for system changes reasonably related to the function of the Processor as defined under the Plan. All other requests for system changes shall be governed by Section IV(C)(1)(e) hereof.

- b. Interpretive matters and decisions of the Operating Committee arising under, or specifically required to be taken by, the provisions of the Plan as written;

- c. Interpretive matters arising under Exchange Act Rules 11Aa3-1 and 11Ac1-1; and

- d. Denials of access (other than for breach of contract, which shall be handled by the Processor),

4. It is expressly agreed and understood that neither this Plan nor the Operating Committee shall have authority in any respect over any Participant's proprietary systems. Nor shall the Plan or the Operating Committee have any authority over the collection and dissemination of quotation or transaction information in Eligible Securities in any Participant's marketplace, or, in the case of the NASD, from NASD Participants.

D. Operating Committee: Meetings

Regular meetings of the Operating Committee may be attended by each Participant's designated representative and/or its alternate representative(s), and may be attended by one or more other representatives of the parties. Meetings shall be held at such times and locations as shall from time to time be determined by the Operating Committee.

Quorum: Any action requiring a vote only can be taken at a meeting in which a quorum of all Participants is present. For actions requiring a simple majority vote of all Participants, a quorum of greater than 50% of all Participants entitled to vote must be present at the meeting before such a vote may be taken. For actions requiring a $\frac{2}{3}$ majority vote of all Participants, a quorum of at least $\frac{2}{3}$ of all Participants entitled to vote must be present at the meeting before such a vote may be taken. For actions requiring a unanimous vote of all Participants, a quorum of all Participants entitled to vote must be present at the meeting before such a vote may be taken.

A Participant is considered present at a meeting only if a Participant's designated representative or alternate representative(s) is either in physical attendance at the meeting or is participating by conference telephone, or other acceptable electronic means.

Any action sought to be resolved at a meeting must be sent to each Participant entitled to vote on such matter at least one week prior to the meeting via electronic mail, regular U.S. or private mail, or facsimile transmission, provided however that this requirement may be waived by the vote of the percentage of the Committee required to vote on any particular matter, under Section C above.

Any action may be taken without a meeting if a consent in writing, setting forth the action so taken, is sent to and signed by all Participant representatives entitled to vote with respect to the subject matter thereof. All the approvals evidencing the consent shall be delivered to the Chairman of the Operating Committee to be filed in the Operating

Committee records. The action taken shall be effective when the minimum number of Participants entitled to vote have approved the action, unless the consent specifies a different effective date.

The Chairman of the Operating Committee shall be elected annually by and from among the Participants by a majority vote of all Participants entitled to vote. The Chairman shall designate a person to act as Secretary to record the minutes of each meeting. The location of meetings shall be rotated among the locations of the principal offices of the Participants, or such other locations as may from time to time be determined by the Operating Committee. Meetings may be held by conference telephone and action may be taken without a meeting if the representatives of all Participants entitled to vote consent thereto in writing or other means the Operating Committee deems acceptable.

E. Advisory Committee

1. Composition

a. Each Plan Participant may designate three representatives to participate in the Advisory Committee. The representatives shall each be an employee of a member of that Participant, a professor or other academic involved in the scholarly study of the securities industry, or an expert in one or more areas of the securities industry.

b. Each representative shall serve a one-year term on the Advisory Committee.

2. Authority

The Advisory Committee shall have the opportunity to:

a. Meet twice yearly, each meeting to occur one day prior to a meeting of the Operating Committee.

b. Discuss any matter related to the operation of the Plan.

c. Present written comments or inquiries to the Operating Committee regarding matters related to the operation of the Plan.

d. Respond to written inquiries from the Operating Committee seeking comment from the Advisory Committee on matters related to the operation of the Plan.

V. Selection and Evaluation of the Processor

A. Generally

The Processor's performance of its functions under the Plan shall be subject to review by the Operating Committee at least every two years, or from time to time upon the request of any two Participants but not more frequently than once each year. Based on this review, the Operating Committee may choose to make a recommendation to the Participants with respect to the continuing operation of the Processor. The Operating Committee shall notify the SEC of any recommendations the Operating Committee shall make pursuant to the Operating Committee's review of the Processor and shall supply the Commission with a copy of any reports that may be prepared in connection therewith.

B. Termination of the Processor for Cause

If the Operating Committee determines that the Processor has failed to perform its functions in a reasonably acceptable manner in accordance with the provisions of the Plan

or that its reimbursable expenses have become excessive and are not justified on a cost basis, the Processor may be terminated at such time as may be determined by a majority vote of the Operating Committee.

C. Factors To Be Considered in Termination for Cause

Among the factors to be considered in evaluating whether the Processor has performed its functions in a reasonably acceptable manner in accordance with the provisions of the Plan shall be the reasonableness of its response to requests from Participants for technological changes or enhancements pursuant to Section IV(C)(3) hereof. The reasonableness of the Processor's response to such requests shall be evaluated by the Operating Committee in terms of the cost to the Processor of purchasing the same service from a third party and integrating such service into the Processor's existing systems and operations as well as the extent to which the requested change would adversely impact the then current technical (as opposed to business or competitive) operations of the Processor.

D. Processor's Right to Appeal Termination for Cause

The Processor shall have the right to appeal to the SEC a determination of the Operating Committee terminating the Processor for cause and no action shall become final until the SEC has ruled on the matter and all legal appeals of right therefrom have been exhausted.

E. Process for Selecting New Processor

At any time following effectiveness of the Plan, but no later than upon the termination of the Processor, whether for cause pursuant to Section IV(C)(1)(c) or V(B) of the Plan or upon the Processor's resignation, the Operating Committee shall establish procedures for selecting a new Processor (the "Selection Procedures"). The Operating Committee, as part of the process of establishing Selection Procedures, may solicit and consider the timely comment of any entity affected by the operation of this Plan. The Selection Procedures shall be established by a two-thirds majority vote of the Plan Participants, and shall set forth, at a minimum:

1. The entity that will:

(a) Draft the Operating Committee's request for proposal for bids on a new processor;

(b) Assist the Operating Committee in evaluating bids for the new processor; and

(c) Otherwise provide assistance and guidance to the Operating Committee in the selection process.

2. The minimum technical and operational requirements to be fulfilled by the Processor;

3. The criteria to be considered in selecting the Processor; and

4. The entities (other than Plan Participants) that are eligible to comment on the selection of the Processor.

Nothing in this provision shall be interpreted as limiting Participants' rights under Section IV or Section V of the Plan or other Commission order.

VI. Functions of the Processor

A. Generally

The Processor shall collect from the Participants, and consolidate and disseminate to Vendors, Subscribers and News Services, Quotation Information and Transaction Reports in Eligible Securities in a manner designed to assure the prompt, accurate and reliable collection, processing and dissemination of information with respect to all Eligible Securities in a fair and non-discriminatory manner. The Processor shall commence operations upon the Processor's notification to the Participants that it is ready and able to commence such operations.

B. Collection and Consolidation of Information

For as long as Nasdaq is the Processor, the Processor shall be capable of receiving Quotation Information and Transaction Reports in Eligible Securities from Participants by the Plan-approved, Processor sponsored interface, and shall consolidate and disseminate such information via the UTP Quote Data Feed, the UTP Trade Data Feed, and the OTC Montage Data Feed to Vendors, Subscribers and News Services. For so long as Nasdaq is not registered as a national securities exchange and for so long as Nasdaq is the Processor, the Processor shall also collect, consolidate, and disseminate the quotation information contained in NQDS. For so long as Nasdaq is not registered as a national securities exchange and after Nasdaq is no longer the Processor for other SIP datafeeds, either Nasdaq or a third party will act as the Processor to collect, consolidate, and disseminate the quotation information contained in NQDS.

C. Dissemination of Information

The Processor shall disseminate consolidated Quotation Information and Transaction Reports in Eligible Securities via the UTP Quote Data Feed, the UTP Trade Data Feed, and the OTC Montage Data Feed to authorized Vendors, Subscribers and News Services in a fair and non-discriminatory manner. The Processor shall specifically be permitted to enter into agreements with Vendors, Subscribers and News Services for the dissemination of quotation or transaction information on Eligible Securities to foreign (non-U.S.) marketplaces or in foreign countries.

The Processor shall, in such instance, disseminate consolidated quotation or transaction information on Eligible Securities from all Participants.

Nothing herein shall be construed so as to prohibit or restrict in any way the right of any Participant to distribute quotation, transaction or other information with respect to Eligible Securities quoted on or traded in its marketplace to a marketplace outside the United States solely for the purpose of supporting an intermarket linkage, or to distribute information within its own marketplace concerning Eligible Securities in accordance with its own format. If a Participant requests, the Processor shall make information about Eligible Securities in the Participant's marketplace available to a

foreign marketplace on behalf of the requesting Participant, in which event the cost shall be borne by that Participant.

1. Best Bid and Offer

The Processor shall disseminate on the UTP Quote Data Feed the best bid and offer information supplied by each Participant, including the Nasdaq market participants, and shall also calculate and disseminate on the UTP Quote Data Feed a national best bid and asked quotation with size based upon Quotation Information for Eligible Securities received from Participants. The Processor shall not calculate the best bid and offer for any individual Participant, including the NASD.

The Participant responsible for each side of the best bid and asked quotation making up the national best bid and offer shall be identified by an appropriate symbol. If the quotations of more than one Participant shall be the same best price, the largest displayed size among those shall be deemed to be the best. If the quotations of more than one Participant are the same best price and best displayed size, the earliest among those measured by the time reported shall be deemed to be the best. A reduction of only bid size and/or ask size will not change the time priority of a Participant's quote for the purposes of determining time reported, whereas an increase of the bid size and/or ask size will result in a new time reported. The consolidated size shall be the size of the Participant that is at the best.

If the best bid/best offer results in a locked or crossed quotation, the Processor shall forward that locked or crossed quote on the appropriate output lines (*i.e.*, a crossed quote of bid 12, ask 11.87 shall be disseminated). The Processor shall normally cease the calculation of the best bid/best offer after 6:30 p.m., Eastern Time.

2. Eligible Securities

a. Number of Eligible Securities—If the Commission by order expands the number of Eligible Securities beyond 1,000, the number of Eligible Securities that Participants may trade shall be phased in (added) according to the schedule set out below:

(i) At the end of the first calendar quarter following the Commission's order expanding the number of Eligible Securities beyond 1,000 but in no case before September 30, 2001, Participants may commence trading 500 additional securities;

(ii) At the end of each of the four calendar quarters following the date established under provision VI.C(2)(a)(i) of the Plan, Participants may commence trading an additional 500 securities, and at the end of the fifth calendar quarter following the date established under provision VI.C(2)(a)(i) of the Plan, Participants shall be permitted to trade all Eligible Securities.

(iii) In no case shall the number of Eligible Securities exceed the number of securities that the Commission deems are eligible for trading pursuant to this Plan.

(iv) After each of the aforementioned phase in periods (*i.e.*, calendar quarters), the Processor shall evaluate its performance to determine whether it is prudent, in light of system capacity and any other operational factors, to continue to add additional

securities pursuant to the phase in schedule. If the Processor determines, in light of system capacity and any other operational factors, that it is not prudent to continue to expand the number of Eligible Securities, the Processor upon notice to the Participants immediately may suspend the phase-in schedule and delay the expansion of the number of Eligible Securities that may be traded under the Plan. The Processor shall commence adding securities pursuant to a revised phase-in schedule, when the Processor determines it is prudent to do so, in light of system capacity and any other operational factors.

(v) This provision shall not apply to The Nasdaq Stock Market, Inc., or Nasdaq market participants acting in such capacity, nor shall it apply to any Participant that does not engage in auto-quoting, as described in paragraph VI.C.(2)(b) below.

b. Limitation on Auto-Quoting—Except as provided in sub-paragraph VI.C(2)(c) of this Plan, Participants shall be prohibited from the practice of "auto-quoting." "Auto-quoting" means the practice of tracking, by automated means, the changes to the best bid or best ask quotation and responding by generating another quote change to keep that Participant away from the best bid or ask quotation, but for purposes of this Plan, shall not include:

(i) An update that is in response to an execution in the security by that Participant;

(ii) An update that requires a physical entry;

(iii) An update that is to reflect the receipt, execution, or cancellation of a customer limit order; or

(iv) The practice of automatically generating quote changes at a rate of less than 35% of all price changes to the national best bid or ask quotation. The Processor shall calculate this rate using quoting activity during the preceding calendar month.

c. Applicability of Auto-Quoting Limitation—The Limitation on Auto-Quoting contained in subparagraph VI.C(2)(b) of this Plan shall only apply if the Processor deems it necessary to maintain adequate capacity for the normal and efficient operation of the Processor and the Processor provides at least 30 calendar days notice to the Participants and the basis thereof of such determination. The Processor shall lift the limitation on auto-quoting when the Processor determines it is prudent to do so, in light of system capacity and any other operational factors. Additionally, the Limitation on Auto-Quoting set forth in subparagraph VI.C(2)(b) of this Plan will not apply to a Participant whose aggregated quoting activity in eligible Nasdaq securities does not exceed 1% of the total quotation traffic across all Nasdaq securities by all Nasdaq market participants and Exchange Participants. The Processor shall calculate this rate using quoting activity during the preceding calendar month.

d. Obligations of Participants Regarding Capacity—Each Participant shall exercise due diligence to promote quotation generation practices that mitigate quotation traffic so as to ensure prudential excess capacity within the Processor. The Operating Committee shall periodically review the performance of Participants and take such

action as necessary to maintain prudential excess capacity.

e. Procedures for Ensuring Acceptable Quote Generation Practices—The following procedures shall apply if, in accordance with Section VI.C.2(c) of the Plan, the Processor determines that a capacity concern exists.

(i) On a monthly basis, each Participant shall provide the Processor with a good faith estimate of the Participant's previous month's daily average number of quote updates to permit the Processor to determine compliance with the auto-quoting limitation referenced in Section VI.C.2.(b) of the Plan.

(ii) If the Processor determines, from the Participant's data or otherwise, that the Participant has not complied with the limitations of Section VI.C.2.(b), the Processor shall give the Participant written notice of such condition. The Participant shall have 30 calendar days after receipt of the written notice to remedy the condition.

(iii) If, after the aforementioned 30-day period has expired, the condition has not been remedied to the reasonable satisfaction of the Processor, then the Processor shall submit to the Operating Committee a written request for relief together with supporting documentation evidencing the alleged condition (*i.e.*, failure to comply with the limitations of Section VI.C.2.(b)) and quantifying the impact of the violation on overall capacity of the Processor. The Processor's request for relief shall be limited to such remedial action (including but not limited to the termination of service to the subject Participant) as is necessary to modify the subject Participant's quote generation practices on a prospective basis, for such period as is necessary to resolve the condition that gave rise to the Processor's request for relief. The Participant shall have 15 calendar days to respond in writing to the Processor's request for relief.

(iv) The Operating Committee, following written notice to the Participant and the Processor, shall conduct a hearing within five (5) business days after expiration of the 15-day response period to determine whether to grant or deny the Processor's claim for remedial action. At the hearing, the Operating Committee may consider, among other information, the request of the Processor, the response (if any) of the Participant and any other evidence (written or oral) that is presented at the hearing. At the conclusion of the hearing, the Operating Committee shall grant or deny the Processor's request. An affirmative vote of two-thirds of the Operating Committee members entitled to vote (excluding the subject Participant) shall be required for any decision of the Operating Committee. The decision of the Operating Committee shall be final and therefore reviewable by the Commission; *provided, however*, that any decision of the Operating Committee shall not become effective until five business days after the date of the decision.

f. Limitation on Applicability of Rule—The phase-in schedule contained in of VI.C(2)(a) and the Limitation on Auto-Quoting contained in VI.C(2)(c) shall not apply:

(i) To any Participant upon the designation and the operation of a new Processor; and

(ii) To a Participant for the number of securities that the Participant quoted as of

May 1, 2001; provided, however the exemption contained herein shall expire a year from the end-date of the phase-in schedule contained in VI.C(2)(a).

3. Quotation Data Streams

The Processor shall disseminate on the UTP Quote Data Feed a data stream of all Quotation Information regarding Eligible Securities received from Participants. Each quotation shall be designated with a symbol identifying the Participant from which the quotation emanates. Quotation Information from individual NASD Participants will not be disseminated on the UTP Quote Data Feed. The Processor shall separately distribute on the OTC Montage Data Feed the Quotation Information regarding Eligible Securities from all NASD Participants from which quotations emanate. The Processor shall separately distribute NQDS for so long as Nasdaq is not registered as a national securities exchange and for so long as Nasdaq is the Processor. For so long as Nasdaq is not registered as a national securities exchange and after Nasdaq is no longer the Processor for other SIP datafeeds, either Nasdaq or a third party will act as the Processor to collect, consolidate, and disseminate the quotation information contained in NQDS.

4. Transaction Reports

The Processor shall disseminate on the UTP Trade Data Feed a data stream of all Transaction Reports in Eligible Securities received from Participants. Each transaction report shall be designated with a symbol identifying the Participant in whose Market the transaction took place.

D. Closing Reports

At the conclusion of each trading day, the Processor shall disseminate a "closing price" for each Eligible Security. Such "closing price" shall be the price of the last Transaction Report in such security received prior to dissemination. The Processor shall also tabulate and disseminate at the conclusion of each trading day the aggregate volume reflected by all Transaction Reports in Eligible Securities reported by the Participants.

E. Statistics

The Processor shall maintain quarterly, semi-annual and annual transaction and volume statistical counts. The Processor shall, at cost to the user Participant(s), make such statistics available in a form agreed upon by the Operating Committee, such as a secure website.

VII. Administrative Functions of the Processor

Subject to the general direction of the Operating Committee, the Processor shall be responsible for carrying out all administrative functions necessary to the operation and maintenance of the consolidated information collection and dissemination system provided for in this Plan, including, but not limited to, record keeping, billing, contract administration, and the preparation of financial reports.

VIII. Transmission of Information to Processor by Participants

A. Quotation Information

Each Participant shall, during the time it is open for trading be responsible promptly to collect and transmit to the Processor accurate Quotation information in Eligible Securities through any means prescribed herein.

Quotation Information shall include:

1. Identification of the Eligible Security, using the Nasdaq Symbol;
2. The price bid and offered, together with size;
3. The Nasdaq market participant or Participant from which the quotation emanates;
4. Identification of quotations that are not firm; and
5. Through appropriate codes and messages, withdrawals and similar matters.

B. Transaction Reports

Each Participant shall, during the time it is open for trading, be responsible promptly to collect and transmit to the Processor Transaction Reports in Eligible Securities executed in its Market by means prescribed herein. With respect to orders sent by one Participant Market to another Participant Market for execution, each Participant shall adopt procedures governing the reporting of transactions in Eligible Securities specifying that the transaction will be reported by the Participant whose member sold the security. This provision shall apply only to transactions between Plan Participants.

Transaction Reports shall include:

1. Identification of the Eligible Security, using the Nasdaq Symbol;
2. The number of shares in the transaction;
3. The price at which the shares were purchased or sold;
4. The buy/sell/cross indicator;
5. The Market of execution; and,
6. Through appropriate codes and messages, late or out-of-sequence trades, corrections and similar matters.

All such Transaction Reports shall be transmitted to the Processor within 90 seconds after the time of execution of the transaction. Transaction Reports transmitted beyond the 90-second period shall be designated as "late" by the appropriate code or message.

The following types of transactions are not required to be reported to the Processor pursuant to the Plan:

1. Transactions that are part of a primary distribution by an issuer or of a registered secondary distribution or of an unregistered secondary distribution;
2. Transactions made in reliance on Section 4(2) of the Securities Act of 1933;
3. Transactions in which the buyer and the seller have agreed to trade at a price unrelated to the Current Market for the security, e.g., to enable the seller to make a gift;
4. Odd-lot transactions;
5. The acquisition of securities by a broker-dealer as principal in anticipation of making an immediate exchange distribution or exchange offering on an exchange;
6. Purchases of securities pursuant to a tender offer; and

7. Purchases or sales of securities effected upon the exercise of an option pursuant to the terms thereof or the exercise of any other right to acquire securities at a pre-established consideration unrelated to the Current Market.

C. Symbols for Market Identification for Quotation Information and Transaction Reports

The following symbols shall be used to denote the marketplaces:

Code	Participant
A	American Stock Exchange.
B	Boston Stock Exchange.
W	Chicago Board Options Exchange, Inc.
C	Cincinnati Stock Exchange.
M	Chicago Stock Exchange.
D	NASD.
Q	Nasdaq.
C	National Stock Exchange.
N	New York Stock Exchange, Inc.
P	Pacific Exchange.
X	Philadelphia Stock Exchange.

D. Whenever a Participant determines that a level of trading activity or other unusual market conditions prevent it from collecting and transmitting Quotation Information or Transaction Reports to the Processor, or where a trading halt or suspension in an Eligible Security is in effect in its Market, the Participant shall promptly notify the Processor of such condition or event and shall resume collecting and transmitting Quotation Information and Transaction Reports to it as soon as the condition or event is terminated. In the event of a system malfunction resulting in the inability of a Participant or its members to transmit Quotation Information or Transaction Reports to the Processor, the Participant shall promptly notify the Processor of such event or condition. Upon receiving such notification, the Processor shall take appropriate action, including either closing the quotation or purging the system of the affected quotations.

IX. Market Access

A. Each Participant shall permit each Nasdaq market participant, acting in its capacity as such, direct telephone access to the specialist, trading post, and supervisory center in each Eligible Security in which such Nasdaq market participant is registered as a market maker or electronic communications network/alternative trading system with Nasdaq. Such access shall include appropriate procedures or requirements by each Participant or employee to assure the timely response to communications received through telephonic access. No Participant shall permit the imposition of any access or execution fee, or any other fee or charge, with respect to transactions in Eligible Securities effected with Nasdaq market participants which are communicated to the floor by telephone pursuant to the provisions of this Plan. A Participant shall be free to charge for other types of access to its floor or facilities.

B. The NASD shall assure that each Participant, and its members shall have

direct telephone access to the trading desk of each Nasdaq market participant in each Eligible Security in which the Participant displays quotations, and to the Nasdaq Supervisory Center. Such access shall include appropriate procedures or requirements to assure the timely response of each Nasdaq market participant to communications received through telephone access. Neither the NASD nor any Nasdaq market participant shall impose any access or execution fee, or any other fee or charge, with respect to transactions in Eligible Securities effected with a member of a Participant which are communicated by telephone pursuant to the provisions of this Plan.

X. Regulatory Halts

A. For purposes of this Section X, "Participant" shall include the Nasdaq Stock Market. Whenever, in the exercise of its regulatory functions, the Listing Market for an Eligible Security determines that a Regulatory Halt is appropriate pursuant to Section III.T, the Listing Market will notify all other Participants pursuant to Section X.E and all other Participants shall also halt or suspend trading in that security until notification that the halt or suspension is no longer in effect. The Listing Market shall immediately notify the Processor of such Regulatory Halt as well as notice of the lifting of a Regulatory Halt. The Processor, in turn, shall disseminate to Participants notice of the Regulatory Halt (as well as notice of the lifting of a regulatory halt) through the UTP Quote Data Feed. This notice shall serve as official notice of a regulatory halt for purposes of the Plan only, and shall not substitute or otherwise supplant notice that a Participant may recognize or require under its own rules. Nothing in this provision shall be read so as to supplant or be inconsistent with a Participant's own rules on trade halts, which rules apply to the Participant's own members. The Processor will reject any quotation information or transaction reports received from any Participant on an Eligible Security that has a Regulatory Halt in effect.

B. Whenever the Listing Market determines that an adequate publication or dissemination of information has occurred so as to permit the termination of the Regulatory Halt then in effect, the Listing Market shall promptly notify the Processor and each of the other Participants that conducts trading in such security pursuant to Section X.F. Except in extraordinary circumstances, adequate publication or dissemination shall be presumed by the Listing Market to have occurred upon the expiration of one hour after initial publication in a national news dissemination service of the information that gave rise to the Regulatory Halt.

C. Except in the case of a Regulatory Halt, the Processor shall not cease the dissemination of quotation or transaction information regarding any Eligible Security. In particular, it shall not cease dissemination of such information because of a delayed opening, imbalance of orders or other market-related problems involving such security. During a regulatory halt, the Processor shall collect and disseminate Transaction Information but shall cease collection and dissemination of all Quotation Information.

D. For purposes of this Section X, "Listing Market" for an Eligible Security means the Participant's Market on which the Eligible Security is listed. If an Eligible Security is dually listed, Listing Market shall mean the Participant's Market on which the Eligible Security is listed that also has the highest number of the average of the reported transactions and reported share volume for the preceding 12-month period. The Listing Market for dually-listed Eligible Securities shall be determined at the beginning of each calendar quarter.

E. For purposes of coordinating trading halts in Eligible Securities, all Participants are required to utilize the national market system communication media ("Hoot-n-Holler") to verbally provide real-time information to all Participants. Each Participant shall be required to continuously monitor the Hoot-n-Holler system during market hours, and the failure of a Participant to do so at any time shall not prevent the Listing Market from initiating a Regulatory Halt in accordance with the procedures specified herein.

1. The following procedures shall be followed when one or more Participants experiences extraordinary market activity in an Eligible Security that is believed to be caused by the misuse or malfunction of systems operated by or linked to one or more Participants.

a. The Participant(s) experiencing the extraordinary market activity or any Participant that becomes aware of extraordinary market activity will immediately use best efforts to notify all Participants of the extraordinary market activity utilizing the Hoot-n-Holler system.

b. The Listing Market will use best efforts to determine whether there is material news regarding the Eligible Security. If the Listing Market determines that there is non-disclosed material news, it will immediately call a Regulatory Halt pursuant to Section X.E.2.

c. Each Participant(s) will use best efforts to determine whether one of its systems, or the system of a direct or indirect participant in its market, is responsible for the extraordinary market activity.

d. If a Participant determines the potential source of extraordinary market activity pursuant to Section X.1.c., the Participant will use best efforts to determine whether removing the quotations of one or more direct or indirect market participants or barring one or more direct or indirect market participants from entering orders will resolve the extraordinary market activity.

Accordingly, the Participant will prevent the quotations from one or more direct or indirect market participants in the affected Eligible Securities from being transmitted to the Processor.

e. If the procedures described in Section X.E.1.a.-d. do not rectify the situation, the Participant(s) experiencing extraordinary market activity will cease transmitting all quotations in the affected Eligible Securities to the Processor.

f. If the procedures described in Section X.E.1.a.-e do not rectify the situation within five minutes of the first notification through the Hoot-n-Holler system, or if Participants

agree to call a halt sooner through unanimous approval among those Participants actively trading impacted Eligible Securities, the Listing Market may determine based on the facts and circumstances, including available input from Participants, to declare an Extraordinary Market Regulatory Halt in the affected Eligible Securities. Simultaneously with the notification of the Processor to suspend the dissemination of quotations across all Participants, the Listing Market must verbally notify all Participants of the trading halt utilizing the Hoot-n-Holler system.

g. Absent any evidence of system misuse or malfunction, best efforts will be used to ensure that trading is not halted across all Participants.

2. If the Listing Market declares a Regulatory Halt in circumstances other than pursuant to Section X.E.1.f., the Listing Market must, simultaneously with the notification of the Processor to suspend the dissemination of quotations across all Participants, verbally notify all Participants of the trading halt utilizing the Hoot-n-Holler system.

F. If the Listing Market declares a Regulatory Halt, trading will resume according to the following procedures:

1. Within 15 minutes of the declaration of the halt, all Participants will make best efforts to indicate via the Hoot-n-Holler their intentions with respect to canceling or modifying transactions.

2. All Participants will disseminate to their members information regarding the canceled or modified transactions as promptly as possible, and in any event prior to the resumption of trading.

3. After all Participants have met the requirements of Section X.F.1-2, the Listing Market will notify the Participants utilizing the Hoot-n-Holler and the Processor when trading may resume. Upon receiving this information, Participants may commence trading pursuant to Section X.A.

XI. Hours of Operation

A. Quotation Information may be entered by Participants as to all Eligible Securities in which they make a market between 9:30 a.m. and 4 p.m. Eastern Time ("ET") on all days the Processor is in operation. Transaction Reports shall be entered between 9:30 a.m. and 4:01:30 p.m. ET by Participants as to all Eligible Securities in which they execute transactions between 9:30 a.m. and 4 p.m. ET on all days the Processor is in operation.

B. Participants that execute transactions in Eligible Securities outside the hours of 9:30 a.m. ET and 4 p.m., ET, shall be required to report such transactions as follows:

(i) Transactions in Eligible Securities executed between 4 a.m. and 9:29:59 a.m. ET and between 4:00:01 and 6:30 p.m. ET, shall be designated as "T" trades to denote their execution outside normal market hours;

(ii) Transactions in Eligible Securities executed after 6:30 p.m. and before 12 a.m. (midnight) shall be reported to the Processor between the hours of 4 a.m. and 6:30 p.m. ET on the next business day (T+1), and shall be designated "as/of" trades to denote their execution on a prior day, and be accompanied by the time of execution;

(iii) Transactions in Eligible Securities executed between 12 a.m. (midnight) and 4 a.m. ET shall be transmitted to the Processor between 4 a.m. and 9:30 a.m. ET, on trade date, shall be designated as “.T” trades to denote their execution outside normal market hours, and shall be accompanied by the time of execution;

(iv) Transactions reported pursuant to this provision of the Plan shall be included in the calculation of total trade volume for purposes of determining net distributable operating revenue, but shall not be included in the calculation of the daily high, low, or last sale.

C. Late trades shall be reported in accordance with the rules of the Participant in whose Market the transaction occurred and can be reported between the hours of 4 a.m. and 6:30 p.m.

D. The Processor shall collect, process and disseminate Quotation Information in Eligible Securities at other times between 4 a.m. and 9:30 a.m. ET, and after 4 p.m. ET, when any Participant or Nasdaq market participant is open for trading, until 6:30 p.m. ET (the “Additional Period”); provided, however, that the best bid and offer quotation will not be disseminated before 4 a.m. or after 6:30 p.m. ET. Participants that enter Quotation Information or submit Transaction Reports to the Processor during the Additional Period shall do so for all Eligible Securities in which they enter quotations.

XII. Undertaking by All Participants

The filing with and approval by the Commission of this Plan shall obligate each Participant to enforce compliance by its members with the provisions thereof. In all other respects not inconsistent herewith, the rules of each Participant shall apply to the actions of its members in effecting, reporting, honoring and settling transactions executed through its facilities, and the entry, maintenance and firmness of quotations to ensure that such occurs in a manner consistent with just and equitable principles of trade.

XIII. Financial Matters

A. Development Costs

Any Participant becoming a signatory to this Plan after June 26, 1990, shall, as a condition to becoming a Participant, pay to the other Plan Participants a proportionate share of the aggregate development costs previously paid by Plan Participants to the Processor, which aggregate development costs totaled \$439,530, with the result that each Participant's share of all development costs is the same.

Each Participant shall bear the cost of implementation of any technical enhancements to the Nasdaq system made at its request and solely for its use, subject to reapportionment should any other Participant subsequently make use of the enhancement, or the development thereof.

B. Cost Allocation and Revenue Sharing

The provisions governing cost allocation and revenue sharing among the Participants are set forth in Exhibit 1 to the Plan.

C. Maintenance of Financial Records

The Processor shall maintain records of revenues generated and development and

operating expenditures incurred in connection with the Plan. In addition, the Processor shall provide the Participants with: (a) a statement of financial and operational condition on a quarterly basis; and (b) an audited statement of financial and operational condition on an annual basis.

XIV. Indemnification

Each Participant agrees, severally and not jointly, to indemnify and hold harmless each other Participant, Nasdaq, and each of its directors, officers, employees and agents (including the Operating Committee and its employees and agents) from and against any and all loss, liability, claim, damage and expense whatsoever incurred or threatened against such persons as a result of any Transaction Reports, Quotation Information or other information reported to the Processor by such Participant and disseminated by the Processor to Vendors. This indemnity agreement shall be in addition to any liability that the indemnifying Participant may otherwise have.

Promptly after receipt by an indemnified Participant of notice of the commencement of any action, such indemnified Participant will, if a claim in respect thereof is to be made against an indemnifying Participant, notify the indemnifying Participant in writing of the commencement thereof; but the omission to so notify the indemnifying Participant will not relieve the indemnifying Participant from any liability which it may have to any indemnified Participant. In case any such action is brought against any indemnified Participant and it promptly notifies an indemnifying Participant of the commencement thereof, the indemnifying Participant will be entitled to participate in, and, to the extent that it may wish, jointly with any other indemnifying Participant similarly notified, to assume and control the defense thereof with counsel chosen by it. After notice from the indemnifying Participant of its election to assume the defense thereof, the indemnifying Participant will not be liable to such indemnified Participant for any legal or other expenses subsequently incurred by such indemnified Participant in connection with the defense thereof but the indemnified Participant may, at its own expense, participate in such defense by counsel chosen by it without, however, impairing the indemnifying Participant's control of the defense. The indemnifying Participant may negotiate a compromise or settlement of any such action, provided that such compromise or settlement does not require a contribution by the indemnified Participant.

XV. Withdrawal

Any Participant may withdraw from the Plan at any time on not less than 30 days prior written notice to each of the other Participants. Any Participant withdrawing from the Plan shall remain liable for, and shall pay upon demand, any fees for equipment or services being provided to such Participant pursuant to the contract executed by it or an agreement or schedule of fees covering such then in effect.

A withdrawing Participant shall also remain liable for its proportionate share,

without any right of recovery, of administrative and operating expenses, including start-up costs and other sums for which it may be responsible pursuant to Section XIV hereof. Except as aforesaid, a withdrawing Participant shall have no further obligation under the Plan or to any of the other Participants with respect to the period following the effectiveness of its withdrawal.

XVI. Modifications to Plan

The Plan may be modified from time to time when authorized by the agreement of all of the Participants, subject to the approval of the SEC.

XVII. Applicability of Securities Exchange Act of 1934

The rights and obligations of the Participants and of Vendors, News Services, Subscribers and other persons contracting with Participant in respect of the matters covered by the Plan shall at all times be subject to any applicable provisions of the Act, as amended, and any rules and regulations promulgated thereunder.

XVIII. Operational Issues

A. Each Exchange Participant shall be responsible for collecting and validating quotes and last sale reports within their own system prior to transmitting this data to the Processor.

B. Each Exchange Participant may utilize a dedicated Participant line into the Processor to transmit trade and quote information in Eligible Securities to the Processor. The Processor shall accept from Exchange Participants input for only those issues that are deemed Eligible Securities.

C. The Processor shall consolidate trade and quote information from each Participant and disseminate this information on the Nasdaq existing vendor lines.

D. The Processor shall perform gross validation processing for quotes and last sale messages in addition to the collection and dissemination functions, as follows:

1. Basic Message Validation

(a) The Processor may validate format for each type of message, and reject non-conforming messages.

(b) Input must be for an Eligible Security.

2. Logging Function—The Processor shall return all Participant input messages that do not pass the validation checks (described above) to the inputting Participant, on the entering Participant line, with an appropriate reject notation. For all accepted Participant input messages (*i.e.*, those that pass the validation check), the information shall be retained in the Processor system.

XIX. Headings

The section and other headings contained in this Plan are for reference purposes only and shall not be deemed to be a part of this Plan or to affect the meaning or interpretation of any provisions of this Plan.

XX. Counterparts

This Plan may be executed by the Participants in any number of counterparts, no one of which need contain the signature of all Participants. As many such counterparts as shall together contain all

such signatures shall constitute one and the same instrument.

XXI. Depth of Book Display

The Operating Committee has determined that the entity that succeeds Nasdaq as the Processor should have the ability to collect, consolidate, and disseminate quotations at multiple price levels beyond the best bid and best offer from any Participant that voluntarily chooses to submit such quotations while determining that no Participant shall be required to submit such information. The Operating Committee has further determined that the costs of developing, collecting, processing, and disseminating such depth of book data shall be borne exclusively by those Participants that choose to submit this information to the Processor, by whatever allocation those Participants may choose among themselves. The Operating Committee has determined further that the primary purpose of the Processor is the collection, processing and dissemination of best bid, best offer and last sale information ("core data"), and as such, the Participants will adopt procedures to ensure that such functionality in no way hinders the collecting, processing and dissemination of this core data.

Therefore, implementing the depth of book display functionality will require a plan amendment that addresses all pertinent issues, including:

(1) Procedures for ensuring that the fully-loaded cost of the collection, processing, and dissemination of depth-of-book information will be tracked and invoiced directly to those Plan Participants that voluntarily choose to send that data, voluntarily, to the Processor, allocating in whatever manner those Participants might agree; and

(2) Necessary safeguards the Processor will take to ensure that its processing of depth-of-book data will not impede or hamper, in any way, its core Processor functionality of collecting, consolidating, and disseminating National Best Bid and Offer data, exchange best bid and offer data, and consolidated last sale data.

Upon approval of a Plan amendment implementing depth of book display, this article of the Plan shall be automatically deleted.

IN WITNESS WHEREOF, this Plan has been executed as of the ___ day of ___, 200___, by each of the Signatories hereto.

American Stock Exchange LLC

By: _____

Boston Stock Exchange, Inc.

By: _____

Chicago Stock Exchange, Inc.

By: _____

Chicago Board Options Exchange, Inc.

By: _____

National Association of Securities Dealers, Inc.

By: _____

National Stock Exchange

By: _____

New York Stock Exchange, Inc.

By: _____

Pacific Exchange, Inc.

By: _____

Philadelphia Stock Exchange, Inc.

By: _____

Exhibit 1

1. Each Participant eligible to receive revenue under the Plan will receive an annual payment for each calendar year to be determined by multiplying (i) that Participant's percentage of total volume in Nasdaq securities reported to the Processor and disseminated to Vendors for that calendar year by (ii) the total distributable net operating income (as defined below) for that calendar year provided, however, that for the implementation year (as defined in Paragraph 4 below), a Participant's payment shall be multiplied by the number of months during the implementation year the interface was in operation divided by twelve. In the event that total distributable net operating income is negative, each Participant eligible to receive revenue under the Plan will receive an annual bill for each calendar year to be determined according to the same formula (described in this paragraph) for determining annual payments to eligible Participants.

2. A Participant's percentage of total volume in Nasdaq securities will be calculated by taking the average of (i) the Participant's percentage of total trades in Nasdaq securities reported to the Processor and disseminated to Vendors for the year and (ii) the Participant's percentage of total share volume in Nasdaq securities reported to the Processor and disseminated to Vendors for the year (trade/volume average). For any given year, a Participant's percentage of total trades shall be calculated by dividing the total number of trades that that Participant reports to the Processor as the selling party for that year by the total number of trades in Nasdaq securities reported to the Processor and disseminated to Vendors for the year. A Participant's total share volume shall be calculated by multiplying the total number of trades in Nasdaq securities in that year that that Participant reports to the Processor as the selling party multiplied by the number of shares for each such trade. Unless otherwise stated in this agreement, a year shall run from January 1 to December 31.

3. For purposes of this Exhibit 1, net distributable operating income for any particular calendar year shall be calculated by adding all revenues from the UTP Quote Data Feed, the UTP Trade Data Feed, the OTC Montage Data Feed, and NQDS, including revenues from the dissemination of information among Eligible Securities to foreign marketplaces (collectively, "the Data Feeds"), and subtracting from such revenues the costs incurred by the Processor, set forth below, in collecting, consolidating, validating, generating, and disseminating the Data Feeds. These costs include, but are not limited to, the following:

a. The Processor costs directly attributable to creating OTC Montage Data Feed and NQDS, including:

1. Cost of collecting Participant quotes into the Processor's quote engine;

2. Cost of processing quotes and creating OTC Montage Data Feed and NQDS messages within the Processor's quote engine;

3. Cost of the Processor's communication management subsystem that distributes OTC Montage Data Feed and NQDS to the market data vendor network for further distribution.

b. The costs directly attributable to creating the UTP Quote Data Feed, including:

1. Cost of calculating the national best bid and offer price within the Processor's quote engine;

2. Cost of creating the UTP Quote Data Feed message within the Processor's quote engine;

3. Cost of the Processor's communication management subsystem that distributes the UTP Quote Data Feed to the market data vendors' networks for further distribution.

c. The costs directly attributable to creating the UTP Trade Data Feed, including:

1. Cost of determining the appropriate last sale price and volume amount within the Processor's trade engine;

2. Cost of utilizing the Processor's trade engine to distribute the UTP Trade Data Feed for distribution to the market data vendors.

d. The additional costs that are shared across all Data Feeds, including:

1. Telecommunication Operations costs of supporting the Participant lines into the Processor's facilities;

2. Telecommunications Operations costs of supporting the external market data vendor network;

3. Data Products account management and auditing function with the market data vendors;

4. Market Operations costs to support symbol maintenance, and other data integrity issues;

5. Overhead costs, including management support of the Processor, Human Resources, Finance, Legal, and Administrative Services.

e. Processor costs excluded from the calculation of net distributable operating income include trade execution costs for transactions executed using a Nasdaq service and trade report collection costs reported through a Nasdaq service, as such services are market functions for which Participants electing to use such services pay market rate.

f. For the purposes of this provision, the following definitions shall apply:

1. "Quote engine" shall mean the Nasdaq's UNISYS system that is operated by Nasdaq to collect quotation information for Eligible Securities;

2. "Trade engine" shall mean the Nasdaq Tandem system that is operated by Nasdaq for the purpose of collecting last sale information in Eligible Securities.

4. At the time a Participant implements a computer-to-computer-interface or other Processor-approved electronic interface with the Processor, the Participant will become eligible to receive revenue for the year in which the interface is implemented (implementation year).

5. From the date a Participant is eligible to receive revenue (implementation date) until December 31 of the implementation year, Nasdaq shall pay the Participant a pro rata amount of its payment or bill the Participant for a pro rata amount of its losses for the implementation year (as calculated in

Paragraph 1 above). This calculation and resultant payment (or bill) will be made (or due) within ninety (90) days after the twelfth month following the implementation date.

For the calendar year subsequent to the implementation year, and continuing thereafter, the calculation of the Participant's annual payment or loss will be performed and the payment made or bill delivered by March 31 of the following year. Estimated quarterly payments or billings shall be made to each eligible Participant within 45 days following the end of each calendar quarter in which the Participant is eligible to receive revenue, provided that the total of such estimated payments or billings shall be reconciled at the end of each calendar year and, if necessary, adjusted by March 31st of the following year. Interest shall be included in quarterly payments and in adjusted payments made on March 31st of the following year. Such interest shall accrue monthly during the period in which revenue was earned and not yet paid and will be based on the 90-day Treasury bill rate in effect at the end of the quarter in which the payment is made. Interest shall not accrue during the period of up to 45 days between the end of each calendar quarter and the date on which an estimated quarterly payment or billing is made.

In conjunction with calculating estimated quarterly and reconciled annual payments under this Exhibit 1, the Processor shall submit to the Participants an itemized statement setting forth the basis upon which net operating income was calculated, including an itemized statement of the Processor costs set forth in Paragraph 3 of this Exhibit. Such Processor costs shall be reconciled annually based solely on the Processor's audited annual financial information. By majority vote of the Operating Committee, the Processor shall engage an independent auditor to audit the Processor's costs or other calculation(s), the cost of which audit shall be shared equally by all Participants. The Processor agrees to cooperate fully in providing the information necessary to complete such audit.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51328/File No. S7-12-01]

Order Extending Temporary Exemption of Banks, Savings Associations, and Savings Banks From the Definition of "Broker" Under Section 3(a)(4) of the Securities Exchange Act of 1934

March 8, 2005.

I. Background

The Gramm-Leach-Bliley Act ("GLBA") repealed the blanket exception of banks from the definitions of "broker" and "dealer" under the Securities Exchange Act of 1934

("Exchange Act")¹ and replaced it with functional exceptions incorporated in amended definitions of "broker" and "dealer." Under the GLBA, banks that engage in securities activities either must conduct those activities through a registered broker-dealer or ensure that their securities activities fit within the terms of a functional exception to the amended definitions of "broker" and "dealer."

The GLBA provided that the amended definitions of "broker" and "dealer" were to become effective May 12, 2001. On May 11, 2001, the Securities and Exchange Commission ("Commission") issued interim final rules ("Interim Rules") to define certain terms used in, and grant additional exemptions from, the amended definitions of "broker" and "dealer."² Among other things, the Interim Rules extended the exceptions and exemptions granted to banks under the GLBA and Interim Rules to savings associations and savings banks. They also included a temporary exemption that gave banks time to come into full compliance with the more narrowly-tailored exceptions from broker-dealer registration.³ To further accommodate the banking industry's continuing compliance concerns, the Commission delayed the effective date of the bank "broker" and "dealer" rules through a series of orders that, among other things, ultimately extended the temporary exemption from the definition of "broker" to March 31, 2005.⁴

In June 2004, the Commission proposed Regulation B, which would revise and replace the Interim Rules.⁵ The comment period for Regulation B

expired on September 1, 2004,⁶ and the Commission has received over 120 comments on the proposal, including comments from the banking industry, banking regulators, and members of Congress.

II. Extension of Temporary Exemption from Definition of "Broker"

The Commission is carefully considering comments to determine what final action should be taken with regard to the Regulation B proposal. The Commission anticipates that this review process will not be completed before the exemption from the Interim Rules relating to the definition of "broker" expires on March 31, 2005.⁷

Therefore, the Commission finds that extending the temporary exemption for banks, savings associations, and savings banks from the definition of "broker" is necessary and appropriate in the public interest, and is consistent with the protection of investors. The Commission believes that extending the exemption from the definition of "broker" until September 30, 2005, will prevent banks and other financial institutions from unnecessarily incurring costs to comply with the statutory scheme based on the current Interim Rules and will give the Commission time to consider fully comments received on Regulation B and take any final action on the proposal as necessary, including consideration of any modification necessary to the proposed compliance date.

III. Conclusion

Accordingly, pursuant to section 36 of the Exchange Act,⁸ it is hereby ordered that banks, savings associations, and savings banks are exempt from the definition of the term "broker" under the Exchange Act until September 30, 2005.

By the Commission.

Margaret H. McFarland,
Deputy Secretary.

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BILLING CODE 8010-01-P

¹ As defined in Exchange Act sections 3(a)(4) and 3(a)(5) [15 U.S.C. 78c(a)(4) and 78c(a)(5)].

² See Definition of Terms in and Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934, Exchange Act Release No. 44291 (May 11, 2001), 66 FR 27760 (May 18, 2001).

³ 17 CFR 240.15a-7.

⁴ See Exchange Act Release No. 44570 (July 18, 2001); Exchange Act Release No. 45897 (May 8, 2002); Exchange Act Release No. 46751 (Oct. 30, 2002); Exchange Act Release No. 47649 (April 8, 2003); and Exchange Act Release No. 50618 (Nov. 1, 2004) (extending the exemption from the definition of "broker" until March 31, 2005). During this time, the Commission also extended the temporary exemption from the definition of "dealer" to September 30, 2003. See Exchange Act Release No. 47366 (Feb. 13, 2003). On February 13, 2003, the Commission adopted amendments to certain parts of the Interim Rules that define terms used in the dealer exceptions, as well as certain dealer exemptions ("Dealer Release"), see Exchange Act Release No. 47364 (Feb. 13, 2003), 68 FR 8686 (Feb. 24, 2003). Therefore, this order is limited to an extension of the temporary exemption from the definition of "broker."

⁵ Exchange Act Release No. 49879 (June 17, 2004), 69 FR 39682 (June 30, 2004).

⁶ See Exchange Act Release No. 50056 (July 22, 2004) 69 FR 44988 (July 28, 2004) (extending comment period on Regulation B until September 1, 2004).

⁷ In the Interim Rules, the Commission adopted Exchange Act Rule 15a-7, 17 CFR 240.15a-7, which, as proposed to be amended, would provide banks and other financial institutions until January 1, 2006, to begin complying with the GLBA. In proposing Regulation B, the Commission proposed Rule 781 as a re-designation of Rule 15a-7. See 17 CFR 242.781.

⁸ 15 U.S.C. 78mm.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51327; File No. SR-ISE-2005-16]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the International Securities Exchange, Inc., Relating to the Nomination of Its Class B Directors Pursuant to Its Amended and Restated Constitution

March 7, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 2, 2005, the International Securities Exchange, Inc. (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in items I and II below, which items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons, and is approving the proposed rule change on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its Amended and Restated Constitution (which also serves as the Exchange's Bylaws) (the "Amended Constitution") to provide for earlier notification to ISE of nominations of candidates to serve as Series B-1, Series B-2 and Series B-3 Directors (as defined below).

The text of the proposed rule change is below. Proposed new language is in *italics*; proposed deletions are in brackets.

Amended and Restated Constitution of International Securities Exchange, Inc.

(Serving also as the Bylaws of the Corporation)

* * * * *

Section 3.10 Nomination of Directors.
(a) (i) Nominees for election of the Series B-1 Directors, Series B-2 Directors and Series B-3 Directors shall be selected by the Nominating Committee as provided in Section 5.3(c) or in this Section 3.10.

(ii) In addition to the nominees for the Series B-1 Directors, Series B-2 Directors and Series B-3 Directors named by the Nominating Committee, persons eligible to serve as such may be

nominated for election to the Board by a petition, signed by the holders of not less than five percent (5%) of the outstanding shares of stock of such series or class, as applicable, entitled to elect such person if there are more than eighty (80) shares in the class or series entitled to vote, ten percent (10%) of the outstanding shares of stock of such series or class, as applicable, entitled to elect such person if there are between eighty (80) and forty (40) shares in the class or series entitled to vote, and twenty-five percent (25%) of the outstanding shares of stock of such series or class, as applicable, entitled to elect such person if there are less than forty (40) shares in the class or series entitled to vote. Such petition must be filed with the Secretary at least [one month] 45 days prior to the annual meeting for such year. *Petitions submitted must contain, for each nominee, all information relating to such nominee that is required to be disclosed in solicitations of proxies for the election of directors, or is otherwise required, in each case pursuant to Regulation 14A under the Exchange Act, including such person's written consent to be named in the proxy statement as a nominee and a statement that such nominee complies with the relevant requirements set forth in the Amended and Restated Certificate of Incorporation and this Constitution.*

* * * * *

Section 5.3 Nominating Committee.
(a) The Nominating Committee shall not act as a committee of the Board, but rather shall be a committee of the Corporation. The Nominating Committee shall be composed of one (1) Series B-1 Common Stock representative, one (1) Series B-2 Common Stock representative and one (1) Series B-3 Common Stock representative. No officer or employee of the Corporation shall serve on the Nominating Committee. Not less than [30] 60 days, but not more than [45] 75 days, prior to each annual meeting of stockholders, the Nominating Committee shall select nominees for each Class B directorship to be filled. The Board shall appoint the members of the Nominating Committee in accordance with this Section 5.3.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item III below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Amended Constitution to provide for earlier notification to ISE of nominations of candidates to serve as Series B-1 Directors,³ Series B-2 Directors⁴ and Series B-3 Directors⁵ (collectively, the "Class B Directors"). The Board currently consists of 15 members, 8 of whom are elected by the holders of the Class A Common Stock, including at least 2 of whom are public representatives (the "Non-Industry Directors"), 6 of whom are elected by the holders of the Class B Common Stock (the "Industry Directors") and the Chief Executive Officer of the Exchange.⁶ Nominees for election to the Board to serve as Industry Directors are currently selected by the Exchange's Nominating Committee, which is not a committee of the Board, and is comprised of representatives of the holders of Class B Common Stock,

³ Pursuant to section 3.2(b) of the Amended Constitution, the "Series B-1 Directors" are two directors who are officers, directors or partners of Primary Market Makers and are elected by the holders of Class B Common Stock, Series B-1, par value \$.01 per share. Primary Market Makers ("PMMs") are market makers with significant responsibilities, including overseeing the opening of trading in their assigned options classes, providing continuous quotations in all of their assigned options classes, and handling customer orders that are not automatically executed. See Chapter 8 of the ISE Rules for a discussion of the role of PMMs.

⁴ Pursuant to section 3.2(b) of the Amended Constitution, the "Series B-2 Directors" are two directors who are officers, directors or partners of Competitive Market Makers and are elected by the holders of Class B Common Stock, Series B-2, par value \$.01 per share. Competitive Market Makers ("CMMs") are market makers that add depth and liquidity to the market and are required to provide continuous quotations in at least 60% of the options classes in their assigned group. See Chapter 8 of the ISE Rules for a discussion of the role of CMMs.

⁵ Pursuant to section 3.2(b) of the Amended Constitution, the "Series B-3 Directors" are two directors who are officers, directors or partners of Electronic Access Members and are elected by the holders of Class B Common Stock, Series B-3, par value \$.01 per share. Electronic Access Members ("EAMs") are broker-dealers that represent agency and proprietary orders on ISE, and cannot enter quotations or otherwise engage in market making activities on ISE. See Chapter 8 of the ISE Rules for a discussion of the role of EAMs.

⁶ Amended Constitution, section 3.2 (b).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Series B-1, par value \$.01 per share (the "Series B-1 Stock"), Class B Common Stock, Series B-2, par value \$.01 per share (the "Series B-2 Stock") and Class B Common Stock, Series B-3, par value \$.01 per share (the "Series B-3 Stock" and together with the Series B-1 Stock and Series B-2 Stock, the "Class B Common Stock") and are elected by the relevant series of holders of Class B Common Stock.⁷ The Amended Constitution currently requires the Nominating Committee to select its nominees for Class B Directors not less than 30, but not more than 45, days prior to each annual meeting of stockholders.⁸ After the Nominating Committee selects its slate of Class B Director nominees, Class B stockholders may also directly nominate Industry Director candidates for election to the Board by petition.⁹ Petitions properly submitted by the Class B stockholders with respect to the nomination of persons eligible to serve as Series B-1, Series B-2 or Series B-3 Directors, as the case may be, must be filed with the Secretary of the Exchange at least one month prior to each annual meeting of stockholders.¹⁰ The Non-Industry Directors are selected by the Corporate Governance Committee, which is a committee of the Board, prior to the annual meeting of stockholders and the Non-Industry Directors and the Chief Executive Officer are elected by the holders of shares of Class A Common Stock.¹¹ Under the Exchange's "advance notice" bylaw provision, Class A stockholders may also nominate Non-Industry Directors by petition, though they must do so prior to knowing the Corporate Governance Committee's slate of nominees.¹²

⁷ Amended Constitution, section 5.3(a).

⁸ Amended Constitution, section 5.3(a).

⁹ Amended Constitution, section 3.10(a)(ii).

¹⁰ Amended Constitution, section 3.10(a)(ii). Section 3.10(a)(ii) also requires that any petitions submitted must be signed by the holders of not less than 5% of the outstanding shares of stock of such series or class, as applicable, entitled to elect such nominee if there are more than 80 shares in the class or series entitled to vote, 10% of the outstanding shares of stock of such series or class, as applicable, entitled to elect such nominee if there are between 80 and 40 shares in the class or series entitled to vote, and 25% of the outstanding shares of stock of such series or class, as applicable, entitled to elect such nominee if there are less than 40 shares in the class or series entitled to vote. The Exchange represents that there are currently 10 shares of Series B-1 Stock, 143 shares of Series B-2 Stock and 123 shares of Series B-3 Stock outstanding.

¹¹ Amended Constitution, sections 2.7 and 3.2(b).

¹² Amended Constitution, sections 2.7 and 3.10(b)(ii). In general, petitions by Class A stockholders must be submitted not less than 60 days nor more than 90 days prior to the first anniversary of the preceding year's annual meeting. The Exchange believes that the receipt of Class A stockholders' petitions in the current timeframe

In July 2004, the Exchange filed a registration statement on Form S-1 in connection with its contemplated initial public offering of shares of its Class A common stock, par value \$.01 per share.¹³ Upon becoming a public company with shares listed and traded on a national securities exchange, the Exchange will be required to meet certain reporting and disclosure obligations under the Act, including with respect to the solicitation of proxies in connection with its annual meeting of stockholders for the election of directors and other proper matters. Specifically, the Exchange will be required to file its proxy statement within 120 days after the end of its fiscal year, or the end of April.¹⁴ However, like many public companies, the Exchange has set its annual meeting of stockholders to occur in mid-May, and to ensure proper time to solicit proxies before the annual stockholders' meeting, the Exchange believes it should mail its proxy statement by mid-April.¹⁵ Under the current timeframe for the nomination of candidates to serve as Class B Directors provided for in the Amended Constitution, it would not be practicable—given drafting, printing and mailing considerations—to accommodate the inclusion of the Class B Director nominees in ISE's proxy statement and also ensure adequate time between the mailing of its proxy statement and the annual meeting of

will provide adequate time for the inclusion of those nominees in the proxy statement.

¹³ See ISE's Form S-1 (File No. 333-117145). At the time of the filing of this Form 19b-4, ISE's Form S-1 had not yet been declared effective by the Securities and Exchange Commission. See also Securities Exchange Act Release No. 51029 (January 12, 2005), 70 FR 3233 (January 21, 2005) (approving certain amendments to the Certificate of Incorporation, Constitution and Rules of ISE in connection with ISE's proposed initial public offering).

¹⁴ See General Instruction G(3) to Form 10-K under the Act.

¹⁵ While there are no legal requirements regarding the amount of time the Exchange must provide with respect to the solicitation of proxies prior to its annual stockholders' meeting, the Exchange notes that, upon becoming a public company, its stockholder base will be much larger than it is currently and it is not uncommon for publicly held shares to be held in "street name" (*i.e.*, in the name of a broker on behalf of the beneficial owner of the shares). The Exchange will mail the proxy statement to the record holders of shares. These record holders, many of whom will be "street name" holders, may in turn need time to mail the proxy statements to the ultimate beneficial owners of the shares, after which the beneficial owners will need time to return their proxies. To ensure adequate time for this process, the Exchange believes that it needs at least four weeks between the mailing of the proxy statement and the date of the annual meeting. The Exchange further believes that this four-week period is in line with the current practice among public companies.

stockholders for the proper solicitation of stockholder proxies.

Accordingly, the Exchange proposes to require that the Nominating Committee select its nominees for Class B Directors not less than 60, but not more than 75, days prior to each annual meeting of stockholders and that petitions properly submitted by holders of shares of Class B Common Stock with respect to the nomination of persons eligible to serve as such be filed with the Secretary of the Exchange at least 45 days prior to each annual meeting.¹⁶ To facilitate the inclusion in the proxy statement of Industry Director nominees submitted by petition, the Exchange also proposes to require that the petitions submitted by Class B stockholders contain, for each nominee, all information relating to such nominee that is required to be disclosed in solicitations of proxies for the election of directors, or is otherwise required, in each case pursuant to Regulation 14A under the Exchange Act, including such person's written consent to be named in the proxy statement as a nominee and a statement that such nominee complies with the relevant requirements set forth in the Amended and Restated Certificate of Incorporation and Amended Constitution.¹⁷

The Exchange believes that the proposed rule change would allow adequate time between the mailing of ISE's proxy statement and the solicitation of proxies of the stockholders of ISE, including the

¹⁶ The Exchange anticipates that the Board of Directors of ISE will establish May 11, 2005 as the date of the 2005 annual meeting of stockholders of ISE. If so, the Nominating Committee may choose its slate of Industry Directors as soon as February 25, 2005 and no later than March 12, 2005 (because March 12 is not a business day, the Exchange would accept nominations by the Nominating Committee on the next following business day, or March 14, 2005) and petitions may be submitted by Class B stockholders no later than March 27, 2005 (because March 27 is not a business day, the Exchange would accept petitions from Class B stockholders submitted on the next following business day, or March 28). The Exchange represents that it will inform its Class B stockholders of this proposed change in the Nominating Committee and petition process as soon as possible but not later than March 4, 2005, including the changes with respect to the information that must be provided with respect to any nominee nominated by any Class B stockholder, and will note that the proposed changes are subject to Commission approval.

¹⁷ For example, Regulation 14A under the Exchange Act requires, among other things, with respect to each nominee, the disclosure of items required by Item 401 (Management and Certain Security Holders—Directors, Executive Officers, Promoters and Control Persons), Item 404(a)–(c) (Management and Certain Security Holders—Certain Relationships and Related Transactions) and Item 405 (Management and Certain Security Holders—Compliance with Section 16(a) of the Exchange Act) of Regulation S-K under the Act. See also Item 7 of Schedule 14A. 17 CFR 240.14a–101.

holders of Class B Common Stock, with respect to the election of directors and other such matters to be voted on at the annual meeting of stockholders.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with and furthers the objective of section 6(b)(1) of the Act¹⁸ that an exchange be so organized so as to have the capacity to be able to carry out the purposes of the Act and to comply, and (subject to any rule or order of the Commission pursuant to section 17(d)¹⁹ or 19(g)(2) of the Act²⁰) to enforce compliance by its members and persons associated with its members, with the provisions of the Act, the rules and regulations thereunder and the rules of the exchange. The Exchange also believes that the proposed rule change furthers the objective of section 6(b)(3) of the Act²¹ that an exchange have rules that, among other things, assure fair representation of its members in the selection of its directors and administration of its affairs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule change does not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File No. SR-ISE-2005-16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-ISE-2005-16. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2005-16 and should be submitted by April 4, 2005.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission has considered the ISE's proposed rule change, and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.²² In particular, the Commission finds that the proposal is consistent with section 6(b)(3) of the Act,²³ which requires that the rules of a national securities exchange assure the fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer.²⁴ The

Commission believes that the proposal should enable the Exchange to include the relevant information regarding Class B Director nominees in its proxy statement, which should enable the Exchange to fulfill its obligation to assure the fair representation of its members in the selection of Class B directors.

Pursuant to section 19(b)(2) of the Act,²⁵ the Commission may not approve any proposed rule change prior to the thirtieth day after the date of publication of the notice of filing thereof, unless the Commission finds good cause for so finding. The Commission hereby finds good cause for approving the proposed rule change prior to the thirtieth day after publishing notice thereof in the **Federal Register**. The Commission notes that the Exchange has filed with the Commission a registration statement on Form S-1 in connection with its contemplated initial public offering of its Class A common stock. When it becomes a public company, the Exchange will be required to comply with reporting and disclosure obligations under the Act. The Commission believes that the proposed rule change is necessary to enable the Exchange to include in the proxy statement for its 2005 annual meeting of stockholders, which is currently scheduled for mid-May, information regarding its Class B Director nominees that is required to be disclosed in solicitations of proxies for the election of directors, or is otherwise required, in each case pursuant to Regulation 14A under the Act. By revising the timeframe for the nomination of candidates to serve as Class B Directors, the Exchange would be able to include the Class B Director nominees in its proxy statement and also should have adequate time between the mailing of its proxy statement and the scheduled annual meeting of shareholders for the proper solicitation of shareholder proxies.²⁶

The Commission believes that the proposed rule change would facilitate the orderly inclusion of nominees of Class B Directors in the Exchange's proxy statement in a timely fashion, and thereby enable the Exchange to fulfill its obligation to assure the fair representation of its members on the ISE's Board. In the Commission's view,

²⁵ 15 U.S.C. 78s(b)(2).

²⁶ The Commission notes that the Exchange has represented that it would inform its Class B stockholders by March 4, 2005, of the proposed changes in the nomination process as they relate to nominees for Class B Directors and indicate that the proposed changes are subject to Commission approval.

¹⁸ 15 U.S.C. 78f(b)(1).

¹⁹ 15 U.S.C. 78q(d).

²⁰ 15 U.S.C. 78s(g)(2).

²¹ 15 U.S.C. 78f(b)(3).

²² In approving this proposal, the Commission has considered the impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

²³ 15 U.S.C. 78f(b)(3).

²⁴ 15 U.S.C. 78s(b)(3).

accelerating the effectiveness of this proposed rule change is necessary and appropriate in order to enable the Exchange to include the Class B Director nominees in the Exchange's proxy statement this year. Therefore, the Commission finds good cause exists to accelerate approval of the proposal pursuant to section 19(b)(2) of the Act.²⁷

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,²⁸ that the proposed rule change (SR-ISE-2005-16) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁹

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5-1051 Filed 3-11-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51326; File No. SR-NASD-2004-173]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving a Proposed Rule Change and Amendment No. 1 Thereto and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 2 Thereto To Establish Rules Governing the Operation of Nasdaq's Brut Facility

March 7, 2005.

I. Introduction

On November 3, 2004, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to establish rules governing the operation of its Brut trading facility. On January 24, 2005, Nasdaq submitted Amendment No. 1 to the proposed rule change.³ The proposed rule change was published for comment in the **Federal**

Register on January 31, 2005.⁴ The Commission received no comments on the proposal.

On March 2, 2005, Nasdaq submitted Amendment No. 2 to the proposed rule change.⁵ This order approves the proposed rule change, as amended by Amendment Nos. 1 and 2. Simultaneously, the Commission is providing notice of filing of Amendment No. 2 and granting accelerated approval of Amendment No. 2.

II. Description

On September 7, 2004, Nasdaq acquired Brut LLC, a registered broker-dealer and member of the NASD, and operator of the Brut ECN ("Brut" or "Brut System"), through an ownership interest in Toll Associates LLC ("Toll").⁶ Once purchased by Nasdaq, Brut became a facility of a national securities association. Nasdaq currently operates Brut pursuant to a Temporary Conditional Exemption under Section 36 of the Act ("Exemption"), which the Commission granted for a period of six months following Nasdaq's acquisition of Brut.⁷

A condition to the exemption required Nasdaq to submit rule filings under Section 19(b) of the Act fully articulating its operation of Brut and Brut's integration with Nasdaq within 60 days of the acquisition.⁸ Accordingly, Nasdaq proposes to establish rules governing the operation of its Brut trading facility. These rules, proposed as NASD Rule 4900 Series, address, among other things, the Brut System's order display and system matching, access standards, order types, time-in-force designations, out-bound order routing, order execution algorithm, clearly erroneous trade procedures, and other system features and standards.⁹ Under the proposal, Nasdaq would operate Brut on a platform separate from the Nasdaq Market Center. Ultimately, Nasdaq intends to unify Brut and the Nasdaq Market Center into a single platform that

⁴ See Securities Exchange Act Release No. 51078 (January 25, 2005), 70 FR 4902 (January 31, 2005) (SR-NASD-2004-173) ("Release No. 51078").

⁵ The text of Amendment No. 2 is available on the NASD's Web site (<http://www.nasdaq.com>), at the NASD's Office of the Secretary, and at the Commission's Public Reference Room.

⁶ Toll is a wholly-owned subsidiary of Nasdaq. Toll owns 99.78% of Brut LLC and 100% of Brut Inc., which owns the remaining 0.22% of Brut LLC. Both Toll and Brut Inc. conduct no business other than serving as holding entities for their respective ownership interests in Brut LLC. See Release No. 51078 at 4906.

⁷ See Exchange Act Release No. 50311 (September 3, 2004), 69 FR 54818 (September 10, 2004).

⁸ See Exemption *supra* note 7.

⁹ See Release No. 51078, note 4 *supra*.

would use the Brut broker-dealer for out-bound access to other markets.¹⁰

In Amendment No. 2, Nasdaq amended the proposed rule change to clarify that Brut would continue temporarily to provide access to its system for approximately twelve non-NASD member entities.¹¹ Under section 15A of the Act, as a facility of a self-regulatory organization, access to Nasdaq facilities like Brut would be limited to NASD broker-dealers, or those sponsored by such broker-dealers. Accordingly, Nasdaq proposes to allow non-NASD members to continue to participate in the Brut system through the Brut broker-dealer. Pursuant to proposed NASD Rule 4914, Nasdaq would implement procedures and internal controls to restrict the flow of confidential information between the Brut System and the separate introducing broker functions Brut performs for non-NASD member firms. These procedures and controls are intended to ensure that all Brut participants have access to the same information on the same terms.

III. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a self-regulatory organization¹² and, in particular, the requirements of section 15A of the Act¹³ and the rules and regulations thereunder. The Commission finds that the proposed rule change is consistent with section 15A(b)(6) of the Act,¹⁴ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission notes that the Brut System became a facility of a national securities association subject to the standards set forth in sections 15A and 19(b)(1) of the Act when Nasdaq completed its purchase of the Brut System. As such, NASD and, pursuant to NASD's plan of allocation and delegation of function to its subsidiaries, Nasdaq are obligated to file

¹⁰ *Id.*

¹¹ Nasdaq proposes to continue to provide non-member access for a limited interim period to expire on July 31, 2005.

¹² The Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78o-3.

¹⁴ 15 U.S.C. 78o-3(b)(6).

²⁷ 15 U.S.C. 78s(b)(2).

²⁸ 15 U.S.C. 78s(b)(2).

²⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Amendment No. 1 replaced and superseded the originally filed proposed rule change.

rules governing the operation of the Brut System with the Commission. The Commission also notes that as a broker-dealer, Brut remains subject to the applicable NASD rules. The Commission believes that, as a result of this proposed rule change, the rules that the NASD and Nasdaq will be required to enforce, and that Brut and Brut System participants will be required to follow should be readily discernable.

The Commission notes that the proposed rule change articulates Nasdaq's operation of Brut and Brut's integration with the Nasdaq Market Center. The Commission finds that this proposed rule change, as amended, should enable market participants in general and Brut System participants in particular to understand the operation of, and the rules applicable to, the Brut System as a Nasdaq facility. The rules that are the subject of this filing encompass a wide range of areas, including the Brut System's order display and system matching, access standards, order types, time-in-force designations, out-bound order routing, order execution algorithm, clearly erroneous trade procedures, and other system features and standards. The Commission believes that the proposed rules are designed to enhance order interaction and price competition. The Commission also notes that Nasdaq has stated that Brut will continue to participate in market surveillance and audit trail programs conducted by Nasdaq and the NASD.¹⁵ Finally, the Commission notes that this proposal represents an interim step toward Nasdaq's ultimate plan to have Brut and the Nasdaq Market Center unified into a single technology platform and to use the Brut broker-dealer as an out-bound order router to other markets.¹⁶

In Amendment No. 2, Nasdaq amended the proposed rule change to clarify that Brut would provide sponsored access to its system for approximately twelve non-NASD member entities for a temporary period.¹⁷ Further, Nasdaq proposed to

¹⁵ See Release No. 51078 at 4906.

¹⁶ See Release No. 51078 at 4910.

¹⁷ The Commission has expressed concern about the potential conflict of interest that arises for a self-regulatory organization ("SRO") when a member firm is affiliated with the SRO and recently proposed rules to prohibit such affiliations. See Securities Exchange Act Release No. 50699 (November 18, 2004) 69 FR 71126 (December 4, 2004) ("SRO Proposal"). Pending Commission consideration of comments on this proposal, Nasdaq applied for membership to the New York Stock Exchange ("NYSE") on behalf of Brut. Further, Nasdaq committed to seek the Commission's approval pursuant to Rule 17d-1 under the Act to have the NYSE appointed as Brut's Designated Examining Authority for financial responsibility rules upon approval of Brut's

implement procedures and internal controls to ensure all Brut participants have access to the same information on the same terms.

The Commission notes that the changes to the proposal in Amendment No. 2 should permit non-NASD members to continue to participate in the Brut System without interruption on a temporary basis. Accordingly, the Commission finds that there is good cause, consistent with section 15A(b)(6)¹⁸ and section 19(b)(2) of the Act,¹⁹ to approve Amendment No. 2 on an accelerated basis prior to the 30th day of the date of publication of notice of filing thereof in the **Federal Register**.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2, including whether Amendment No. 2 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-NASD-2004-173 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-NASD-2004-173. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

membership in the NYSE. See Exemption, *supra* note 7. Approval of this proposed rule change in no way prejudices Commission action on the SRO Proposal. Depending on the outcome of the SRO Proposal, further structural changes may be required of Nasdaq and Brut.

¹⁸ 15 U.S.C. 78o-3(b)(6).

¹⁹ 15 U.S.C. 78s(b)(2).

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of the NASD. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASD-2004-173 and should be submitted on or before April 4, 2005.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,²⁰ that the proposed rule change (File No. SR-NASD-2004-173), as amended by Amendment No. 1, be, and hereby is, approved, and that Amendment No. 2 to the proposed rule change be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²¹

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. E5-1052 Filed 3-11-05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51325; File No. SR-NASD-2005-007]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to a Proposal To Adopt a New IM-10308 on Mediators Serving as Arbitrators

March 7, 2005.

I. Introduction

On January 19, 2005, the National Association of Securities Dealers, Inc. ("NASD"), through its wholly owned subsidiary, NASD Regulation, Inc. ("NASD Regulation"), filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to adopt a new Interpretive Manual ("IM")-10308 on mediators serving as arbitrators. The proposed rule

²⁰ 15 U.S.C. 78s(b)(2).

²¹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

change was published for comment in the **Federal Register** on February 3, 2005.³ The Commission received one comment letter on the proposed rule change.⁴ For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

A. Description of the Proposal

NASD proposed to adopt a new IM-10308 to clarify that (1) fees for service as a mediator are not included in determining whether an attorney, accountant, or other professional derives 10% of his or her annual revenue from industry-related parties; and (2) service as a mediator is not included in determining whether an attorney, accountant, or other professional devotes 20% or more of his or her professional work to securities industry clients. Recent changes to NASD's arbitrator classification rules amended the definitions of "public" and "non-public" arbitrators (non-public arbitrators have some current or recent connection with the securities industry, but do not necessarily work in the industry).⁵ The changes led, among other things, to reclassifying some arbitrators from public to non-public or from non-public to public, and to dropping some arbitrators from the NASD's roster. One new part of the rule provided that arbitrators who were otherwise qualified as public could not continue to serve as public arbitrators if their firms derived more than 10% of their revenue from industry parties.⁶

Some arbitrators who also serve as mediators were of the opinion that the rule change encompassed income in the form of mediation fees paid by industry parties such that these individuals would no longer qualify as public arbitrators under the new rule. The NASD Dispute Resolution Board determined that the rule could be construed broadly enough to cover revenue derived from serving as a mediator but that such a broad interpretation was not intended. The proposed rule change would adopt a clarifying IM that would be printed in the Code following Rule 10308. The IM provides, in part, that mediation fees received by mediators who are also

arbitrators are not to be included in the definition of "revenue;" that mediation services performed by mediators who are also arbitrators are not to be included in the definition of "professional work;" and that arbitrators who also serve as mediators must disclose that information.

B. Comment Summary

The proposal was published for comment in the **Federal Register** on February 3, 2005.⁷ We received one comment on the proposal,⁸ which was supportive. Citing confusion arising from the implementation of the NASD's 2004 changes to the arbitrator classification rules, the commenter agreed with the NASD Dispute Resolution Board that the rules should not be construed to cover revenues or work deriving from service as a mediator. The commenter accordingly called the proposed rule change appropriate.

III. Discussion and Findings

The Commission finds the proposed rule change is consistent with the Act, and in particular with section 15A(b)(6) of the Act, which requires, among other things, that NASD's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.⁹ The Commission believes that the proposed rule change is consistent with the provisions of the Act noted above because it provides clarity to the operation of the rules regarding arbitrator classification and addresses an ambiguity in the interpretation of the arbitrator classification rules. The Commission believes that this clarification of the arbitrator rules will increase efficiency in the operation of the arbitrator selection process, as well as provide additional useful disclosure to claimants regarding an arbitrator's service as a mediator.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act¹⁰ that the proposed rule change (SR-NASD-2005-007) be, and hereby is, approved.¹¹

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5-1056 Filed 3-11-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51323; File No. SR-NASD-2005-028]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Discontinuation of the Nasdaq PostData Pilot Program

March 4, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 17, 2005, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in items I, II and III below, which items have been prepared by Nasdaq. Nasdaq has filed the proposal as a "non-controversial" rule change pursuant to section 19(b)(3)(A) of the Act,³ and Rule 19b-4(f)(6) thereunder,⁴ which renders the proposal effective upon filing with the Commission.⁵ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is filing the proposed rule change to terminate the PostData pilot program, as of March 31, 2005, the date that its current pilot approval expires. The text of the proposed rule change is below. Proposed new language is in

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ Nasdaq asked the Commission to waive the five-day pre-filing notice requirement. See Rule 19b-4(f)(6)(iii). 17 CFR 240.19b-4(f)(6)(iii). The Commission granted Nasdaq's request.

³ Securities Exchange Act Release No. 51097 (Jan. 28, 2005), 70 FR 5715 (Feb. 3, 2005) (the "Notice").

⁴ See Letter to Jonathan Katz, Secretary, Commission, from George R. Kramer, Deputy General Counsel, Securities Industry Association ("SIA"), dated February 25, 2005 ("SIA Letter").

⁵ See Exchange Act Release No. 49573 (Apr. 16, 2004), 69 FR 21871 (Apr. 22, 2004) (SR-NASD-2003-095).

⁶ For further detail, see the Notice, note 3, *supra*.

⁷ See note 3, *supra*.

⁸ See note 4, *supra*.

⁹ 15 U.S.C. 78o-3(b)(6).

¹⁰ 15 U.S.C. 78s(b)(2).

¹¹ In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

italics; proposed deletions are in brackets.⁶

7010. System Services

(a)–(r) No change.

(s) *Reserved* [NasdaqTrader.com Volume and Issue Data Package Fee

The charge to be paid by the subscriber for each entitled user receiving the Nasdaq Volume and Issue Data Package via NasdaqTrader.com shall be \$70 per month. The charge to be paid by market data distributors for this information shall be \$35 per month for each end user receiving the information through the data vendor. The availability of this service through NasdaqTrader.com shall be limited to NASD members, Qualified Institutional Buyers (as defined in Rule 144A of the Securities Act of 1933) and data vendors. The Volume and Issue Data package includes:

- (1) Daily Share Volume Reports
- (2) Daily Issue Data
- (3) Monthly Volume Summaries
- (4) Buy Volume Report
- (5) Sell Volume Report
- (6) Crossed Volume Report
- (7) Consolidated Activity Volume Report

All fees assessed under this subsection will be waived for a period of up to two months for all new subscribers and potential new subscribers. This fee waiver period would be applied on a rolling basis, determined by the date on which a new subscriber or potential subscriber contacts Nasdaq to receive access to PostData.]

(t)–(v) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. Nasdaq has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

⁶ The proposed rule change is marked to show changes from the rule text appearing in the NASD Manual available at <http://www.nasd.com>.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to terminate the PostData pilot program, as of March 31, 2005, the date that its current pilot approval expires, because Nasdaq would like to reassess the demand for and the composition of data in this product. On January 11, 2002, the Commission first approved Nasdaq PostData, a voluntary trading data distribution facility, accessible to NASD members, buy-side institutions and market data vendors through the NasdaqTrader.com Web site.⁷ Nasdaq periodically expanded the content of Nasdaq PostData and extended this pilot on a number of occasions, most recently through March 31, 2005.⁸

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with section 15A(b)(5)⁹ and section 15A(b)(6)¹⁰ of the Act. Section 15A(b)(5) requires the equitable allocation of reasonable fees and charges among members and other users of facilities operated or controlled by a national securities association. Nasdaq believes that it is not possible to offer Nasdaq PostData at a reasonable fee that equitably allocates fees and charges among its members and users.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Nasdaq has neither solicited nor received comments on the proposed rule change.

⁷ See Securities Exchange Act Release No. 45270 (Jan. 11, 2002), 67 FR 2712 (Jan. 18, 2002) (SR–NASD–99–12).

⁸ See Securities Exchange Act Release Nos. 49376 (Mar. 9, 2004), 69 FR 12188 (Mar. 15, 2004) (SR–NASD–2004–038) (extending pilot through March 31, 2005); 48576 (Sept. 30, 2003), 68 FR 57946 (Oct. 7, 2003) (SR–NASD–2003–142) (extending pilot through March 2004); 47634 (April 4, 2003), 68 FR 17714 (April 10, 2003) (SR–NASD–2003–60) (extending pilot through September 2003); 47503 (March 14, 2003), 68 FR 13745 (March 20, 2003) (SR–NASD–2003–35) (extending pilot through March 2003); and 47210 (Jan. 17, 2003), 68 FR 3912 (Jan. 27, 2003) (SR–NASD–2003–02) (extending pilot through February 2003).

⁹ 15 U.S.C. 78o–3(b)(5).

¹⁰ 15 U.S.C. 78o–3(b)(6).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act¹¹ and Rule 19b–4(f)(6) thereunder.¹²

At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR–NASD–2005–028 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609.

All submissions should refer to File Number SR–NASD–2005–028. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written

¹¹ 15 U.S.C. 78s(b)(3)(A).

¹² 17 CFR 240.19b–4(f)(6).

communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal offices of Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASD-2005-028 and should be submitted on or before April 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5-1058 Filed 3-11-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51319; File No. SR-NYSE-2004-61]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change and Amendment Nos. 1 and 2 Thereto To Rescind a Type of Order Known as an Institutional XPress® Order Through Amendments to Exchange Rules 13, 60 and 72

March 4, 2005.

On October 28, 2004, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to rescind a type of order known as an Institutional XPress® Order ("XPress Order") by amending NYSE Rules 13 (Definitions of Orders), 60 (Dissemination of Quotation) and 72 (Priority and Precedence of Bids and Offers). On December 3, 2004, the Exchange filed Amendment No. 1 to the proposed rule change.³ The proposed

rule change, as amended by Amendment No. 1, was published for notice and comment in the **Federal Register** on December 29, 2004.⁴ The Commission received no comment letters on the proposal, as amended. On January 25, 2005, the Exchange filed Amendment No. 2 to the proposed rule change.⁵ This order approves the proposed rule change, as amended.

The Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,⁶ and, in particular, the requirements of section 6 of the Act⁷ and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change, as amended, is consistent with section 6(b)(5) of the Act⁸ in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

According to the Exchange, the XPress Order has not been widely used⁹ and if the Hybrid Market initiative¹⁰ is approved and implemented, the need for XPress Orders will be further diminished. Therefore, the Commission believes that it is consistent with the Act to eliminate this type of order.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,¹¹ that the proposed rule change (SR-NYSE-2004-61), as amended, be, and hereby is, approved.

proposed rule change was filed from Section 19(b)(3)(A) of the Act to Section 19(b)(2) of the Act.

⁴ See Securities Exchange Act Release No. 50912 (December 22, 2004), 69 FR 78084.

⁵ See Partial Amendment dated January 25, 2005 ("Amendment No. 2"). In Amendment No. 2, the Exchange made minor, technical corrections to the proposed rule text. Accordingly, this Amendment is not subject to notice and comment.

⁶ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁷ 15 U.S.C. 78f.

⁸ 15 U.S.C. 78f(b)(5).

⁹ Telephone conversation between Cyndi N. Rodriguez, Special Counsel, Division of Market Regulation, Commission, and Jeffrey S. Rosenstock, Special Counsel, Market Surveillance, NYSE, on March 1, 2005. The NYSE also represented that the proposed rule change would be implemented on or about April 1, 2005. *Id.*

¹⁰ See Securities Exchange Act Release Nos. 50173 (August 10, 2004), 69 FR 50407 (August 16, 2004) and 50667 (November 15, 2004), 69 FR 67980 (November 22, 2004) (SR-NYSE-2004-05).

¹¹ 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹²

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5-1057 Filed 3-11-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51331; File No. SR-OCC-2002-16]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to Unsegregation of Long Option Positions

March 8, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on July 9, 2002, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") and on December 12, 2002, and January 11, 2005, amended, the proposed rule change as described in items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

OCC Rule 611 permits a clearing member to issue instructions to OCC to release from segregation a long option position carried in a customers' account or firm non-lien account provided that the clearing member is simultaneously carrying in such account for such customer a short position in option contracts and the margin requirement of the customer has been reduced as a result of carrying the long option position. The proposed rule change would amend Rule 611 to permit a clearing member to issue such spread instructions where one leg of the spread is a long option position and the other is a position in a security futures contract.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

¹³ CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Partial Amendment dated December 3, 2004 ("Amendment No. 1"). In Amendment No. 1, the Exchange changed the basis under which the

proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is submitted by OCC in connection with trading in security futures. The Commission approved the basic rules for the clearance of security futures by OCC in File Nos. SR-OCC-2001-05 and SR-OCC-2001-07.³ The proposed rule change is submitted in light of joint rules ("joint margin rules") that were adopted by the Commission and by the Commodity Futures Trading Commission ("CFTC") on August 1, 2002,⁴ pursuant to section 7(c)(2) of the Act and related provisions of the Commodity Exchange Act governing the setting of margin requirements for security futures.

Rule 15c3-3 under the Act requires broker-dealers to maintain customer fully-paid and excess margin securities in a control location free of any lien.⁵ Rules 8c-1 and 15c2-1 under the Act, which govern hypothecation of customer securities, also place limitations on broker-dealers rights to encumber customer securities.⁶ In order to permit compliance by clearing members with Rule 15c3-3 and with the hypothecation rules, OCC's Rule 611(a) presently provides that long option positions in a customers' account established under Article VI, section 3(e) of OCC's By-Laws are deemed to be segregated and therefore not subject to OCC's lien except to the extent that the clearing member gives contrary instructions to OCC in accordance with the rule.⁷ Under paragraph (c) of Rule 611, a clearing member is entitled to give an instruction to unsegregate such a long position if the long position constitutes the long leg of a spread position, the short leg that constitutes

the short leg of the spread position is held by the same customer, and the customer's margin requirement has been reduced to reflect the net risk of the spread position. These provisions reflect the Commission's long-standing interpretation that under those circumstances the long leg of a customer spread need not be treated as fully-paid or excess margin securities for purposes of Rule 15c3-3 and pledging it to OCC will not violate Rule 15c3-3 or the hypothecation rules.⁸

Section 7(c)(2)(B) of the Act requires that the margin requirements for security futures products be consistent with the margin requirements for comparable options contracts traded on any exchange registered pursuant to section 6(a) of the Act. OCC anticipates that clearing members will be permitted under the joint margin rules and exchange and security futures market rules adopted thereunder to reduce a customer's margin requirement when the customer has offsetting positions in security futures and options on the same underlying interest. Accordingly, a clearing member should be permitted under OCC's Rule 611 to unsegregate long option positions in the customers' account and firm non-lien account when the customer holds an offsetting long or short security futures position and the clearing member has reduced the customer's margin requirement in recognition of the spread. It should not matter whether the other leg of the spread is a security future or an option.⁹

The proposed change in OCC Rule 611(c) merely extends the same basic rule applicable to permitted spread positions in options contracts to any permitted spread position where one leg of the spread is a long option position and the other is a position in a security futures contract. The proposed rule is drafted in such a way that its operation is dependent on the joint margin rules and the rules of the exchanges and security futures markets adopted thereunder. Only if a particular spread

⁸ The Commission staff has stated that "provision by OCC of clearing-level spread margin treatment of customer positions was consistent with Exchange Act Rules 15c3-3, 15c2-1 and 8c-1" so long as the conditions cited above are complied with. Securities Exchange Act Release No. 31626 (Dec. 21, 1992), 57 FR 62588 [File No. OCC-92-14], n.10, citing letter to Burton R. Rissman, Schiff Hardin & Waite, from Lee A. Pickard, Director, Division of Market Regulation (April 18, 1975).

⁹ Under OCC Rule 611(a), all positions in security futures are deemed to be unsegregated because a futures contract, which represents a potential liability as well as a potential asset, is never deemed to be fully-paid or to represent excess margin securities. Accordingly, this rule filing addresses only the case where long put or call options are spread against long or short futures contracts.

position involving a long option qualifies for reduced margin treatment under those rules could the option be treated as unsegregated for purposes of Rule 611. With approval of this proposed rule change, consistency between the joint margin rules and Rule 611(c) would be therefore assured.¹⁰

OCC believes that the proposed rule change is consistent with the requirements of section 17A of the Act and the rules and regulations thereunder because it promotes the prompt and accurate clearance and settlement of securities transactions, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, and removes impediments to and perfects the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (a) By order approve the proposed rule change; or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

¹⁰ OCC has requested no action relief from the Commission's Division of Market Regulation that a clearing member who gives an instruction to unsegregate long option positions pursuant to this amended rule will not be deemed to be in violation of Rule 15c3-3 or the hypothecation rules.

² The Commission has modified parts of these statements.

³ Securities Exchange Act Release Nos. 44434 (June 15, 2001), 66 FR 33283 and 44727 (August 20, 2001), 66 FR 45351.

⁴ Securities Exchange Act Release No. 46292, 67 FR 53146 [File No. S7-16-01].

⁵ 17 CFR 240.15c3-3.

⁶ 7 CFR 240.8c-1 and 15c2-1.

⁷ The provisions of Rule 611 also apply to long option positions of certain "non-customers" carried in a "firm non-lien account" under Article VI, section 3(a) of OCC's By-Laws. At present, no clearing member carries such an account.

change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>) or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-OCC-2002-16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-OCC-2002-16. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at <http://www.optionsclearing.com>. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-OCC-2002-16 and should be submitted on or before April 4, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5-1062 Filed 3-11-05; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-51330; File No. SR-OCC-2003-04]

Self-Regulatory Organizations; the Options Clearing Corporation; Notice of Filing of a Proposed Rule Change Relating to a New Customers' Lien Account

March 8, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on July 21, 2003, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") and on December 20, 2004, amended, the proposed rule change as described in items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would amend OCC's By-Laws and Rules to support the introduction of a new customers' lien account that may be carried at OCC by a clearing member.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change would provide for the introduction of a new "customers' lien account" that may be carried at OCC by a clearing member. The new account type would be used only to clear transactions of eligible customers that an OCC clearing member has agreed to margin on a portfolio risk basis or that a commodity clearing

organization has agreed to margin in connection with a cross-margining arrangement in accordance with rules proposed by certain exchanges.

OCC, in conjunction with the Chicago Board Options Exchange ("CBOE"), American Stock Exchange, New York Stock Exchange ("NYSE"), Chicago Mercantile Exchange ("CME"), Chicago Board of Trade and various member firms, is seeking to establish a program under which eligible customers may elect to establish accounts, limited to specified derivative products, that would be margined on a risk-based or portfolio margining basis rather than under the "strategy-based" method currently set forth in the exchanges' margin rules. The proposed program is described in detail in a proposed rule change filed by CBOE ("CBOE Rule Filing") in which CBOE proposes to amend its margin rules to provide for the program.³ The proposed program would permit eligible customers to establish risk-based margin accounts that would be limited to specified derivative products subject to regulation by the Commission, and it would also provide for accounts in which derivative products regulated by the Commission may be cross-margined with related futures products regulated exclusively by the Commodity Futures Trading Commission (the "CFTC"). Under the current proposal, a cross-margining account of an eligible customer would be treated as a securities account for regulatory purposes.⁴ A single "customers' lien account" created under the proposed new paragraph (i) of Article VI, Section 3 of OCC's By-Laws would be used to clear all transactions of eligible customers under a portfolio margining program or cross-margining program so long as the products included in the account are all cleared by OCC.⁵ OCC would have a lien on all positions and assets in a customers' lien account as security for the OCC clearing member's obligations to OCC relating to the

³ Securities Exchange Act Release No. 50886 (December 20, 2004), 69 FR 77275 (December 27, 2004) [File No. SR-CBOE-2002-03]. A similar proposed rule change was filed by NYSE. Securities Exchange Act Release No. 50885 (December 20, 2004), 69 FR 77287 (December 27, 2004) [File No. SR-NYSE-2002-19].

⁴ CBOE plans to submit a request to the CFTC for an exemption from the segregation requirements and from other provisions of the CEA to the extent necessary to permit futures contracts to be carried in securities accounts subject to regulation by the Commission.

⁵ OCC is registered as a derivatives clearing organization under the Commodity Exchange Act and is therefore able to clear CFTC-regulated derivative products as well as Commission-regulated derivative products.

¹ 15 U.S.C. 78s(b)(1).

² The Commission has modified parts of these statements.

¹¹ 17 CFR 200.30-3(a)(12).

account.⁶ OCC would continue to require full premium payment from the clearing firm for all options purchased whether or not the firm extends credit to a customer for the purchase.

Where cross-margining accounts include products cleared by OCC as well as futures products cleared by CME or other derivatives clearing organizations other than OCC, under a cross-margining program OCC's clearing function would occur in a separate customers' lien account to be established for each such program. A corresponding account would be established at the participating derivatives clearing organizations. Liquidation of these accounts would be subject to a cross-margining agreement between or among OCC and the participating derivatives clearing organizations just as in the case of the existing cross-margining programs. These agreements or appropriate amendments to existing agreements would be separately filed with the Commission for approval. It is anticipated that a clearing member may establish a customers' lien account corresponding to a cross-margining agreement among OCC, CME and the New York Clearing Corporation. Separate customers' lien accounts would correspond to cross-margining agreements between OCC and other futures clearing organizations.

As stated in the CBOE rule filing, the currently proposed program includes only the following eligible products: (i) All broad-based U.S. market index options (including stock index warrants) listed on a national securities exchange; (ii) marginable exchange-traded funds; and (iii) index futures contracts and futures options contracts to the extent they are cross-margined with listed index options.

The following proposed revisions to OCC's By-Laws and Rules are necessary to provide for the introduction of customers' lien accounts.

⁶Under Commission Rules 8c-1, 15c2-1, and 15c3-3, securities held for the account of a customer generally may not be subject to liens to secure obligations of the carrying broker-dealer in an amount that exceeds the amount of total customer indebtedness. To facilitate compliance with these customer protection rules, OCC's rules require clearing members to carry positions of public securities customers in a customers' account under which all long positions are considered "segregated" and therefore free of OCC's lien, unless specifically designated as "unsegregated." All long options positions in customers' lien accounts, however, would automatically be considered unsegregated for purposes of OCC's placing a lien on these positions. OCC has requested no-action relief from the Commission's Division of Market Regulation which will permit OCC to treat these positions as unsegregated notwithstanding these provisions of Rules 8c-1, 15c2-1 and 15c3-3.

New Defined Term: OCC proposes to add a new defined term, "customers' lien account," in Article I of the By-Laws. The definition simply cross-references the description of the account in Article VI, Section 3(i).

Amendments to Article VI of the By-Laws: Article VI sets out the basic terms of option contracts and the general rules for the clearance of exchange transactions. Section 3 contains a description of each of the types of accounts that clearing members may establish and maintain with OCC. A new Section 3(i) would be added that would contain a description of the proposed "customers' lien account," including provisions setting forth OCC's lien on all long positions, securities, margin, and other funds in such accounts and OCC's right to close out positions in these accounts. As provided in the proposed amendment to Rule 611 below, positions in customers' lien accounts would be deemed to be unsegregated. Section 3 would be further amended to correct the paragraph numbers of the Interpretations and Policies to Section 3.

A minor, conforming amendment has been made to Section 4 of Article VI.

Amendments to the Rules: OCC's Rule 611 treats all long option positions in the regular securities customers' account as "segregated" and therefore free of OCC's lien except to the extent that a clearing member is entitled to "unsegregate" long positions that are part of a customer spread. Rule 611 would be amended to provide that all positions in customers' lien accounts will be deemed to be "unsegregated."

Changes are being proposed in Chapter XI of the Rules to provide for the liquidation of a clearing member's customers' lien account in the event that the clearing member is suspended. In essence, a customers' lien account would be treated in exactly the same manner as a combined market-maker account. Under these provisions, proceeds of long options or security futures in a customers' lien account would be applied only to satisfy obligations arising from that account.

OCC believes that the proposed rule change is consistent with the purposes and requirements of Section 17A of the Act because it provides for operational and economic efficiencies in customer margining and increases the safety of the clearing system by applying previously approved risk-based margining procedures to clearing accounts containing the transactions of eligible customers. The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (a) By order approve the proposed rule change, or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>) or
- Send an e-mail to rule-comments@sec.gov. Please include File Number SR-OCC-2003-04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609.

All submissions should refer to File Number SR-OCC-2003-04. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at <http://www.optionsclearing.com>. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-OCC-2003-04 and should be submitted on or before April 4, 2005. For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Jill M. Peterson,

Assistant Secretary.

[FR Doc. E5-1063 Filed 3-11-05; 8:45 am]

BILLING CODE 8010-01-P

DEPARTMENT OF STATE

[Public Notice 4971]

Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 a.m. on Tuesday, March 29, 2005, in Room 6319 of the United States Coast Guard Headquarters Building, 2100 2nd Street, SW., Washington, DC, 20593-0001. The primary purpose of the meeting is to prepare for the 9th session of the Subcommittee on Bulk Liquids and Gases (BLG) to be held at the International Maritime Organization (IMO) Headquarters in London, England from April 4th to April 8th, 2005.

The primary matters to be considered include:

- Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments;
- Requirements for protection of personnel involved in the transport of cargoes containing toxic substances in all types of tankers;

- Revision of the fire protection requirements of the International Bulk Chemical, International Gas Carrier, Bulk Chemical and Gas Carrier Codes;
- Consideration of IACS unified interpretations;
- Amendments to resolution MEPC.2 (VI);
- Development of standards regarding rate of discharge for sewage;
- Development of provisions for gas-fuelled ships;
- Review of the Offshore Support Vessel Guidelines;
- Development of guidelines for uniform implementation of the 2004 Ballast Water Management Convention;
- Clarification of the definition of fuel oil in the revised MARPOL Annex I; and
- Guidelines for the application of the revised MARPOL Annex I requirements to Floating Production, Storage and Offloading vessels and Floating Storage Units.

Hard copies of documents associated with the 9th session of BLG will be available at this meeting. To request further copies of documents please write to the address provided below.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing to Mr. Thomas J. Felleisen, Commandant (G-MSO-3), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Room 1214, Washington, DC 20593-0001 or by calling (202) 267-0086.

Dated: March 4, 2005.

Clay Diamond,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 05-4969 Filed 3-11-05; 8:45 am]

BILLING CODE 4710-09-P

DEPARTMENT OF STATE

[Public Notice 4972]

Shipping Coordinating Committee; Notice of Meeting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Friday, April 22, 2005, in Room 2415, at U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, DC 20593-0001. The purpose of this meeting will be to finalize preparations for the 80th Session of the Maritime Safety Committee, and associated bodies of the International Maritime Organization (IMO), which is scheduled for May 11-20, 2005, at IMO Headquarters in London. At this meeting, papers

received and the draft U.S. positions for the Maritime Safety Committee will be discussed. Among other things, the items of particular interest are:

- Adoption of amendments to SOLAS for bulk carrier safety, long range identification and tracking of ships, company and owner identification numbers, and subdivision and stability of ships;
- Passenger ship safety.
- Measures to enhance maritime security.
- Goal-based new ship construction standards.
- Formal safety assessment.
- Voluntary IMO Member State Audit Scheme.
- Reports of seven subcommittees—Stability, load lines and fishing vessel safety, Dangerous goods, solid cargoes and containers, Training and watchkeeping, Fire protection, Radiocommunications and search and rescue, Ship design and equipment, and Flag State implementation.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing to Mr. Howard Hime, Commandant (G-MS), U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Room 1218, Washington, DC 20593-0001 or by calling (202) 267-2970.

Dated: March 4, 2005.

Clay Diamond,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 05-4970 Filed 3-11-05; 8:45 am]

BILLING CODE 4970-09-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Craig Field Airport, Selma, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on land release request.

SUMMARY: Under the provisions of Title 49 U.S.C. 47153(c), notice is being given that the FAA is considering a request from the Craig Field Airport and Industrial Authority to waive the requirement that a 0.969-acre parcel of surplus property, located at the Craig Field Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before April 13, 2005.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate

⁷ 17 CFR 200.30-3(a)(12).

to the FAA at the following address: Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208-2307.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Menzo W. Driskell, Executive Director of the Craig Field Airport and Industrial Authority at the following address: Craig Field and Industrial Authority, 48 Fifth Street; Craig Industrial Park; Selma, AL 36701.

FOR FURTHER INFORMATION CONTACT: Mr. Roderick T. Nicholson, Program Manager, Jackson Airports District Office, 100 West Cross Street, Suite B, Jackson, MS 39208-2307, (601) 664-9884. The land release request may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Craig Field Airport and Industrial Authority to release 0.969 acres of surplus property at the Craig Field Airport. The property will be for Louisiana Pacific Polymers (LP), located in the Craig Industrial Complex, to upgrade their manufacturing facility. This expansion will include the addition of a rail spur. The property land use is currently agricultural. The net proceeds from the sale of this property will be used for airport purposes.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the city of Selma.

Issued in Jackson, Mississippi on March 7, 2005.

Rans D. Black,

Manager, Jackson Airports District Office, Southern Region.

[FR Doc. 05-4910 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Research, Engineering and Development Advisory Committee

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development (R,E&D) Advisory Committee.

AGENCY: Federal Aviation Administration.

ACTION: Notice of meeting.

NAME: Research, Engineering & Development Advisory Committee.

TIME AND DATE: April 12-13, 2005-8 a.m. to 5 p.m.

PLACE: Federal Aviation Administration, 800 Independence Avenue, SW., Bessie Coleman Room, Washington, DC 20591.

PURPOSE: The meeting agenda will include receiving from the Committee guidance for FAA's research and development investments in the areas of air traffic services, airports, aircraft safety, human factors and environment and energy. We will also receive recommendations from the Air Traffic Services Transition Working Group. Attendance is open to the interested public but seating is limited. Persons wishing to attend the meeting or obtain information should contact Gloria Dunderman at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. (202) 267-8937 or gloria.dunderman@faa.gov. Attendees will have to present picture ID at the security desk and escorted to the Bessie Coleman Room.

Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC on March 7, 2005.

Joan Bauerlein,

Director of Operations Planning Research & Development.

[FR Doc. 05-4912 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 05-06-C-00-BTR To Impose and Use the Revenue from a Passenger Facility Charge (PFC) at Baton Rouge Metropolitan Airport, Baton Rouge, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Baton Rouge Metropolitan Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before April 13, 2005.

ADDRESSES: Comments on this application may be mailed or delivered

in triplicate copies to the FAA at the following address: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-611, Fort Worth, TX 76193-0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Anthony Marino, Manager of Baton Rouge Metropolitan Airport at the following address: Mr. Anthony Marino, Director of Aviation, Greater Baton Rouge Airport District, Ryan Terminal Building, Suite 212, Baton Rouge, LA 70807.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. G. Thomas Wade, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-611, Fort Worth, TX 76193-0610, (817) 222-5613.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Baton Rouge Metropolitan Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 8, 2005, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Airport was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 1, 2005.

The following is a brief overview of the application.

Level of the proposed PFC: \$4.50.

Proposed charge effective date: November 1, 2021.

Proposed charge expiration date: March 1, 2026.

Total estimated PFC revenue: \$9,986,100.

PFC application number: 05-06-C-00-BTR.

Brief description of proposed project(s):

Projects To Impose and Use PFC's

1. Extend Runway 4L/22R.
 2. Expand General Aviation Apron.
 3. Professional Fees.
- Proposed class or classes of air carriers to be exempted from collecting

PFC's; FAR part 135 on demand air Taxi/Commercial Operator (ATCO) reporting on FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Branch, ASW-610, 2601 Meacham Blvd., Fort Worth, TX 76137-4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Baton Rouge Metropolitan Airport.

Issued in Fort Worth, Texas on March 9, 2005.

Larry F. Clark,

Acting Manager, Airports Division.

[FR Doc. 05-4982 Filed 3-11-05; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2005-20321]

Decision That Certain Nonconforming Motor Vehicles are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that certain nonconforming motor vehicles are eligible for importation.

SUMMARY: This document announces decisions by NHTSA that certain motor vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and/or sale in the United States and certified by their manufacturers as complying with the safety standards, and they are capable of being readily altered to conform to the standards.

DATES: These decisions became effective on the dates specified in Annex A.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety

standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

NHTSA received petitions from registered importers to decide whether the vehicles listed in Annex A to this notice are eligible for importation into the United States. To afford an opportunity for public comment, NHTSA published notice of these petitions as specified in Annex A. The reader is referred to those notices for a thorough description of the petitions. No substantive comments were received in response to these notices. Based on its review of the information submitted by the petitioners, NHTSA has decided to grant the petitions.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. Vehicle eligibility numbers assigned to vehicles admissible under this decision are specified in Annex A.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that each motor vehicle listed in Annex A to this notice, which was not originally manufactured to comply with all applicable Federal motor vehicle safety standards, is either (1) substantially similar to a motor vehicle manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, as specified in Annex A, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards or (2) has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

Annex A.—Nonconforming Motor Vehicles Decided To Be Eligible for Importation

1. Docket No. NHTSA-2004-19486

Nonconforming Vehicles: 2001-2002 Mercedes Benz C Class (203) Passenger Cars. Substantially Similar

U.S.-Certified Vehicles: 2001-2002 Mercedes Benz C-320 (203) Passenger Cars.

Notice of Petition

Published at: 69 FR 64127 (November 3, 2004).

Vehicle Eligibility Number: VSP-456 (effective date December 14, 2004).

2. Docket No. NHTSA-2004-19122

Nonconforming Vehicles: 2004 Lamborghini Gallardo Passenger Cars (Manufactured 1/1/2004-12/31/2004).

Substantially Similar

U.S.-Certified Vehicles: 2004 Lamborghini Passenger Cars (Manufactured 1/1/2004-12/31/2004).

Notice of Petition

Published at: 69 FR 60933 (October 13, 2004).

Vehicle Eligibility Number: VSP-458 (effective date December 20, 2004).

3. Docket No. NHTSA-2004-19548

Nonconforming Vehicles: 1998 Lexus GS300 Passenger Cars.

Substantially Similar

U.S.-Certified Vehicles: 1998 Lexus GS300 Passenger Cars.

Notice of Petition

Published at: 69 FR 67209 (November 16, 2004).

Vehicle Eligibility Number: VSP-460 (effective date December 22, 2004).

4. Docket No. NHTSA-2004-19547

Nonconforming Vehicles: 2003-2004 BMW X5 Multipurpose Passenger Vehicles (Manufactured 1/1/2003-12/31/2004).

Substantially Similar

U.S.-Certified Vehicles: 2003–2004 BMW X5 Multipurpose Passenger Vehicles (Manufactured 1/1/2003–12/31/2004).

Notice of Petition

Published at: 69 FR 67207 (November 16, 2004).

Vehicle Eligibility Number: VSP–459 (effective date December 22, 2004).

5. Docket No. NHTSA–2004–19737

Nonconforming Vehicles: 2004 Mercedes Benz Type 463 Short Wheel Base (SWB) Gelaendewagen Multipurpose Passenger Vehicles.

Because there are no substantially similar U.S.-certified versions of the 2004 Mercedes Benz Type 463 SWB Gelaendewagen Multipurpose Passenger Vehicles, the petition sought import eligibility under 49 U.S.C. 30141(a)(1)(B).

Notice of Petition

Published at: 69 FR 70504 (December 6, 2004).

Vehicle Eligibility Number: VCP–28 (effective date January 11, 2005).

6. Docket No. NHTSA–2004–19875

Nonconforming Vehicles: 1998 BMW 3 Series Passenger Cars.

Substantially Similar

U.S.-Certified Vehicles: 1998 BMW 3 Series Passenger Cars.

Notice of Petition

Published at: 69 FR 77314 (December 27, 2004).

Vehicle Eligibility Number: VSP–462 (effective date January 31, 2005).

[FR Doc. 05–4906 Filed 3–11–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY**Public Meeting of the President's Advisory Panel on Federal Tax Reform**

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice advises all interested persons of the location of the March 16, 2005, public meeting of the President's Advisory Panel on Federal Tax Reform. This meeting was previously announced in 70 FR 8875 (February 23, 2005).

DATES: The meeting will be held on Wednesday, March 16, 2005, in Chicago, Illinois, and will begin at 10 a.m. c.s.t.

ADDRESSES: The meeting will be held at the University of Chicago Graduate School of Business, Gleacher Center, 450 North Cityfront Plaza Drive, Chicago, Illinois 60611. Seating will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: The Panel staff at (202) 927–2TAX (927–

2829) (not a toll-free call) or e-mail info@taxreformpanel.gov (please do not send comments to this box). Additional information is available at <http://www.taxreformpanel.gov>.

Dated: March 10, 2005.

Mark S. Kaizen,

Designated Federal Officer.

[FR Doc. 05–5084 Filed 3–11–05; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY**Public Meeting of the President's Advisory Panel on Federal Tax Reform**

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice advises all interested persons of a public meeting of the President's Advisory Panel on Federal Tax Reform.

DATES: The meeting will be held on Thursday, March 31, 2005, in the San Francisco, California, area and will begin at 10 a.m.

ADDRESSES: The venue has not been identified to date. Venue information will be posted on the Panel's Web site at <http://www.taxreformpanel.gov> as soon as it is available.

FOR FURTHER INFORMATION CONTACT: The Panel staff at (202) 927–2TAX (927–2829) (not a toll-free call) or e-mail info@taxreformpanel.gov (please do not send comments to this box). Additional information is available at <http://www.taxreformpanel.gov>.

SUPPLEMENTARY INFORMATION: *Purpose:* The March 31 meeting is the sixth meeting of the Advisory Panel and will examine the impact of our tax system on economic growth and international competitiveness of American businesses.

Comments: Interested parties are invited to attend the meeting; however, no public comments will be heard at the meeting. Any written comments with respect to this meeting may be mailed to The President's Advisory Panel on Federal Tax Reform, 1440 New York Avenue, NW., Suite 2100, Washington, DC 20220. All written comments will be made available to the public.

Records: Records are being kept of Advisory Panel proceedings and will be available at the Internal Revenue Service's FOIA Reading Room at 1111 Constitution Avenue, NW., Room 1621, Washington, DC 20024. The Reading Room is open to the public from 9 a.m. to 4 p.m., Monday through Friday except holidays. The public entrance to the reading room is on Pennsylvania Avenue between 10th and 12th streets.

The phone number is (202) 622–5164 (not a toll-free number). Advisory Panel documents, including meeting announcements, agendas, and minutes, will also be available on <http://www.taxreformpanel.gov>.

Dated: March 10, 2005.

Mark S. Kaizen,

Designated Federal Officer.

[FR Doc. 05–5085 Filed 3–11–05; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0261]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 13, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., or e-mail denise.mclamb@mail.va.gov. Please refer to “OMB Control No. 2900–0261.” Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to “OMB Control No. 2900–0261” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites

comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Refund of Educational Contributions (VEAP, Chapter 32, Title 38, U.S.C.), VA Form 24-5281.

OMB Control Number: 2900-0261.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 24-5281 is completed by veterans and service persons to request a refund of their contribution to the Post-Vietnam Veterans Education Program. Contribution made into the Post-Vietnam Veterans Education Program may be refunded only after the participant has disenrolled from the program. Request for refund of contribution prior to discharge or release from active duty will be refunded on the date of the participant's discharge or release from activity duty or within 60 days of receipt of notice by the Secretary of the participant's discharge or disenrollment. Refunds may be made earlier in instances of hardship or other good reason. Participants who stop enrollment from the program after discharge or release from active duty, the contributions will be refunded within 60 days of receipt of the participant's application.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on November 12, 2004, at pages 65505-65506.

Affected Public: Individuals or households.

Estimated Annual Burden: 8,333 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 50,000.

Dated: February 28, 2005.

By direction of the Secretary:

Loise Russell,

Director, Records Management Service.

[FR Doc. 05-4888 Filed 3-11-05; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0418]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Office of Management (OM), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 13, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Information Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0418." Send comments and recommendations concerning any aspect of the information collection to VA's Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0418" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM's estimate of the burden of the proposed collection of information; (3) ways to enhance the

quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Department of Veterans Affairs Acquisition Regulation (VAAR) Sections 809.106-1, 809.504(d), and Clause 852.209-70.

OMB Control Number: 2900-0418.

Type of Review: Extension of a currently approved collection.

Abstract:

a. VAAR section 809.106-1 requires VA to contact a firm being considered for a contract award for bakery, dairy, or ice cream products or for laundry or dry cleaning services whether or not the firm's facility has recently been inspected by another Federal agency and, if so, which agency. The information is used to determine whether a separate inspection of the facility should be conducted by VA prior to award contract.

b. VAAR section 809.504(d) and Clause 852.209-70 requires VA to determine whether or not to award a contract to a firm that might involve or result in a conflict of interest. VA uses the information to determine whether additional contract terms and conditions are necessary to mitigate the conflict.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on December 23, 2004, at pages 76973-76974.

Affected Public: Business or other for-profit, individuals and households, not-for-profit institutions.

Estimated Annual Burden:

a. VAAR section 809.106-1-30 hours.

b. VAAR section 809.504(d) and VAAR clause 852.209-7-500 hours.

Estimated Annual Burden Per Respondent:

a. VAAR section 809.106-1-3 minutes.

b. VAAR section 809.504(d) and Clause 852.209-7-30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VAAR section 809.106-1-600.

b. VAAR section 809.504(d) and Clause 852.209-7-1,000.

Dated: February 28, 2005.

By direction of the Secretary:

Loise Russell,

Director, Records Management Service.

[FR Doc. 05-4889 Filed 3-11-05; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0393]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Office of Management (OM), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 13, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Information Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0393." Send comments and recommendations concerning any aspect of the information collection to VA's Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0393" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM's estimate of the burden of the proposed collection of information; (3) ways to enhance the

quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Department of Veterans Affairs Acquisition Regulation (VAAR) Part 813.

OMB Control Number: 2900-0393.

Type of Review: Extension of a currently approved collection.

Abstract: VA collects acquisition information from firms and individuals who wish to sell supplies, services, and construction or who wish to establish blanket purchase agreements (BPA) or other contractually related agreements with VA. VA uses the information collected to determine to whom to award contracts or with whom to enter into BPAs or other contractually related agreements.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on December 23, 2004, at pages 76972-76973.

Affected Public: Business or other for-profit, individuals and households, not-for-profit institutions, and State, local or tribal government.

Estimated Annual Burden: 20,845 hours.

Estimated Annual Burden Per Respondent: 1 hour.

Frequency of Response: On occasion.

Estimated Number of Respondents: 20,845.

Dated: February 28, 2005.

By direction of the Secretary.

Loise Russell,

Director, Records Management Service.

[FR Doc. 05-4890 Filed 3-11-05; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0149]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995

(44 U.S.C. 3501-3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 13, 2005.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030, FAX (202) 273-5981 or e-mail: denise.mclamb@mail.va.gov. Please refer to "OMB Control No. 2900-0149."

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0149" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Conversion (Government Life Insurance), VA Form 29-0152.

OMB Control Number: 2900-0149.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 29-0152 is completed by insured veterans to convert to a permanent plan of insurance. VA uses the information to

initiate the processing of the insured's request to convert his/her term insurance.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on November 12, 2004, at pages 65502–65503.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,125 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,500.

Dated: February 28, 2005.

By direction of the Secretary.

Loise Russell,

Director, Records Management Service.

[FR Doc. 05–4891 Filed 3–11–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0130]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 13, 2005.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to “OMB Control No. 2900–0130.”

SUPPLEMENTARY INFORMATION:

Title: Status of Loan Account—Foreclosure or Other Liquidation, VA Form Letter 26–567.

OMB Control Number: 2900–0130.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form Letter 26–567 is used to obtain information from holders regarding the status of a VA-guaranteed loan account at the time of foreclosure or other liquidation action. VA uses the information to specify amount, if any, to be bid at the foreclosure sale.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on November 17, 2004, at pages 67387–67388.

Affected Public: Business or other for profit.

Estimated Annual Burden: 20,000 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 40,000.

Send comments and recommendations concerning any aspect of the information collection to VA's Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to “OMB Control No. 2900–0130” in any correspondence.

Dated: March 3, 2005.

By direction of the Secretary.

Loise Russell,

Director, Records Management Service.

[FR Doc. 05–4892 Filed 3–11–05; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0059]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted

below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 13, 2005.

FOR FURTHER INFORMATION CONTACT:

Denise McLamb, Records Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., or e-mail denise.mclamb@mail.va.gov. Please refer to “OMB Control No. 2900–0059.” Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to “OMB Control No. 2900–0059” in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Statement of Person Claiming to Have Stood in Relation of a Parent, VA Form 21–524.

OMB Control Number: 2900–0059.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 21–524 is used to gather information from claimants seeking service-connected death benefits as persons who stood in the relationship of the natural parent of the deceased veteran. The information is used to determine the claimant's eligibility for such benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on November 17, 2004, at page 67387.

Affected Public: Individuals or households.

Estimated Annual Burden: 800 hours.

Estimated Average Burden Per

Respondent: 2 hours.

Frequency of Response: One-time.

Estimated Number of Respondents: 400.

Dated: March 3, 2005.

By direction of the Secretary.

Loise Russell,

Director, Records Management Service.

[FR Doc. 05-4893 Filed 3-11-05; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0590]

Agency Information Collection Activities Under OMB Review

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3521), this notice announces that the Office of Management (OM), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 13, 2005.

FOR FURTHER INFORMATION CONTACT: Denise McLamb, Information Management Service (005E3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0590."

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed

collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Veterans Affairs Acquisition Regulation Clauses 852.237-7, Indemnification and Medical Liability Insurance.

b. Veterans Affairs Acquisition Regulation Clauses 852.237-71, Indemnification and Insurance.

c. Veterans Affairs Acquisition Regulation Clauses 852.207-70, Report of Employment Under Commercial Activities.

OMB Control Number: 2900-0590.

Type of Review: Extension of a currently approved collection.

a. *Abstract:* VA Acquisition Regulation Clauses 852.237-7 is used in solicitations and contracts for the acquisition of non-personal health care services. It requires the bidder/offeror prior to contract award to furnish evidence of insurability of the offeror and/or all healthcare providers who will perform under the contract. The information provided is used to ensure that VA will not be held liable for any negligent acts of the contractor or its employees and that VA and VA beneficiaries are protected by adequate insurance coverage.

b. Clause 852.237-71 is used in solicitations for vehicle or aircraft services. It requires the bidder/offeror prior to contract award to furnish evidence that the firm possesses the types and amounts of insurance required by the solicitation. The information is necessary to ensure that VA beneficiaries and the public are protected by adequate insurance coverage.

c. Clause 852.207-70, is used in solicitations for commercial items and services where the work is currently being performed by VA employees and where those employees might be displaced as a result of an award to a commercial firm. The clause requires the contractor to report the names of the affected Federal employees offered employment openings and the names of employees who applied for but not offered employment and the reasons for withholding offers to those employees.

The information collected is used by contracting officers to monitor and ensure compliance by the contractor under the requirements of Federal Acquisition Regulation clause 52.207-3, Right of First Refusal of Employment.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on December 23, 2004, at pages 76974-76975.

Affected Public: Business or other for-profit, individuals and households, not-for-profit institutions, and State, local or tribal government.

Estimated Annual Burden:

a. Veterans Affairs Acquisition Regulation Clauses 852.237-7, Indemnification and Medical Liability Insurance—750 hours.

b. Veterans Affairs Acquisition Regulation Clauses 852.237-71, Indemnification and Insurance—250 hours.

c. Veterans Affairs Acquisition Regulation Clauses 852.207-70, Report of Employment Under Commercial Activities—15 hours.

Estimated Annual Burden Per Respondent:

a. Veterans Affairs Acquisition Regulation Clauses 852.237-7, Indemnification and Medical Liability Insurance—30 minutes.

b. Veterans Affairs Acquisition Regulation Clauses 852.237-71, Indemnification and Insurance—30 minutes.

c. Veterans Affairs Acquisition Regulation Clauses 852.207-70, Report of Employment Under Commercial Activities—30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,030.

a. Veterans Affairs Acquisition Regulation Clauses 852.237-7, Indemnification and Medical Liability Insurance—1,500.

b. Veterans Affairs Acquisition Regulation Clauses 852.237-71, Indemnification and Insurance—500.

c. Veterans Affairs Acquisition Regulation Clauses 852.207-70, Report of Employment Under Commercial Activities—30.

Send comments and recommendations concerning any aspect of the information collection to VA's Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-7316. Please refer to "OMB Control No. 2900-0590" in any correspondence.

Dated: March 3, 2005.

By direction of the Secretary.

Loise Russell,

Director, Records Management Service.

[FR Doc. 05-4894 Filed 3-11-05; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Environmental Hazards; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 (Federal Advisory Committee Act) that a meeting of the Veterans' Advisory Committee on Environmental Hazards will be held on Thursday and Friday, April 14-15, 2005, from 8 a.m. to 4 p.m. each day. The meeting will be held at 810 Vermont Avenue, NW., Room 446, Washington, DC 20420. The meeting is open to the public.

The purpose of the Committee is to provide advice to the Secretary of Veterans Affairs on adverse health effects that may be associated with exposure to ionizing radiation and to make recommendations on proposed standards and guidelines regarding VA benefit claims based upon exposure to ionizing radiation.

The major items on the agenda for both days will be discussions and analyses of medical and scientific papers concerning the health effects of exposure to ionizing radiation. On the basis of its analyses and discussions, the Committee may make recommendations to the Secretary concerning the relationship of certain diseases with exposure to ionizing radiation. On April 14 there will be a presentation by VA's Public Health and Environmental Hazards Office. The April 15 session will include planning future Committee activities and assignment of tasks among the members.

Those who wish to attend should contact Ms. Bernice Green of the Department of Veterans Affairs, Compensation and Pension Service, 810 Vermont Avenue, NW., Washington, DC 20420, by phone at (202) 273-7210, or by fax at (202) 275-1728. Members of the public may submit written questions or prepared statements for review by the Committee in advance of the meeting. Statements should be sent to Ms. Green's attention at least 5 days prior to the meeting at the address shown above. Those who submit material may be asked to clarify it prior to its consideration by the Committee.

An open forum for verbal statements from the public will also be available for

20 minutes during the morning and 20 minutes in the afternoon each day. Each person who wishes to make a verbal statement before the Committee will be accommodated on a first come, first served basis and will be provided three (3) minutes to present the statement.

Dated: March 3, 2005.

By direction of the Secretary.

E. Philip Riggan,

Committee Management Officer.

[FR Doc. 05-4895 Filed 3-11-05; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92-463 (Federal Advisory Committee Act) that the Advisory Committee on Former Prisoners of War (FPOW) has scheduled a meeting for April 11-13, 2005, at the Department of Veterans Affairs Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. The meeting will be held each day in Conference Center C-7, from 9 a.m. to 4:30 p.m. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for veterans who are former prisoners of war, and to make recommendations on the needs of such veterans for compensation, health care, and rehabilitation.

The agenda for April 11 will begin with an introduction of Committee members, remarks from dignitaries, a review of Committee reports, an update of activities since the last meeting, and a period for FPOW veterans and/or the public to address the Committee. The Committee will also discuss future plans for the VA FPOW Learning Seminars, and conclude with a report on the progress of Special FPOW Care and Benefits Teams. The agenda on April 12 will include a review of VA's Compensation and Pension Service activities, including new outreach initiatives to FPOWs, initiatives to contact FPOW pensioners, and a special report on outreach to FPOWs about the new presumptive medical conditions of heart diseases and the residuals of stroke. The Committee will then receive a report from VA's FPOW Medical Presumptions Workgroup. The Committee will also hear a presentation from the Robert E. Mitchell Center for Prisoner of War Studies. The day will conclude with new business and general

discussion. On April 13, the Committee's Medical and Administrative work groups will meet to discuss their activities and report back to the Committee. Additionally, the Committee will review and analyze the comments discussed throughout the meeting for the purpose of compiling a report to be sent to the Secretary.

Members of the public may direct questions or submit written statements for review by the Committee in advance of the meeting to Ms. Renée L. Szybala, Director, Compensation and Pension Service (21), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Submitted materials must be received by April 1, 2005.

Dated: March 3, 2005.

By Direction of the Secretary.

E. Philip Riggan,

Committee Management Officer.

[FR Doc. 05-4896 Filed 3-11-05; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Veterans Health Administration Resident Education; Notice of Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 (Federal Advisory Committee Act) that the Advisory Committee on Veterans Health Administration (VHA) Resident Education will hold a teleconference on April 29, 2005, from 10 a.m. until 12 p.m. The conference call will be held in Room 530 at VA Central Office, 810 Vermont Avenue, NW., Washington, DC. The conference call is open to the public at this location.

The Committee has been established to provide broad assessment of physician resident positions in relationship to future veteran health care needs. The Committee will affirm the philosophical principles governing VHA's internal Graduate Medical Education Advisory Committee, provide external perspective and national guidance on VHA resident education, and make recommendations regarding further actions to the Secretary.

The agenda topics for this meeting will include a review of Committee activities and updates on the VHA Resident Education Program. The discussions will primarily center around evaluation of how VHA may best go forward with the goal of balancing the educational needs of resident physicians while providing excellent health care to veterans.

Any member of the public wishing to attend should contact Mr. Andrew Fleshman at the Department of Veterans Affairs, Office of Academic Affiliations (144), 810 Vermont Avenue, NW., Washington DC 20420, by phone at (202) 273-8369, by fax at (202) 273-

9031 or by e-mail at vhacooaa@va.gov. Statements, if in written form, may be filed before the meeting or within 10 days after the meeting. One half hour of the Committee's session beginning at 11:30 a.m. will be set aside to receive oral public statements.

Dated: March 4, 2005.

By direction of the Secretary.

E. Philip Riggin,

Committee Management Officer.

[FR Doc. 05-4897 Filed 3-11-05; 8:45 am]

BILLING CODE 8320-01-M



Federal Register

**Monday,
March 14, 2005**

Part II

**Department of
Agriculture**

Rural Housing Service

Notice of Funding Availability; Notices

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Availability of Funds; Multi-Family Housing, Single Family Housing

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS) announces the availability of housing funds for fiscal year 2005 (FY 2005). This action is taken to comply with 42 U.S.C. 1490p, which requires that RHS publish in the **Federal Register** notice of the availability of any housing assistance.

EFFECTIVE DATE: March 14, 2005.

FOR FURTHER INFORMATION CONTACT: For information regarding this notice contact Lou Paulson, Management Analyst, Single Family Housing Direct Loan Division, telephone 202-720-1478, for single family housing (SFH) issues and Tammy S. Daniels, Loan Specialist, Multi-Family Housing Processing Division, telephone 202-720-0021, for multi-family housing (MFH) issues, U.S. Department of Agriculture, 1400 Independence Ave., SW., Washington, DC, 20250. (The telephone numbers listed are not toll free numbers). For information on applying for assistance, visit our Internet Web site at <http://offices.usda.gov> and select your State or check the blue pages in your local telephone directory under "Rural Development" for the office serving your area. Near the end of this Notice is a listing of Rural Development State Directors.

SUPPLEMENTARY INFORMATION:

Programs Affected

The following programs are subject to the provisions of Executive Order 12372 that requires intergovernmental consultation with State and local officials. These programs or activities are listed in the Catalog of Federal Domestic Assistance under Nos.:

- 10.405 Farm Labor Housing (LH) Loans and Grants
- 10.410 Very Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans and Self-Help Housing Land Development Loans
- 10.415 Rural Rental Housing Loans
- 10.417 Very Low Income Housing Repair Loans and Grants
- 10.420 Rural Self-Help Housing Technical Assistance
- 10.427 Rural Rental Assistance Payments
- 10.433 Rural Housing Preservation Grants
- 10.442 Housing Application Packaging Grants

Discussion of Notice

7 CFR part 1940, subpart L contains the "Methodology and Formulas for Allocation of Loan and Grant Program Funds." To apply for assistance under these programs or for more information, contact the Rural Development Office for your area.

Multi-Family Housing (MFH)

I. General

A. This provides guidance on MFH funding for the Rural Rental Housing program (RRH) for FY 2005 (it does not include carryover funds). Allocation computations have been performed in accordance with 7 CFR 1940.575 and 1940.578. For FY 2005, State Directors, under the Rural Housing Assistance Grants (RHAG), will have the flexibility to transfer their initial allocations of budget authority between the Single Family Housing (SFH) Section 504 Rural Housing Grants and Section 533 Housing Preservation Grant (HPG) programs.

B. MFH loan and grant levels for FY 2005 are as follows:

MFH Loan Programs	
Credit Sales	\$ 1,488,819
Section 514 Farm Labor Housing (LH) loans	38,191,789
Section 515 Rural Rental Housing (RRH) loans ...	99,200,000
Section 521 Rental Assistance (RA) and 502(c)(5)(C) Advance ...	581,411,200
Section 516 LH grants	15,872,000
Sections 525 Technical and Supervisory Assistance grants: (TSA) and 509 Housing Application Packaging grants ...	992,000
(HAPG) (Shared between single and multi-family housing)	
Section 533 Housing Preservation grants (HPG)	8,810,944
Section 538 Guaranteed Rural Rental Housing Program	99,200,000
Preservation Revolving Loan Fund Demonstration Program	2,976,000

II. Funds Not Allocated to States

A. *Credit Sales Authority.* For FY 2005, \$1,488,819 will be set aside for credit sales to program and nonprogram buyers. Credit sale funding will not be allocated by State.

B. *Section 538 Guaranteed Rural Rental Housing Program.* Guaranteed loan funds will be made available under a Notice of Funding Availability (NOFA) being published in this **Federal**

Register. Additional guidance is provided in the NOFA.

III. Farm Labor Housing (LH) Loans and Grants

The Administrator has the authority to transfer the allocation of budget authority between the two programs. Upon NOFA closing, the Administrator will evaluate the responses and determine proper distribution of funds between loans and grants.

A. Section 514 Farm LH Loans

1. These loans are funded in accordance with 7 CFR 1940.579(a).

FY 2005 Appropriation ...	\$38,191,789
Available for Off-Farm Loans	32,000,000
Available for On-Farm Loans	2,000,000
National Office Reserve ...	4,191,789

2. Off-farm loan funds will be made available under a NOFA being published in this **Federal Register.** Additional guidance is provided in the NOFA.

B. Section 516 Farm LH Grants

1. Grants are funded in accordance with 7 CFR 1940.579(b). Unobligated prior year balances and cancellations will be added to the amount shown.

FY 2005 Appropriation ...	\$15,872,000
Available for LH Grants for Off-Farm	12,000,000
National Office Reserve ...	3,872,000

2. Labor Housing grant funds for Off-Farm will be made available under a NOFA being published in this **Federal Register.** Additional guidance is provided in the NOFA.

C. Labor Housing Rental Assistance (RA) will be held in the National Office for use with LH loan and grant applications. RA is only available with a LH loan of at least 5 percent of the total development cost. Projects without a LH loan cannot receive RA.

IV. Section 515 RRRH Loan Funds

FY 2005 Section 515 Rural Rental Housing allocation (Total)	\$99,200,000
New Construction funds and set-asides	25,792,000
New construction loans	5,904,000
Set-aside for nonprofits	8,928,000
Set-aside for underserved counties and colonias	4,960,000
Earmark for EZ, EAC, or REAP Zones	5,000,000

State RA designated reserve	1,000,000
Rehab and repair funds and equity ...	53,408,000
Rehab and repair loans	48,408,000
Designated equity loan reserve	5,000,000
General Reserve	20,000,000

A. *New construction loan funds.* New construction loan funds will be made available using a national NOFA being published in this **Federal Register**. Additional guidance is provided in the NOFA.

B. *National Office New Construction Set-asides.* The following legislatively mandated set-asides of funds are part of the National office set-aside:

1. *Nonprofit Set-aside.* An amount of \$8,928,000 has been set aside for nonprofit applicants. All Nonprofit loan proposals must be located in designated places as defined in 7 CFR part 3560.

2. *Underserved Counties and Colonias Set-Aside.* An amount of \$4,960,000 has been set aside for loan requests to develop units in the underserved 100 most needy counties or colonias as defined in section 509(f) of the Housing Act of 1949 as amended. Priority will be given to proposals to develop units in colonias or tribal lands.

3. *EZ, EC or REAP Zone Earmark.* An amount of \$5,000,000 has been earmarked for loan requests to develop units in EZ or EC communities or REAP Zones until June 30, 2005.

C. *Rental Assistance (RA).* Limited new construction RA will be held in the National office for use with Section 515 Rural Rental Housing loans.

D. *Designated Reserves for State RA.* An amount of \$1 million of Section 515 loan funds has been set aside for matching with projects in which an active State sponsored RA program is

available. The State RA program must be comparable to the RHS RA program.

E. *Repair and Rehabilitation Loans.* Tenant health and safety continues to be the top priority. Repair and rehabilitation funds must be first targeted to RRH facilities that have physical conditions that affect the health and safety of tenants and subsequently made available to facilities that have deferred maintenance. All funds will be held in the National Office and will be distributed based upon indicated rehabilitation needs in the MFH survey conducted in November 2004.

F. *Designated Reserve for Equity Loans.* An amount of \$5 million has been designated for the equity loan preservation incentive described in 7 CFR part 3560. The \$5 million will be further divided into \$4 million for equity loan requests currently on the pending funding list and \$1 million to facilitate the transfer of properties from for-profit owners to nonprofit corporations and public bodies. Funds for such transfers would be authorized only for for-profit owners who are currently on the pending funding list who agree to transfer to nonprofit corporations or public bodies rather than to remain on the pending list. If insufficient transfer requests are generated to utilize the full \$1 million set aside for nonprofit and public body transfers, the balance will revert to the existing pending equity loan funding list.

G. *General Reserve.* There is one general reserve fund of \$20,000,000. Some examples of immediate allowable uses include, but are not limited to, hardships and emergencies, RH cooperatives or group homes, or RRH preservation.

V. *Section 533 Housing Preservation Grants (HPG)*

Total Available	\$8,810,944
Less General Reserve	3,959,072
Less Earmark for EZ, EC or REAP Zones	892,800
Total Available for Distribution	3,959,072

Amount available for allocation. (See end of this Notice for HPG State allocations.) Fund availability will be announced in a NOFA being published in the **Federal Register**.

The amount of \$892,800 is earmarked for EZ, EC or REAP Zones until June 30, 2005.

Single Family Housing (SFH)

I. *General.* All SFH programs are administered through field offices. For more information or to make application, please contact the Rural Development office servicing your area. To locate these offices, contact the appropriate State Office from the attached State Office listing, visit our Web site at <http://offices.usda.gov> or check the blue pages in your local telephone directory under "Rural Development" for the office serving your area.

A. This notice provides SFH allocations for FY 2005. Allocation computations have been made in accordance with 7 CFR 1940.563 through 1940.568. Information on basic formula criteria, data source and weight, administrative allocation, pooling of funds, and availability of the allocation are located on a chart at the end of this notice.

B. The SFH levels authorized for FY 2005 are as follows:

Section 502 Guaranteed Rural Housing (RH) loans:	
Nonsubsidized Guarantees—Purchase	**\$3,106,964,939
Nonsubsidized Guarantees—Refinance	**262,535,130
Section 502 Direct RH loans:	
Very low-income subsidized loans	*570,400,000
Low-income subsidized loans	*570,400,000
Credit sales (Nonprogram)	10,000,000
Section 504 housing repair loans	*34,720,000
Section 504 housing repair grants	***30,944,836
Section 509 compensation for construction defects	**143,926
Section 523 mutual and self-help housing grants	***41,555,175
Section 523 Self-Help Site Loans	10,000,000
Section 524 RH site loans	5,045,000
Section 306C Water and waste disposal grants	**1,345,728
Section 525 Supervisory and technical:	
Assistance and Section 509 Housing Application	
Packaging Grants Total Available for single	
And multi-family	**1,061,966

Natural disaster funds (Section 502 loans)	**1,771,977
Natural disaster funds (Section 504 loans)	**20,481,558
Natural disaster funds (Section 504 grants)	**8,194,212

*Includes funds for EZ/EC and REAP communities until June 30, 2005.

**Carryover funds are included in the balance.

C. SFH Funding Not Allocated to States. The following funding is not allocated to States by formula. Funds are made available to each state on a case-by-case basis.

1. *Credit sale authority.* Credit sale funds in the amount of \$10,000,000 are available only for nonprogram sales of Real Estate Owned (REO) property.

2. *Section 509 Compensation for Construction Defects.* \$143,926 is available for compensation for construction defects.

3. *Section 523 Mutual and Self-Help Technical Assistance Grants.* \$41,555,175 is available for Section 523 Mutual and Self-Help Technical Assistance Grants. Of these funds, \$992,000 is earmarked for EZ, EC or REAP Zones until June 30, 2005. A technical review and analysis must be completed by the Technical and Management Assistance (T&MA) contractor on all predevelopment, new, and existing (refunding) grant applications.

4. *Section 523 Mutual and Self-Help Site Loans and Section 524 RH Site Loans.* \$10,000,000 and \$5,045,000 are available for Section 523 Mutual Self-Help and Section 524 RH Site loans, respectively.

5. *Section 306C WWD Grants to Individuals in Colonias.* The objective of the Section 306C WWD individual grant program is to facilitate the use of community water or waste disposal systems for the residents of the colonias along the U.S.-Mexico border.

The total amount available to Arizona, California, New Mexico, and Texas will be \$1,345,728 for FY 2005. This amount includes the carryover unobligated balance of \$345,728 and the transferred amount of \$1 million from the Rural Utilities Service (RUS) to RHS for processing individual grant applications.

6. *Section 525 Technical and Supervisory Assistance (TSA) and Section 509 Housing Application Packaging Grants (HAPG).* \$1,061,966 is available for the TSA and HAPG programs. Funds are available on a limited basis for TSA grants. In accordance with the provisions of 7 CFR 1944.525, funding will be targeted nationally and then on an individual basis to States/areas with the highest degree of substandard housing and persons in poverty eligible to receive Agency housing assistance. States should submit proposals from potential applicants to the National Office for review and concurrence prior to authorizing an application.

Requests should be submitted to the National Office for HAPG based on projected usage of these funds for the quarter or as needed. HAPG requests should be submitted by e-mail to Gloria Denson, Senior Loan Specialist, SFH Direct Loan Division, 202-720-1487. Reserve funds will be held at the National Office and requests from eligible States will be considered on a first-come, first-served basis. Additional guidance is provided in the NOFA.

7. *Natural Disaster Funds.* Funds are available until exhausted to those States with active Presidential Declarations.

8. *Deferred Mortgage Payment Demonstration.* There is no FY 2005 funding provided for deferred mortgage authority or loans for deferred mortgage assumptions.

II. State Allocations

A. Section 502 Nonsubsidized Guaranteed RH (GRH) Loans

1. Purchase—Amount Available for Allocation.

Total Available—Purchase	\$3,106,964,939
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Less National Office General Reserve	1,055,147,494
Less Special Outreach Area Reserve	452,206,069
Basic Formula—Administrative Allocation	1,599,611,376

a. *National Office General Reserve.* The Administrator may restrict access to this reserve for States not meeting their goals in special outreach areas.

b. *Special Outreach Areas.* FY 2005 GRH funding is allocated to States in two funding streams. Seventy percent of GRH funds may be used in any eligible area. Thirty percent of GRH funds are to be used in special outreach areas.

Special outreach areas for the GRH program are defined as those areas within a State that are *not* located within a metropolitan statistical area (MSA).

c. *National Office Special Area Outreach Reserve.* A special outreach area reserve fund has been established at the National Office. Funds from this reserve may only be used in special outreach areas.

2. Refinance—Amount available for allocation.

Total Available—Refinance	\$262,535,130
Less National Office general reserve	262,535,130
Basic formula—Administrative Allocation	0

a. *Refinance Funds.* Refinance loan funds will be distributed from the National Office on a case-by-case basis.

b. *National Office general reserve.* The Administrator may restrict access to this reserve for States not meeting their goals in special outreach areas.

B. Section 502 Direct RH Loans

1. Amount Available for Allocation.

Total Available	\$1,140,800,000
Less Required Set Aside for:	
Underserved Counties and Colonias	57,040,000
EZ, EC and REAP Earmark	36,976,339
Less General Reserve	168,003,000
Administrator's Reserve	30,000,000
Hardships & Homelessness	2,000,000
Rural Housing Demonstration Program	1,000,000
Homeownership Partnership	110,000,000
Program funds for the sale of REO properties	25,000,000

Less Designated Reserve for Self-Help	150,000,000
Basic Formula Administrative Allocation	728,780,661

2. Reserves.

a. *State Office Reserve.* State Directors must maintain an adequate reserve to fund the following applications:

(i) Hardship and homeless applicants including the direct Section 502 loan and Section 504 loan and grant programs.

(ii) Rural Home Loan Partnerships (RHLP) and Community Development Financial Institutions (CDFI) loans.

(iii) States will leverage with funding from other sources.

(iv) Areas targeted by the State according to its strategic plan.

b. *National Office Reserves.*

(i) *General Reserve.* The National Office has a general reserve of \$168 million. Of this amount, the Administrator's reserve is \$30,000,000. One of the purposes of the Administrator's reserve will be for loans in Indian Country. Indian Country is defined as land inside the boundaries of Indian reservations, communities made up mainly of Native Americans, Indian trust and restricted land, and tribal allotted lands.

(ii) *Hardship and Homelessness Reserve.* \$2 million has been set aside for hardships and homeless.

(iii) *Rural Housing Demonstration Program.* \$1 million has been set aside for innovative demonstration initiatives.

(iv) *Program Credit Sales.* \$25 million has been set aside for program sales of REO property.

c. *Homeownership Partnership.* \$110 million has been set aside for Homeownership Partnerships. These funds will be used to expand existing partnerships and create new partnerships, such as the following:

(i) Department of the Treasury, Community Development Financial Institutions (CDFI). Funds will be available to fund leveraged loans made in partnership with the Department of the Treasury CDFI participants.

(ii) Partnership initiatives established to carry out the objectives of the rural home loan partnership (RHLP).

d. *Designated Reserve for Self-Help.* \$150 million has been set aside to assist participating Self-Help applicants. The National Office will contribute 100 percent from the National Office reserve. States are not required to contribute from their allocated Section 502 RH funds.

e. *Underserved Counties and Colonias.* An amount of \$57,040,000 has been set aside for the 100 underserved counties and colonias.

f. *Empowerment Zone (EZ) and Enterprise Community (EC) or Rural Economic Area Partnership (REAP) earmark.* An amount of \$36,976,339 has been earmarked until June 30, 2005, for loans in EZ, EC or REAP Zones.

g. *State Office Pooling.* If pooling is conducted within a State, it must not take place within the first 30 calendar days of the first, second, or third quarter. (There are no restrictions on pooling in the fourth quarter.)

h. *Suballocation by the State Director.* The State Director may suballocate to each area office using the methodology and formulas required by 7 CFR part 1940, subpart L. If suballocated to the area level, the Rural Development Manager will make funds available on a first-come, first-served basis to all offices at the field or area level. No field office will have its access to funds restricted without the prior written approval of the Administrator.

C. *Section 504 Housing Loans and Grants.* Section 504 grant funds are included in the Rural Housing Assistance Grant program (RHAG) in the FY 2005 appropriation.

1. Amount available for allocation.

Section 504 Loans:	
Total Available	\$34,720,000

Less 5% for 100 Underserved Counties and Colonias	1,736,000
EZ, EC or REAP Zone Earmark	1,400,000
Less General Reserve ...	1,501,000
Basic Formula—Administrative Allocation	30,083,000
Section 504 Grants:	
Total Available	\$30,944,836
Less 5% for 100 Underserved Counties and Colonias	1,543,056
Less EZ, EC or REAP Earmark	892,800
Less General Reserve ...	1,682,916
Basic Formula—Administrative Allocation	26,826,064

2. Reserves and Set-Asides.

a. *State Office Reserve.* State Directors must maintain an adequate reserve to handle all anticipated hardship applicants based upon historical data and projected demand.

b. *Underserved Counties and Colonias.* Approximately \$1,736,000 and \$1,543,056 have been set aside for the 100 underserved counties and colonias until June 30, 2005, for the Section 504 loan and grant programs, respectively.

c. *Empowerment Zone (EZ) and Enterprise Community (EC) or Rural Economic Area Partnership (REAP) Earmark (Loan Funds Only).* \$1,400,000 and \$892,800 have been earmarked through June 30, 2005, for EZ, EC or REAPs for the Section 504 loan and grant programs, respectively.

d. *General Reserve.* \$1,501,000 for Section 504 loan hardships and \$1,682,916 for Section 504 grant extreme hardships have been set-aside in the general reserve. For Section 504 grants, an extreme hardship case is one requiring a significant priority in funding, ahead of other requests, due to severe health or safety hazards, or physical needs of the applicant.

INFORMATION ON BASIC FORMULA CRITERIA, DATA SOURCE AND WEIGHT, ADMINISTRATIVE ALLOCATION, POOLING OF FUNDS, AND AVAILABILITY OF THE ALLOCATION

No.	Description	Section 502 nonsubsidized guaranteed RH loans	Section 502 direct RH loans	Section 504 loans and grants
1	Basic formula criteria, data source, and weight.	See 7 CFR 1940.563(b)	See 7 CFR 1940.565(b)	See 7 CFR 1940.566(b) and 1940.567(b).
2	Administrative Allocation: Western Pacific Area	\$4,000,000	\$2,000,000	\$1,000,000 loan, \$1,000,000 grant.
3	Pooling of funds:			
	a. Mid-year pooling	If necessary	If necessary	If necessary.
	b. Year-end pooling	August 12, 2005	July 15, 2005	July 15, 2005.
	c. Underserved counties & colonias.	N/A	June 30, 2005	June 30, 2005.
	d. EZ, EC or REAP	N/A	June 30, 2005	June 30, 2005.

INFORMATION ON BASIC FORMULA CRITERIA, DATA SOURCE AND WEIGHT, ADMINISTRATIVE ALLOCATION, POOLING OF FUNDS, AND AVAILABILITY OF THE ALLOCATION—Continued

No.	Description	Section 502 nonsubsidized guaranteed RH loans	Section 502 direct RH loans	Section 504 loans and grants
4	e. Credit sales	N/A	June 30, 2005	N/A.
	Availability of the allocation:			
	a. first quarter	40 percent	50 percent	50 percent.
	b. second quarter	70 percent	75 percent	75 percent.
	c. third quarter	90 percent	100 percent	100 percent.
	d. fourth quarter	100 percent	100 percent	100 percent.

¹ Data derived from the 2000 U.S. Census is available on the Web at <http://census.sc.egov.usda.gov>.

² Due to the absence of Census data.

³ All dates are tentative and are for the close of business (COB). Pooled funds will be placed in the National office reserve and made available administratively. The Administrator reserves the right to redistribute funds based upon program performance.

⁴ Funds will be distributed cumulatively through each quarter listed until the National Office year-end pooling date.

Dated: March 4, 2005.

David J. Villano,

Acting Administrator, Rural Housing Service.

BILLING CODE 3410-XV-P

**USDA Rural Development State Office Locations
State Directors / Rural Housing Program Directors**

Rural Housing Service
Fiscal Year 2005
State Director Listing

ALABAMA	ALASKA	ARIZONA
Steve Pelham	Bill Allen	Eddie Browning
Sterling Centre	Suite 201	Phoenix Corporate Center
4121 Carmichael Road, Suite 601	800 W Evergreen	3003 N Central Avenue, Suite 900
Montgomery, AL 36106-3683	Palmer, AK 99645-6539	Phoenix, AZ 85012-2906
(334) 279-3400	(907) 761-7705	(602) 280-8755
ARKANSAS	CALIFORNIA	COLORADO
John M. Allen	D. Paul Venosdel	Ginette "GiGi" Dennis
Room 3416	Agency 4169	Room E100
700 W Capitol	430 G Street	655 Parfet Street
Little Rock, AR 72201-3225	Davis, CA 95616-4169	Lakewood, CO 80215
(501) 301-3200	(530) 792-5800	(720) 544-2903
DELAWARE & MARYLAND	FLORIDA & VIRGIN ISLANDS	GEORGIA
Marlene B. Elliott	Charles W. Clemons, Sr.	F. Stone Workman
PO Box 400	PO Box 147010	Stephens Federal Building
5201 S DuPont Highway	4440 NW 25th Place	355 E Hancock Avenue
Camden, DE 19934-9998	Gainesville, FL 32614-7010	Athens, GA 30601-2768
(302) 697-4300	(352) 338-3435	(706) 546-2162
HAWAII	IDAHO	ILLINOIS
Lorraine Shin	Michael A. Field	Douglas Wilson
Room 311, Federal Building	Suite A1	2118 W. Park Court
154 Waiianuenu Avenue	9173 W Barnes Dr	Suite A
Hilo, HI 96720	Boise, ID 83709	Champaign, IL 61821
(808) 933-8309	(208) 378-5600	(217) 403-6222
INDIANA	IOWA	KANSAS
Robert White	Daniel W. Brown, PhD	Charles (Chuck) R. Banks
5975 Lakeside Boulevard	873 Federal Bldg	1303 SW First American Place
Indianapolis, IN 46278	210 Walnut Street	Suite 100
(317) 290-3100	Des Moines, IA 50309	Topeka, KS 66604-4040
	(515) 284-4663	(785) 271-2700
KENTUCKY	LOUISIANA	MAINE
Kenneth Slone	Michael B. Taylor	Michael W. Aube
Suite 200	3727 Government Street	P.O. Box 405
771 Corporate Drive	Alexandria, LA 71302	967 Illinois Avenue, Suite 4
Lexington, KY 40503	(318) 473-7920	Bangor, ME 04402-0405
(859) 224-7322		(207) 990-9118
MASSACHUSETTS//CT/RI	MICHIGAN	MINNESOTA
David H. Tuttle	Dale Sherwin	Stephen G. Wenzel
451 West Street	3001 Coolidge Road, Suite 200	410 AgriBank Bldg.
Amherst, MA 01002	East Lansing, MI 48823	375 Jackson Street
(413) 253-4300	(517) 324-5100	St. Paul, MN 55101-1853
		(651) 602-7835
MISSISSIPPI	MISSOURI	MONTANA
Nick Walters	Gregory Branum	Robert S. Leigland (Acting)
Federal Bldg., Suite 831	Parkade Center, Suite 235	Suite B
100 W. Capitol Street	601 Business Loop 70 West	900 Technology Boulevard
Jackson, MS 39269	Columbia, MO 65203	Bozeman, MT 59715
(601) 965-4325	(573) 876-9301	(406) 585-2551

**USDA Rural Development State Office Locations
State Directors / Rural Housing Program Directors**

Rural Housing Service
Fiscal Year 2005
State Director Listing

NEBRASKA	NEVADA	NEW JERSEY
m. James Barr	Larry J. Smith	Andrew M.G. Law
Federal Bldg., Room 152	1390 South Curry Street	5th Floor N. Suite 500
100 Centennial Mall N	Carson City, NV 89703	8000 Midlantic Drive
Lincoln, NE 68508	(775) 887-1795	Mt. Laurel, NJ 08054
(402) 437-5551		(856) 787-7700
NEW MEXICO	NEW YORK	NORTH CAROLINA
Jeff Condrey	Patrick H. Brennan	John Cooper
Room 255	The Galleries of Syracuse	Suite 260
6200 Jefferson Street, NE	441 S. Salina Street, Suite 357	4405 Bland Road
Albuquerque, NM 87109	Syracuse, NY 13202-2541	Raleigh, NC 27609
(505) 761-4973	(614) 255-2500	919-873-2000
NORTH DAKOTA	OHIO	OKLAHOMA
Clare Carlson	Randall Hunt	Brent J. Kising
Federal Bldg., Room 208	Federal Bldg., Room 507	Suite 108
220 East Rooser, P.O. Box 1737	200 N. High Street	100 USDA
Bismarck, ND 58502-1737	Columbus, OH 43215-2477	Stillwater, OK 74074-2654
(701) 530-2061	(614) 255-2500	(405) 742-1000
OREGON	PENNSYLVANIA	PUERTO RICO
Lynn Schoessler	Byron E. Ross	Jose A. Otero
Suite 1410	Suite 330	654 Plaza
101 SW Main	One Credit Union Place	Suite 601
Portland, OR 97204-3222	Harrisburg, PA 17110-2996	San Juan, PR 00936-6106
(503) 414-3300	(717) 237-2209	
SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE
Charles Sparks	Lynn Jensen	Mary (Ruth) Tackett
Strom Thurmond Federal Bldg	Federal Bldg, Room 210	Suite 300
1835 Assembly Street, Room 1007	200 Fourth Street, SW	3322 W End Avenue
Columbia, SC 29201	Huron, SD 57350	Nashville, TN 37203-1084
(803) 765-5163	(605) 352-1100	(615) 783-1300
TEXAS	UTAH	VERMONT & NEW HAMPSHIRE
R. Bryan Daniel	John R. Cox	Jolinda H. LaClair
Federal Bldg, Suite 102	Wallace F Bennett Federal Bldg	City Center, 3rd Floor
101 S Main	125 S State Street, Room 4311	89 Main Street
Temple, TX 76501	Salt Lake City, UT 84147	Montpelier, VT 05602
(254) 742-9700	(801) 524-4320	(802) 828-6000
VIRGINIA	WASHINGTON	WEST VIRGINIA
Philip Stetson (Acting)	Sandy Boughton (Acting)	Jenny N. Phillips
Culpeper Bldg, Suite 238	Suite B	Federal Bldg, Room 320
1606 Santa Rosa Road	1835 Black Lake Blvd, SW	75 High Street
Richmond, VA 23229	Olympia, WA 98512-5715	Morgantown, WV 26505-7500
(804) 287-1598	(360) 704-7740	(304) 284-4860
WISCONSIN	WYOMING	
Frank Frassetto	William Butler (Acting)	
4949 Kirschling Court	Federal Building, Room 1005	
Stevens Point, WI 54481	100 East B, PO Box 820	
(715) 345-7600	Casper, WY 82602	
	(307) 233-6700	

RURAL HOUSING SERVICE FY 2005
SECTION 533
HOUSING PRESERVATION GRANT
ALLOCATION IN ACTUAL DOLLARS

STATE	FORMULA FACTOR	TOTAL ALLOCATION
ALABAMA	0.02957	\$117,070
ALASKA	0.00587	\$23,240
ARIZONA	0.01780	\$70,471
ARKANSAS	0.02310	\$91,455
CALIFORNIA	0.04653	\$184,216
COLORADO	0.00840	\$33,256
DELAWARE	0.00190	\$7,522
MARYLAND	0.00880	\$34,840
FLORIDA	0.02890	\$114,417
VIRGIN ISLANDS	0.00273	\$10,808
GEORGIA	0.03867	\$153,097
HAWAII	0.00790	\$31,277
WPA	0.00647	\$25,615
IDAHO	0.00743	\$29,416
ILLINOIS	0.02250	\$89,079
INDIANA	0.02157	\$85,397
IOWA	0.01340	\$53,052
KANSAS	0.01130	\$44,738
KENTUCKY	0.03483	\$137,894
LOUISIANA	0.03170	\$125,503
MAINE	0.00913	\$36,146
MASSACHUSETTS	0.00793	\$31,395
CONNECTICUT	0.00453	\$17,935
RHODE ISLAND	0.00100	\$3,959
MICHIGAN	0.02977	\$117,862
MINNESOTA	0.01673	\$66,235
MISSISSIPPI	0.03180	\$125,898
MISSOURI	0.02460	\$97,393
MONTANA	0.00620	\$24,546
NEBRASKA	0.00713	\$28,228
NEVADA	0.00263	\$10,412
NEW JERSEY	0.00657	\$26,011
NEW MEXICO	0.01437	\$56,892
NEW YORK	0.02753	\$108,993
NORTH CAROLINA	0.04497	\$178,039
NORTH DAKOTA	0.00413	\$16,351
OHIO	0.03450	\$136,588
OKLAHOMA	0.01917	\$75,895
OREGON	0.01423	\$56,338
PENNSYLVANIA	0.03687	\$145,971
PUERTO RICO	0.04923	\$194,905
SOUTH CAROLINA	0.02690	\$106,499
SOUTH DAKOTA	0.00597	\$23,636
TENNESSEE	0.02973	\$117,703
TEXAS	0.07645	\$302,671
UTAH	0.00430	\$17,024
VERMONT	0.00403	\$15,955
NEW HAMPSHIRE	0.00503	\$19,914
VIRGINIA	0.02660	\$105,311
WASHINGTON	0.01743	\$69,007
WEST VIRGINIA	0.01937	\$76,687
WISCONSIN	0.01873	\$74,153
WYOMING	0.00307	\$12,154
DISTR.	1.00000	\$3,959,072
N/O RES.		\$3,959,072
EZ/EC/REAP		\$892,800
TTL AVAIL.		\$8,810,944

RURAL HOUSING SERVICE
ALLOCATION IN THOUSANDS
SECTION 502 DIRECT RURAL HOUSING LOANS

STATE	STATE BASIC FORMULA FACTOR	TOTAL FY 2005 ALLOCATION
1 ALABAMA	0.02893348	\$18,861
2 ARIZONA	0.01551438	\$11,969
3 ARKANSAS	0.02202430	\$15,313
4 CALIFORNIA	0.04281159	\$25,990
5 COLORADO	0.01225178	\$10,104
6 CONNECTICUT	0.00445853	\$6,506
7 DELAWARE	0.00293815	\$5,509
9 FLORIDA	0.02769317	\$18,224
10 GEORGIA	0.03803061	\$23,534
12 IDAHO	0.00847438	\$8,353
13 ILLINOIS	0.02627571	\$17,496
15 INDIANA	0.02616726	\$17,441
16 IOWA	0.01764334	\$13,062
18 KANSAS	0.01336777	\$10,866
20 KENTUCKY	0.02807301	\$18,419
22 LOUISIANA	0.02361424	\$16,129
23 MAINE	0.01109070	\$9,697
24 MARYLAND	0.01010209	\$9,189
25 MASSACHUSETTS	0.00622585	\$8,126
26 MICHIGAN	0.03579346	\$22,385
27 MINNESOTA	0.02361828	\$16,131
28 MISSISSIPPI	0.02636473	\$17,542
29 MISSOURI	0.02809053	\$18,428
31 MONTANA	0.00738806	\$7,795
32 NEBRASKA	0.00953784	\$8,899
33 NEVADA	0.00339314	\$5,743
34 NEW HAMPSHIRE	0.00666198	\$7,422
35 NEW JERSEY	0.00551402	\$7,674
36 NEW MEXICO	0.01296637	\$10,660
37 NEW YORK	0.03378933	\$21,355
38 NORTH CAROLINA	0.05148079	\$30,443
40 NORTH DAKOTA	0.00469453	\$6,411
41 OHIO	0.03725173	\$23,134
42 OKLAHOMA	0.02019475	\$14,373
43 OREGON	0.01654303	\$12,497
44 PENNSYLVANIA	0.04269918	\$25,932
45 RHODE ISLAND	0.00090026	\$4,584
46 SOUTH CAROLINA	0.02669849	\$17,713
47 SOUTH DAKOTA	0.00705037	\$7,621
48 TENNESSEE	0.03062418	\$19,730
49 TEXAS	0.07365688	\$41,833
52 UTAH	0.00500465	\$6,571
53 VERMONT	0.00579860	\$6,978
54 VIRGINIA	0.02711459	\$17,927
56 WASHINGTON	0.01939199	\$13,960
57 WEST VIRGINIA	0.01591004	\$12,172
58 WISCONSIN	0.02634031	\$17,529
59 WYOMING	0.00393497	\$6,021
60 ALASKA	0.00623983	\$7,205
61 HAWAII	0.00623301	\$7,202
62 W PAC ISLANDS	0.00239453	\$2,000
63 PUERTO RICO	0.00884495	\$13,006
64 VIRGIN ISLANDS	0.00217552	\$5,117
STATE TOTALS		\$728,781
100 UNDERSERVED COUNTIES/COLONIAS		\$57,040
EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY EARMARK		\$36,976
GENERAL RESERVE		\$168,003
SELF HELP		\$150,000
TOTAL		\$1,140,800

RURAL HOUSING SERVICE
 FISCAL YEAR 2005
 ALLOCATION IN THOUSANDS
 SECTION 502 DIRECT RURAL HOUSING LOANS

STATE	VERY LOW INCOME ALLOCATION 50 PERCENT	LOW INCOME ALLOCATION 50 PERCENT
1 ALABAMA	\$9,431	\$9,431
2 ARIZONA	\$5,985	\$5,985
3 ARKANSAS	\$7,657	\$7,657
4 CALIFORNIA	\$12,995	\$12,995
5 COLORADO	\$5,052	\$5,052
6 CONNECTICUT	\$3,253	\$3,253
7 DELAWARE	\$2,755	\$2,755
9 FLORIDA	\$9,112	\$9,112
10 GEORGIA	\$11,767	\$11,767
12 IDAHO	\$4,177	\$4,177
13 ILLINOIS	\$8,748	\$8,748
15 INDIANA	\$8,721	\$8,721
16 IOWA	\$6,531	\$6,531
18 KANSAS	\$5,433	\$5,433
20 KENTUCKY	\$9,210	\$9,210
22 LOUISIANA	\$8,065	\$8,065
23 MAINE	\$4,849	\$4,849
24 MARYLAND	\$4,595	\$4,595
25 MASSACHUSETTS	\$4,063	\$4,063
26 MICHIGAN	\$11,193	\$11,193
27 MINNESOTA	\$8,066	\$8,066
28 MISSISSIPPI	\$8,771	\$8,771
29 MISSOURI	\$9,214	\$9,214
31 MONTANA	\$3,898	\$3,898
32 NEBRASKA	\$4,450	\$4,450
33 NEVADA	\$2,872	\$2,872
34 NEW HAMPSHIRE	\$3,711	\$3,711
35 NEW JERSEY	\$3,837	\$3,837
36 NEW MEXICO	\$5,330	\$5,330
37 NEW YORK	\$10,678	\$10,678
38 NORTH CAROLINA	\$15,222	\$15,222
40 NORTH DAKOTA	\$3,206	\$3,206
41 OHIO	\$11,567	\$11,567
42 OKLAHOMA	\$7,187	\$7,187
43 OREGON	\$6,249	\$6,249
44 PENNSYLVANIA	\$12,966	\$12,966
45 RHODE ISLAND	\$2,292	\$2,292
46 SOUTH CAROLINA	\$8,857	\$8,857
47 SOUTH DAKOTA	\$3,811	\$3,811
48 TENNESSEE	\$9,865	\$9,865
49 TEXAS	\$20,917	\$20,917
52 UTAH	\$3,286	\$3,286
53 VERMONT	\$3,489	\$3,489
54 VIRGINIA	\$8,964	\$8,964
56 WASHINGTON	\$6,980	\$6,980
57 WEST VIRGINIA	\$6,086	\$6,086
58 WISCONSIN	\$8,765	\$8,765
59 WYOMING	\$3,011	\$3,011
60 ALASKA	\$3,603	\$3,603
61 HAWAII	\$3,601	\$3,601
62 W PAC ISLANDS	\$1,000	\$1,000
63 PUERTO RICO	\$6,503	\$6,503
64 VIRGIN ISLANDS	\$2,559	\$2,559
STATE TOTALS	\$364,405	\$364,405
100 UNDERSERVED COUNTIES/COLONIAS	\$28,520	\$28,520
EZ/EC/REAP RESERVE	\$18,488	\$18,488
GENERAL RESERVE	\$83,987	\$83,987
SELF HELP	\$75,000	\$75,000
TOTAL	\$570,400	\$570,400

RURAL HOUSING SERVICE
FISCAL YEAR 2005
ALLOCATION IN ACTUAL DOLLARS
SECTION 502 GUARANTEED PURCHASE LOANS (NONSUBSIDIZED)

<u>STATE</u>	<u>STATE BASIC FORMULA FACTOR</u>	<u>TOTAL FY 2005 ALLOCATION</u>
Alabama	0.02664608	\$42,521,200
Alaska	0.00726118	\$11,557,200
Arizona	0.01648835	\$26,254,400
Arkansas	0.02288418	\$36,513,632
California	0.05050036	\$80,495,936
Colorado	0.01361321	\$21,720,400
Connecticut	0.00409614	\$6,543,776
Delaware	0.00276743	\$4,417,696
Florida	0.02658740	\$42,405,776
Georgia	0.03803934	\$60,692,496
Hawaii	0.00799772	\$12,739,440
Idaho	0.00891464	\$14,215,856
Illinois	0.02596263	\$41,460,240
Indiana	0.02366971	\$37,791,232
Iowa	0.01677978	\$26,796,224
Kansas	0.01336611	\$21,335,200
Kentucky	0.02674219	\$42,684,288
Louisiana	0.02314282	\$36,908,560
Maine	0.01156692	\$18,469,056
Maryland	0.00946652	\$15,117,408
Massachusetts	0.00621808	\$9,933,536
Michigan	0.03325609	\$53,090,784
Minnesota	0.02271168	\$36,249,152
Mississippi	0.02659376	\$42,413,568
Missouri	0.02837103	\$45,286,624
Montana	0.00780684	\$12,456,784
Nebraska	0.00965758	\$15,416,944
Nevada	0.00374296	\$5,968,960
New Hampshire	0.00698021	\$11,148,688
New Jersey	0.00490281	\$7,830,512
New Mexico	0.01355782	\$21,595,024
New York	0.03647356	\$58,249,680
North Carolina	0.05089592	\$81,226,896
North Dakota	0.00441062	\$7,040,512
Ohio	0.03525814	\$56,303,648
Oklahoma	0.02014158	\$32,137,600
Oregon	0.01914946	\$30,554,096
Pennsylvania	0.04096781	\$65,426,128
Puerto Rico	0.00925322	\$14,719,024
Rhode Island	0.00075765	\$1,210,032
South Carolina	0.02533573	\$40,423,904
South Dakota	0.00752993	\$12,016,240
Tennessee	0.02908900	\$46,434,368
Texas	0.07303918	\$116,419,744
Utah	0.00512266	\$8,168,240
Vermont	0.00664813	\$10,618,128
Virgin Islands	0.00308037	\$4,907,888
Virginia	0.02560364	\$40,870,224
Washington	0.02212238	\$35,285,984
West Pac	N/A	\$4,000,000
West Virginia	0.01505701	\$24,038,912
Wisconsin	0.02581048	\$41,206,768
Wyoming	0.00396194	\$6,322,768
STATE TOTALS		\$1,599,611,376
GENERAL RESERVE		\$1,055,147,494
SPECIAL OUTREACH AREAS RESERVE		\$452,206,069
TOTAL		\$3,106,964,939

RURAL HOUSING SERVICE
 FISCAL YEAR 2005
 ALLOCATION IN ACTUAL DOLLARS
 SECTION 502 GUARANTEED REFINANCE LOANS (NONSUBSIDIZED)

<u>STATE</u>	<u>STATE BASIC FORMULA FACTOR</u>	<u>TOTAL FY 2005 ALLOCATION</u>
Alabama	N/A	\$0
Alaska	N/A	\$0
Arizona	N/A	\$0
Arkansas	N/A	\$0
California	N/A	\$0
Colorado	N/A	\$0
Connecticut	N/A	\$0
Delaware	N/A	\$0
Florida	N/A	\$0
Georgia	N/A	\$0
Hawaii	N/A	\$0
Idaho	N/A	\$0
Illinois	N/A	\$0
Indiana	N/A	\$0
Iowa	N/A	\$0
Kansas	N/A	\$0
Kentucky	N/A	\$0
Louisiana	N/A	\$0
Maine	N/A	\$0
Maryland	N/A	\$0
Massachusetts	N/A	\$0
Michigan	N/A	\$0
Minnesota	N/A	\$0
Mississippi	N/A	\$0
Missouri	N/A	\$0
Montana	N/A	\$0
Nebraska	N/A	\$0
Nevada	N/A	\$0
New Hampshire	N/A	\$0
New Jersey	N/A	\$0
New Mexico	N/A	\$0
New York	N/A	\$0
North Carolina	N/A	\$0
North Dakota	N/A	\$0
Ohio	N/A	\$0
Oklahoma	N/A	\$0
Oregon	N/A	\$0
Pennsylvania	N/A	\$0
Puerto Rico	N/A	\$0
Rhode Island	N/A	\$0
South Carolina	N/A	\$0
South Dakota	N/A	\$0
Tennessee	N/A	\$0
Texas	N/A	\$0
Utah	N/A	\$0
Vermont	N/A	\$0
Virgin Islands	N/A	\$0
Virginia	N/A	\$0
Washington	N/A	\$0
West Pac	N/A	\$0
West Virginia	N/A	\$0
Wisconsin	N/A	\$0
Wyoming	N/A	\$0
STATE TOTALS		\$0
NATIONAL OFFICE RESERVE		\$262,535,130
TOTAL		\$262,535,130

RURAL HOUSING SERVICE
ALLOCATION IN THOUSANDS
SECTION 504 DIRECT RURAL HOUSING LOANS

STATE	STATE BASIC FORMULA FACTOR	TOTAL FY 2005 ALLOCATION
1 ALABAMA	0.02914691	\$838
2 ARIZONA	0.02165916	\$623
3 ARKANSAS	0.02301181	\$661
4 CALIFORNIA	0.05356026	\$1,539
5 COLORADO	0.01244796	\$315
6 CONNECTICUT	0.00301503	\$100
7 DELAWARE	0.00260858	\$100
9 FLORIDA	0.02862195	\$823
10 GEORGIA	0.03870552	\$1,112
12 IDAHO	0.00926157	\$266
13 ILLINOIS	0.02289193	\$658
15 INDIANA	0.02163577	\$622
16 IOWA	0.01497537	\$430
18 KANSAS	0.01252499	\$360
20 KENTUCKY	0.02699175	\$776
22 LOUISIANA	0.02658801	\$764
23 MAINE	0.01004646	\$289
24 MARYLAND	0.00809012	\$233
25 MASSACHUSETTS	0.00467784	\$168
26 MICHIGAN	0.03036170	\$873
27 MINNESOTA	0.02241926	\$644
28 MISSISSIPPI	0.02944306	\$846
29 MISSOURI	0.02649320	\$761
31 MONTANA	0.00748030	\$215
32 NEBRASKA	0.00889870	\$256
33 NEVADA	0.00389431	\$112
34 NEW HAMPSHIRE	0.00533998	\$153
35 NEW JERSY	0.00402807	\$147
36 NEW MEXICO	0.01723147	\$495
37 NEW YORK	0.02829025	\$813
38 NORTH CAROLINA	0.04993409	\$1,435
40 NORTH DAKOTA	0.00445144	\$128
41 OHIO	0.03025666	\$870
42 OKLAHOMA	0.02084848	\$599
43 OREGON	0.01749746	\$503
44 PENNSYLVANIA	0.03508076	\$1,008
45 RHODE ISLAND	0.00061002	\$100
46 SOUTH CAROLINA	0.02721728	\$782
47 SOUTH DAKOTA	0.00727218	\$209
48 TENNESSEE	0.02874616	\$826
49 TEXAS	0.08626859	\$2,479
52 UTAH	0.00539086	\$149
53 VERMONT	0.00496554	\$143
54 VIRGINIA	0.02455868	\$706
56 WASHINGTON	0.02114040	\$608
57 WEST VIRGINIA	0.01464971	\$421
58 WISCONSIN	0.02300364	\$661
59 WYOMING	0.00397110	\$114
60 ALASKA	0.00945161	\$272
61 HAWAII	0.00914234	\$263
62 W PAC ISLANDS	0.00407807	\$1,000
63 PUERTO RICO	0.01361295	\$715
64 VIRGIN ISLANDS	0.00348170	\$100
STATE TOTALS		\$30,083
100 UNDERSERVED COUNTIES/COLONIAS		\$1,736
EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY EARMARK		\$1,400
GENERAL RESERVE		\$1,501
TOTAL		\$34,720

RURAL HOUSING SERVICE
 ALLOCATION IN THOUSANDS
 SECTION 504 DIRECT RURAL HOUSING GRANTS

	STATE	STATE BASIC FORMULA FACTOR	TOTAL FY 2005 ALLOCATION
1	ALABAMA	0.02895129	\$738
2	ARIZONA	0.01822198	\$464
3	ARKANSAS	0.02307817	\$588
4	CALIFORNIA	0.04712512	\$1,201
5	COLORADO	0.01159403	\$250
6	CONNECTICUT	0.00371268	\$99
7	DELAWARE	0.00293163	\$100
9	FLORIDA	0.03041312	\$775
10	GEORGIA	0.03661908	\$933
12	IDAHO	0.00852842	\$217
13	ILLINOIS	0.02641754	\$673
15	INDIANA	0.02405959	\$613
16	IOWA	0.01786210	\$455
18	KANSAS	0.01364909	\$348
20	KENTUCKY	0.02688977	\$685
22	LOUISIANA	0.02413924	\$615
23	MAINE	0.01074827	\$274
24	MARYLAND	0.00927164	\$236
25	MASSACHUSETTS	0.00548024	\$181
26	MICHIGAN	0.03302491	\$842
27	MINNESOTA	0.02348925	\$599
28	MISSISSIPPI	0.02699213	\$688
29	MISSOURI	0.02801252	\$714
31	MONTANA	0.00736568	\$184
32	NEBRASKA	0.00983363	\$251
33	NEVADA	0.00359134	\$100
34	NEW HAMPSHIRE	0.00589663	\$150
35	NEW JERSY	0.00461712	\$155
36	NEW MEXICO	0.01420178	\$362
37	NEW YORK	0.03156987	\$805
38	NORTH CAROLINA	0.05019393	\$1,279
40	NORTH DAKOTA	0.00470192	\$120
41	OHIO	0.03422496	\$872
42	OKLAHOMA	0.02108316	\$537
43	OREGON	0.01770850	\$451
44	PENNSYLVANIA	0.04090487	\$1,043
45	RHODE ISLAND	0.00074832	\$100
46	SOUTH CAROLINA	0.02591134	\$660
47	SOUTH DAKOTA	0.00723669	\$184
48	TENNESSEE	0.02972644	\$758
49	TEXAS	0.07876808	\$2,008
52	UTAH	0.00493463	\$123
53	VERMONT	0.00527848	\$135
54	VIRGINIA	0.02623675	\$669
56	WASHINGTON	0.01980392	\$505
57	WEST VIRGINIA	0.01559911	\$398
58	WISCONSIN	0.02514997	\$641
59	WYOMING	0.00385395	\$98
60	ALASKA	0.00683910	\$174
61	HAWAII	0.00731435	\$186
62	W PAC ISLANDS	0.00280568	\$1,000
63	PUERTO RICO	0.01023070	\$490
64	VIRGIN ISLANDS	0.00243791	\$100
STATE TOTALS			\$26,826
100 UNDERSERVED COUNTIES/COLONIAS			\$1,543
EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY EARMARK			\$893
GENERAL RESERVE			\$1,682
TOTAL			\$30,944

[FR Doc. 05-4771 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-XV-C

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funding Availability (NOFA) for the Section 515 Rural Rental Housing Program for Fiscal Year 2005

AGENCY: Rural Housing Service (RHS), USDA.

ACTION: Notice.

SUMMARY: This NOFA announces the timeframe to submit applications for section 515 Rural Rental Housing (RRH) loan funds, including applications for the nonprofit set-aside for eligible nonprofit entities, the set-aside for the most Underserved Counties and Colonias (Cranston-Gonzalez National Affordable Housing Act), and the set-aside for Empowerment Zones and Enterprise Communities (EZ/ECs) and Rural Economic Area Partnership (REAP) zones. This document describes the methodology that will be used to distribute funds, the application process, submission requirements, and areas of special emphasis or consideration.

DATES: The deadline for receipt of all applications in response to this NOFA is 5 p.m., local time for each Rural Development State Office on May 13, 2005. The application closing deadline is firm as to date and hour. The Agency will not consider any application that is received after the closing deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

ADDRESSES: Applicants wishing to apply for assistance must contact the Rural Development State office serving the place in which they desire to submit an application for rural rental housing to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely receipt, and, upon request, will provide the applicant with a written acknowledgment of receipt. A listing of Rural Development State offices, their addresses, telephone numbers, and person to contact follows:

Note: Telephone numbers listed are not toll-free.

Alabama State Office
Suite 601, Sterling Centre
4121 Carmichael Road
Montgomery, AL 36106-3683
(334) 279-3455
TDD (334) 279-3495
James B. Harris

Alaska State Office
800 West Evergreen, Suite 201
Palmer, AK 99645
(907) 761-7740
TDD (907) 761-8905
Debbie Andrys

Arizona State Office
Phoenix Courthouse and Federal Building
230 North First Ave., Suite 206
Phoenix, AZ 85003-1706
(602) 280-8765
TDD (602) 280-8706
Johnna Vargas

Arkansas State Office
700 W. Capitol Ave., Room 3416
Little Rock, AR 72201-3225
(501) 301-3250
TDD (501) 301-3063
Greg Kemper

California State Office
430 G Street, #4169
Davis, CA 95616-4169
(530) 792-5830
TDD (530) 792-5848
Jeff Deiss

Colorado State Office
655 Parfet Street, Room E100
Lakewood, CO 80215
(720) 544-2923
TDD (800) 659-2656
Mary Summerfield

Connecticut
Served by Massachusetts State Office
Delaware and Maryland State Office
4607 South Dupont Highway
PO Box 400
Camden, DE 19934-9998
(302) 697-4353
TDD (302) 697-4303
Pat Baker

Florida & Virgin Islands State Office
4440 N.W. 25th Place
Gainesville, FL 32606-6563
(352) 338-3465
TDD (352) 338-3499
Elizabeth M. Whitaker

Georgia State Office
Stephens Federal Building
355 E. Hancock Avenue
Athens, GA 30601-2768
(706) 546-2164
TDD (706) 546-2034
Wayne Rogers

Hawaii State Office
(Services all Hawaii, American Samoa
Guam, and Western Pacific)
Room 311, Federal Building
154 Waiuanue Avenue
Hilo, HI 96720
(808) 933-8305
TDD (808) 933-8321
Jack Mahan

Idaho State Office
Suite A1
9173 West Barnes Dr.
Boise, ID 83709
(208) 378-5630

TDD (208) 378-5644
LaDonn McElligott
Illinois State Office
2118 West Park Court, Suite A
Champaign, IL 61821-2986
(217) 403-6222
TDD (217) 403-6240
Barry L. Ramsey

Indiana State Office
5975 Lakeside Boulevard
Indianapolis, IN 46278
(317) 290-3100 (ext. 423)
TDD (317) 290-3343
John Young

Iowa State Office
210 Walnut Street Room 873
Des Moines, IA 50309
(515) 284-4666
TDD (515) 284-4858
Sue Wilhite

Kansas State Office
1303 SW First American Place, Suite 100
Topeka, KS 66604-4040
(785) 271-2721
TDD (785) 271-2767
Virginia M. Hammersmith

Kentucky State Office
771 Corporate Drive, Suite 200
Lexington, KY 40503
(859) 224-7325
TDD (859) 224-7422
Paul Higgins

Louisiana State Office
3727 Government Street
Alexandria, LA 71302
(318) 473-7962
TDD (318) 473-7655
Yvonne R. Emerson

Maine State Office
967 Illinois Ave., Suite 4
PO Box 405
Bangor, ME 04402-0405
(207) 990-9110
TDD (207) 942-7331
Bob Nadeau

Maryland
Served by Delaware State Office
Massachusetts, Connecticut, & Rhode Island
State Office

451 West Street
Amherst, MA 01002
(413) 253-4333
TDD (413) 253-4590
Donald Colburn

Michigan State Office
3001 Coolidge Road, Suite 200
East Lansing, MI 48823
(517) 324-5192
TDD (517) 337-6795
Ghulam R. Simbal

Minnesota State Office
375 Jackson Street Building, Suite 410
St. Paul, MN 55101-1853
(651) 602-7782
TDD (651) 602-7830
Peter Lundquist

Mississippi State Office
Federal Building, Suite 831
100 W. Capitol Street
Jackson, MS 39269
(601) 965-4325
TDD (601) 965-5850
Darnella Smith-Murray
Missouri State Office

601 Business Loop 70 West
Parkade Center, Suite 235
Columbia, MO 65203
(573) 876-0990
TDD (573) 876-9480
Colleen James

Montana State Office
900 Technology Blvd. Suite B
Bozeman, MT 59715
(406) 585-2565
TDD (406) 585-2562
Deborah Chorlton

Nebraska State Office
Federal Building, Room 152
100 Centennial Mall N
Lincoln, NE 68508
(402) 437-5594
TDD (402) 437-5093
Phil Willnerd

Nevada State Office
1390 South Curry Street
Carson City, NV 89703-9910
(775) 887-1222 (ext. 25)
TDD (775) 885-0633
Angilla Denton

New Hampshire State Office
Concord Center
Suite 218, Box 317
10 Ferry Street
Concord, NH 03301-5004
(603) 223-6046
TDD (603) 229-0536
Jim Fowler

New Jersey State Office
5th Floor North Suite 500
8000 Midlantic Dr.
Mt. Laurel, NJ 08054
(856) 787-7740
TDD (856) 787-7784
George Hyatt, Jr.

New Mexico State Office
6200 Jefferson St., NE, Room 255
Albuquerque, NM 87109
(505) 761-4944
TDD (505) 761-4938
Carmen N. Lopez

New York State Office
The Galleries of Syracuse
441 S. Salina Street, Suite 357 5th Floor
Syracuse, NY 13202
(315) 477-6419
TDD (315) 477-6447
George N. Von Pless

North Carolina State Office
4405 Bland Road, Suite 260
Raleigh, NC 27609
(919) 873-2066
TDD (919) 873-2003
Terry Strole

North Dakota State Office
Federal Building, Room 208
220 East Rosser
PO Box 1737
Bismarck, ND 58502
(701) 530-2049
TDD (701) 530-2113
Kathy Lake

Ohio State Office
Federal Building, Room 507
200 North High Street
Columbus, OH 43215-2477
(614) 255-2418
TDD (614) 255-2554
Melodie Taylor-Ward

Oklahoma State Office
100 USDA, Suite 108
Stillwater, OK 74074-2654
(405) 742-1070
TDD (405) 742-1007
Ivan S. Graves

Oregon State Office
101 SW Main, Suite 1410
Portland, OR 97204-3222
(503) 414-3352
TDD (503) 414-3387
Margo Donelin

Pennsylvania State Office
One Credit Union Place, Suite 330
Harrisburg, PA 17110-2996
(717) 237-2281
TDD (717) 237-2261
Martha Eberhart

Puerto Rico State Office
654 Munoz Rivera Avenue
IBM Plaza, Suite 601
Hato Rey, PR 00918
(787) 766-5095 (ext. 249)
TDD (787) 766-5332
Lourdes Colon

Rhode Island
Served by Massachusetts State Office

South Carolina State Office
Strom Thurmond Federal Building
1835 Assembly Street, Room 1007
Columbia, SC 29201
(803) 253-3432
TDD (803) 765-5697
Larry D. Floyd

South Dakota State Office
Federal Building, Room 210
200 Fourth Street, SW
Huron, SD 57350
(605) 352-1132
TDD (605) 352-1147
Roger Hazuka or Pam Reilly

Tennessee State Office
Suite 300
3322 West End Avenue
Nashville, TN 37203-1084
(615) 783-1375
TDD (615) 783-1397
Housing Program Director

Texas State Office
Federal Building, Suite 102
101 South Main
Temple, TX 76501
(254) 742-9758
TDD (254) 742-9712
Julie Hayes

Utah State Office
Wallace F. Bennett Federal Building
125 S. State Street, Room 4311
Salt Lake City, UT 84147-0350
(801) 524-4325
TDD (801) 524-3309
Janice Kocher

Vermont State Office
City Center, 3rd Floor
89 Main Street
Montpelier, VT 05602
(802) 828-6021
TDD (802) 223-6365
Heidi Setien

Virgin Islands
Served by Florida State Office

Virginia State Office
Culpeper Building, Suite 238
1606 Santa Rosa Road

Richmond, VA 23229
(804) 287-1596
TDD (804) 287-1753
CJ Michels

Washington State Office
1835 Black Lake Blvd., Suite B
Olympia, WA 98512
(360) 704-7730
TDD (360) 704-7760
Robert Lund

Western Pacific Territories
Served by Hawaii State Office

West Virginia State Office
Federal Building
75 High Street, Room 320
Morgantown, WV 26505-7500
(304) 284-4889
TDD (304) 284-4836
Craig St. Clair

Wisconsin State Office
4949 Kirschling Court
Stevens Point, WI 54481
(715) 345-7615 (ext. 151)
TDD (715) 345-7614
Peter Kohnen

Wyoming State Office
PO Box 11005
Casper, WY 82602
(307) 233-6715
TDD (307) 233-6733
Jack Hyde

FOR FURTHER INFORMATION CONTACT: For general information, applicants may contact Barbara Chism, Senior Loan Officer, Multi-Family Housing Processing Division, Rural Housing Service, United States Department of Agriculture, Stop 0781, 1400 Independence Avenue, SW., Washington, DC, 20250, telephone (202) 690-1436 (voice) (this is not a toll free number) or (800) 877-8339 (TDD-Federal Information Relay Service).

SUPPLEMENTARY INFORMATION:

Programs Affected

The Rural Rental Housing program is listed in the Catalog of Federal Domestic Assistance under Number 10.415, Rural Rental Housing Loans. Rental Assistance is listed in the Catalog under Number 10.427, Rural Rental Assistance Payments.

Discussion of Notice

I. Authority and Distribution Methodology

A. Authority

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) provides RHS with the authority to make loans to any individual, corporation, association, trust, Indian tribe, public or private nonprofit organization, consumer cooperative, or partnership to provide rental or cooperative housing and related facilities in rural areas for very-low, low, or moderate income persons or families, including elderly persons

and persons with disabilities. Rental assistance (RA) is a tenant subsidy for very-low and low-income families residing in rural rental housing facilities with RHS financing and, when available, may be requested with applications for such facilities.

B. Distribution Methodology

The total amount available for Fiscal Year (FY) 2005 for section 515 is \$99,200,000, of which \$25,792,000 is available for new construction as follows:

Section 515 new construction funds	\$5,904,000
Set-aside for nonprofits	8,928,000
Set-aside for Underserved Counties and Colonias	4,960,000
Set-aside for EZ, EC, and REAP Zones	5,000,000
State Rental Assistance (RA) Designated reserve	1,000,000

C. Section 515 New Construction Funds

For FY 2005, the Administrator has determined that it would not be practical to allocate funds to States because of funding limitations; therefore, section 515 new construction funds will be distributed to States based on a National competition, as follows:

1. States will accept, review, score, and rank requests in accordance with 7 CFR 3560.56. The scoring factors are:

(a) The presence and extent of leveraged assistance for the units that will serve RHS income-eligible tenants at basic rents comparable to those if RHS provided full financing, computed as a percentage of the RHS total development cost (TDC). Loan proposals that include secondary funds from other sources that have been requested but have not yet been committed will be processed as follows: the proposal will be scored based on the requested funds, provided (1) the applicant includes evidence of a filed application for the funds; and (2) the funding date of the requested funds will permit processing of the loan request in the current funding cycle, or, if the applicant does not receive the requested funds, will permit processing of the next highest ranked proposal in the current year. Points will be awarded in accordance with the following table. (0 to 20 points)

Percentage of leveraging	Points
75 or more	20
70-74	19
65-69	18
60-64	17
55-59	16
50-54	15
45-49	14
40-44	13
35-39	12

Percentage of leveraging	Points
30-34	11
25-29	10
20-24	9
15-19	8
10-14	7
5-9	6
0-4	0

(b) The units to be developed are in a colonia, tribal land, EZ, EC, or REAP zone, or in a place identified in the State Consolidated Plan or State Needs Assessment as a high need community for multifamily housing. (20 points)

(c) In states where RHS has an on-going formal working relationship, agreement, or Memorandum of Understanding (MOU) with the State to provide State resources (State funds, State RA, HOME funds, Community Development Block Grant (CDBG) funds, or Low-Income Housing Tax Credits (LIHTC)) for RHS proposals; or where the State provides preference or points to RHS proposals in awarding such State resources, 20 points will be provided to loan requests that include such State resources in an amount equal to at least 5 percent of the TDC. Native American Housing and Self Determination Act (NAHASDA) funds may be considered a State Resource if the Tribal Plan for NAHASDA funds contains provisions for partnering with RHS for multifamily housing. (National Office initiative)

(d) The loan request includes donated land meeting the provisions of 7 CFR 3560.56(c)(1)(iv). (5 points)

2. The National Office will rank all requests nationwide and distribute funds to States in rank order, within funding limits. If insufficient funds remain for the next ranked proposal, the Agency will select the next ranked proposal that falls within the remaining levels. Point score ties will be handled in accordance with 7 CFR 3560.56(c)(2).

D. Applications That Do Not Require New Construction RA

For FY 2005, new construction RA will be available in limited amounts. Therefore, the Agency is inviting applications to develop units in markets that do not require RA. The market study for proposals must clearly demonstrate a need and demand for the units by prospective tenants at income levels that can support the proposed rents without tenant subsidies. The proposed units must offer amenities that are typical for the market area at rents that are comparable to conventional rents in the market for similar units.

E. Set-Asides

Loan requests will be accepted for the following set-asides:

1. Nonprofit set-aside. An amount of \$8,928,000 has been set aside for nonprofit applicants. All loan proposals must be in designated places in accordance with 7 CFR 3560.57. A State or jurisdiction may receive one proposal from this set-aside, which cannot exceed \$1 million. A State could get additional funds from this set-aside if any funds remain after funding one proposal from each participating State. If there are insufficient funds to fund one loan request from each participating State, selection will be made by point score. If there are any funds remaining, they will be handled in accordance with 42 U.S.C. 1485(w)(3). Funds from this set-aside will be available only to nonprofit entities, which may include a partnership that has as its general partner a nonprofit entity or the nonprofit entity's for-profit subsidiary which will be receiving low-income housing tax credits authorized under section 42 of the Internal Revenue Code of 1986. To be eligible for this set-aside, the nonprofit entity must be an organization that:

(a) Will own an interest in the project to be financed and will materially participate in the development and the operations of the project;

(b) Is a private organization that has nonprofit, tax exempt status under section 501(c)(3) or section 501(c)(4) of the Internal Revenue Code of 1986;

(c) Has among its purposes the planning, development, or management of low-income housing or community development projects; and

(d) Is not affiliated with or controlled by a for-profit organization.

2. Underserved counties and colonias set-aside. An amount of \$4,960,000 has been set aside for loan requests to develop units in the 100 most needy underserved counties or colonias as defined in section 509(f) of the Housing Act of 1949.

3. EZ, EC, and REAP set-aside. An amount of \$5,000,000 has been set aside to develop units in EZ, EC, or REAP zone. Loan requests that are eligible for this set-aside are also eligible for regular section 515 funds. If requests for this set-aside exceed available funds, selection will be made in accordance with 7 CFR 3560.56(c).

II. Funding Limits

A. Individual loan requests may not exceed \$1 million. This applies to regular section 515 funds and set-aside funds. The Administrator may make an exception to this limit in cases where a

State's average total development costs exceed the National average by 50 percent or more.

B. No State may receive more than \$2.5 million, including set-aside funds.

III. Rental Assistance (RA)

In addition to the State Matching RA program as described in Section VI. E. of this Notice and subject to its availability, new construction RA will be held in the National Office for use with section 515 Rural Rental Housing loans. Because the amount of RA available for new construction is minimal, RA will be granted to projects which best meet the scoring and ranking criteria at 7 CFR 3560.56(c). In addition, preferential consideration for RA will be given to projects: (1) where a subsidy for rent is provided from within the state jurisdiction; and (2) where the least amount of RA is needed to make the project feasible, calculated as a percentage. New construction RA may not be used in conjunction with a transfer or subsequent loan for repairs or rehabilitation, preservation purposes or for inventory property sales.

IV. Application Process

All applications for section 515 new construction funds must be filed with the appropriate Rural Development State office and must meet the requirements of 7 CFR 3560.56 and Section V. of this Notice. Incomplete applications will not be reviewed and will be returned to the applicant. No application will be accepted after 5 p.m., local time, on the application deadline previously mentioned unless that date and time is extended by a Notice published in the **Federal Register**.

V. Application Submission Requirements

A. Each application shall include all of the information, materials, forms and exhibits required by 7 CFR 3560, subpart B as well as comply with the provisions of this Notice. Applicants are encouraged, but not required, to include a checklist and to have their applications indexed and tabbed to facilitate the review process. The Rural Development State Office will base its determination of completeness of the application and the eligibility of each applicant on the information provided in the application.

B. Applicants are advised to contact the Rural Development State Office serving the place in which they desire to submit an application for the following:

1. Application information; and

2. List of designated places for which applications for new section 515 facilities may be submitted.

VI. Areas of Special Emphasis or Consideration

A. The RHS encourages the use of funding from other sources in conjunction with Agency loans. This year there will be a National Office Initiative pursuant to 7 CFR 3560.56(c)(1)(iii), whereby preference points will be awarded to loan requests that meet the selection criteria as follows: In states where RHS has an on-going formal working relationship, agreement, or MOU with the State to provide State resources (State funds, State RA, HOME funds, CDBG funds, or LIHTC) for RHS proposals; or where the State provides preference or points to RHS proposals in awarding these State Resources, 20 points will be provided to loan requests that include such State resources in an amount equal to at least 5 percent of the TDC. NAHASDA funds may be considered a State Resource if the Tribal Plan for NAHASDA funds contains provisions for partnering with RHS for multifamily housing.

B. \$8,928,000 is available nationwide in a set-aside for eligible nonprofit organizations as defined in 42 U.S.C. 1485(w).

C. \$4,960,000 is available nationwide in a set-aside for the 100 most Underserved Counties and Colonias.

D. \$5,000,000 is available nationwide in a set-aside for EZ, EC, and REAP zone.

E. \$1,000,000 is available nationwide in a reserve for States with viable State RA programs. In order to participate, States are to submit specific written information about the State RA program, *i.e.*, a memorandum of understanding, documentation from the provider, etc., to the National Office.

Dated: March 3, 2005.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. 05-4773 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-XV-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability (NOFA) for Section 514 Farm Labor Housing Loans and Section 516 Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year 2005

Announcement Type: Initial Notice inviting applications from qualified applicants for Fiscal Year 2005.

Catalog of Federal Domestic Assistance Numbers (CFDA): 10.405 and 10.427.

SUMMARY: This NOFA announces the timeframe to submit applications for section 514 Farm Labor Housing (FLH) loans and section 516 FLH grants for the construction of new off-farm FLH units and related facilities for domestic farm laborers. The intended purpose of these loans and grants is to increase the number of available housing units for domestic farm laborers. Applications may also include requests for section 521 rental assistance (RA) and operating assistance for migrant units. This document describes the method used to distribute funds, the application process, and submission requirements.

DATES: The deadline for receipt of all applications in response to this NOFA is 5 p.m., local time for each Rural Development State Office on May 13, 2005. The application closing deadline is firm as to date and hour. The Agency will not consider any application that is received after the closing deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX), COD, and postage due applications will not be accepted.

FOR FURTHER INFORMATION CONTACT: Douglas H. MacDowell or Henry Searcy, Senior Loan Specialists, Multi-Family Housing Processing Division—STOP 0781 (Room 1263-S), U.S. Department of Agriculture—Rural Housing Service, 1400 Independence Ave. SW., Washington, DC 20250-0781 or by telephone at (202) 720-1627 or (202) 720-1753, respectively. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The reporting requirements contained in this Notice have been approved by the Office of Management and Budget under Control Number 0575-0045.

Overview

The FLH program is authorized by the Housing Act of 1949: section 514 (42 U.S.C. 1484) for loans and section 516 (42 U.S.C. 1486) for grants. Tenant subsidies (RA) are available through section 521 (42 U.S.C. 1490a). Sections 514 and 516 provide Rural Housing Service (RHS) the authority to make loans and grants for financing off-farm housing to broad-based nonprofit organizations, nonprofit organizations of farmworkers, federally recognized Indian tribes, agencies or political subdivisions of State or local

government. In addition, loans may be made to limited partnerships in which the general partner is a nonprofit entity.

Program Administration

I. Funding Opportunities Description

The Agency's FLH program is authorized by Title V of the Housing Act of 1949: section 514 (42 U.S.C. 1484) for loans and section 516 (42 U.S.C. 1486) for grants. Tenant subsidies (RA and operating assistance) are available through section 521 (42 U.S.C. 1490a). Agency regulations for the FLH program are published at 7 CFR part 3560, subpart L. Eligibility for section 516 off-farm FLH grants is limited to broad-based nonprofit organizations, nonprofit organizations of farmworkers, federally recognized Indian tribes, agencies or political subdivisions of State or local government, and public agencies (such as housing authorities). Eligibility for section 514 off-farm FLH loans includes each of the aforementioned entities and also includes limited partnerships which have a nonprofit entity as their sole general partner.

Housing that is constructed with these loans and grants must meet the Agency design and construction standards contained in 7 CFR part 1924, subparts A and C. Once constructed, off-farm FLH must be managed in accordance with the program's management regulation, 7 CFR part 3560. Tenant eligibility is limited to persons who meet the definition of a "domestic farm laborer", a "retired domestic farm laborer", or a "disabled domestic farm laborer", as these terms are defined in 7 CFR 3560.11. A domestic farm laborer is defined as "[a] person who, * * *, receives a substantial portion of his or her income from farm labor employment (not self-employed) in the United States, Puerto Rico, or the Virgin Islands and either is a citizen of the United States or resides in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence. This definition may include the immediate family members residing with such a person." Farmworkers who are admitted to this country on a temporary basis under the Temporary Agricultural Workers (H-2A Visa) program are not eligible to occupy section 514/516 off-farm FLH.

The term "farm labor," as used in the definition of domestic farm laborer, includes "[s]ervices in connection with cultivating the soil, raising or harvesting any agriculture or aquaculture commodity; or in catching, netting, handling, planting, drying, packing, grading, storing, or preserving in the unprocessed stage, * * *, any

agriculture or aquaculture commodity; or delivering to storage, market, or a carrier for transportation to market or to processing any agricultural or aquacultural commodity in its unprocessed stage." In addition, off-farm FLH must be operated on a nonprofit basis and tenancy must be open to all qualified domestic farm laborers, regardless at which farm they work.

Operating assistance may be used in lieu of tenant-specific rental assistance in off-farm labor housing projects financed under section 514 or section 516(i) of the Housing Act of 1949 (U.S.C. 1486(i)) that serve migrant farmworkers. To be eligible for the operating assistance, projects must be off-farm FLH projects financed under section 514 or section 516 with units that are for migrant farmworkers (housing units for year-round farmworker households are ineligible) and must otherwise meet the requirements of 7 CFR 3560.574. Migrants or migrant agricultural laborer is defined in 7 CFR 3560.11 as "[a] person (and the family of such person) who receives a substantial portion of his or her income from farm labor employment and who establishes a residence in a location on a seasonal or temporary basis, in an attempt to receive farm labor employment at one or more locations away from their home base state, excluding day-haul agricultural workers whose travels are limited to work areas within one day of their residence." Owners of eligible projects may choose tenant-specific RA or operating assistance, or a combination of both; however, any tenant or unit assisted with operating assistance may not also receive RA.

II. Award Information

Applications for Fiscal Year (FY) 2005 will only be accepted through the date and time listed in this NOFA.

Because RHS has the ability to adjust loan and grant levels, final loan and grant levels will fluctuate. The estimated funds available for FY 2005 for off-farm housing are: section 514, \$32,000,000 and section 516, \$12,000,000.

Individual requests may not exceed \$3 million (total loan and grant). If RA is available, it will be held in the National Office and will be awarded based on each project's financial structure and need. Section 516 off-farm FLH grants may not exceed 90 percent of the total development cost of the housing. Applications that require leveraged funding must have firm commitments in place for all of the leveraged funding within 1 year of the issuance of a "Notice of Preapplication

Review Action," Form AD-622. In order to be eligible for leveraged funding selection points, the commitment for leveraged funds must be submitted with the initial preapplication.

III. Eligibility Information

Applicant Eligibility

(1) *To be eligible to receive a section 516 grant for off-farm FLH*, the applicant must be a broad-based nonprofit organization, a nonprofit organization of farmworkers, a federally recognized Indian tribe, or an agency or political subdivision of a State or local government, or a public agency (such as a housing authority).

(2) *To be eligible to receive a section 514 loan for off-farm FLH*, the applicant must be a broad-based nonprofit organization, a nonprofit organization of farmworkers, a federally recognized Indian tribe, or an agency or political subdivision of a State or local government, a public agency (such as a housing authority) or a limited partnership which has a nonprofit entity as its sole general partner and:

(a) Be unable to provide the necessary housing from its own resources; and

(b) Except for State or local public agencies and Indian tribes, be unable to obtain the necessary credit through a labor housing loan or from other sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(3) Broad-based nonprofit organizations must have a membership that reflects a variety of interests in the area where the housing will be located.

Cost Sharing or Matching

Section 516 grants for off-farm FLH may not exceed the lesser of 90 percent of the total development cost or the amount provided in 7 CFR 3560.562(c)(2).

Other Administrative Requirements

The following policies and regulations apply to loans and grants made in response to this NOFA:

(1) The policies and regulations contained in 7 CFR part 1901, subpart E regarding equal opportunity requirements;

(2) The requirements of 7 CFR part 3015, and 7 CFR part 3016 or 7 CFR part 3019 (as applicable), which establish the uniform administrative requirements for grants and cooperative agreements to state and local governments and to nonprofit organizations;

(3) The policies and regulations contained in 7 CFR part 1901, subpart F regarding historical and archaeological properties;

(4) The policies and regulations contained in 7 CFR part 1940, subpart G regarding environmental assessments;

(5) The policies and regulations contained in 7 CFR part 3560, subpart L regarding the loan and grant authorities of the FLH program;

(6) The policies and regulations contained in 7 CFR part 1924, subpart A regarding planning and construction;

(7) The policies and regulations contained in 7 CFR part 1924, subpart C regarding the planning and performing of site development work; and

(8) All other policies and regulations contained in 7 CFR part 3560 regarding the section 514/516 off-farm FLH program.

IV. Application and Submission Information

The application process will be in two phases: the initial preapplication (or proposal) and the submission of a formal application. Only those proposals that are selected for funding will be invited to submit formal applications. In the event that a proposal is selected for further processing and the applicant declines, the next highest ranked unfunded preapplication may be selected.

All preapplications for sections 514 and 516 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this Notice. Incomplete preapplications will not be reviewed and will be returned to the applicant. No preapplication will be accepted after 5 p.m., local time for each Rural Development State Office on May 13, 2005, unless date and time is extended by another Notice published in the **Federal Register**.

If a preapplication is accepted for further processing, the applicant will be expected to submit a complete, formal application prior to the obligation of Agency funds.

Preapplication Requirements

The preapplication must contain the following:

(1) A summary page listing the following items. This information should be double-spaced between items and not be in narrative form.

- (a) Applicant's name.
- (b) Applicant's Taxpayer

Identification Number.

- (c) Applicant's address.
- (d) Applicant's telephone number.
- (e) Name of applicant's contact person, telephone number, and address.
- (f) Amount of loan and grant requested.

(g) For grants, the applicant's Dun and Bradstreet Data Universal Numbering

System (DUNS) number. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711.

Additional information concerning this requirement is provided in a policy directive issued by OMB and published in the **Federal Register** on June 27, 2003 (68 FR 38402-38405).

(2) A narrative describing the applicant's ability to meet the eligibility requirements stated in this Notice.

(3) Application for Federal Assistance (Standard Form 424) which can be found online at <http://www.whitehouse.gov/omb/grants/sf424.pdf>.

(4) A current, dated, and signed financial statement showing assets and liabilities with information on the repayment schedule and status of all debts.

(5) Evidence that the applicant is unable to obtain credit from other sources. Letters from credit institutions who normally provide real estate loans in the area should be obtained and these letters should indicate the rates and terms upon which a loan might be provided.

(Note: Not required from State or local public agencies or Indian tribes.)

(6) A statement concerning the need for a labor housing grant. The statement should include preliminary estimates of the rents required with and without a grant.

(7) A statement of the applicant's experience in operating labor housing or other rental housing. If the applicant's experience is limited, additional information should be provided to indicate how the applicant plans to compensate for this limited experience (*i.e.*, obtaining assistance and advice of a management firm, non-profit group, public agency, or other organization which is experienced in rental management and will be available on a continuous basis).

(8) A brief statement explaining the applicant's proposed method of operation and management (*i.e.*, on-site manager, contracting for management services, etc.). As stated in this Notice:

(a) The housing must be managed in accordance with the program's management regulation, 7 CFR part 3560 and

(b) Tenancy is limited to "domestic farm laborers," as defined in this Notice.

(9) Applicants must provide:

(a) A copy of, or an accurate citation to, the special provisions of State law

under which they are organized, a copy of the applicant's charter, their Articles of Incorporation, and their By-laws;

(b) The names, occupations, and addresses of the applicant's members, directors, and officers; and

(c) If a member or subsidiary of another organization, the organization's name, address, and nature of business.

(10) A preliminary survey to identify the supply and demand for labor housing in the market area. The market area must be clearly identified and may include only the area from which tenants can reasonably be drawn for the proposed project.

Documentation must be provided to justify a need within the intended market area for housing for "domestic farm laborers", as defined in this Notice. The preliminary survey should address or include the following items:

(a) The annual income level of farmworker families in the area and the probable income of the farmworkers who are apt to occupy the proposed housing;

(b) A realistic estimate of the number of farmworkers who are home-based in the area and the number of farmworkers who normally migrate into the area. Information on migratory workers should indicate the average number of months the migrants reside in the area and an indication of what type of family groups are represented by the migrants (*i.e.*, single individuals as opposed to families);

(c) General information concerning the type of labor intensive crops grown in the area and prospects for continued demand for farm laborers (*i.e.*, prospects for mechanization, etc.);

(d) The overall occupancy rate for comparable rental units in the area and the rents charged and customary rental practices for these units (*i.e.*, will they rent to large families, do they require annual leases, etc.);

(e) The number, condition, adequacy, rental rates and ownership of units currently used or available to farmworkers;

(f) A description of the units proposed, including the number, type, size, rental rates, amenities such as carpets and drapes, related facilities such as a laundry room or community room and other facilities providing supportive services in connection with the housing and the needs of the prospective tenants such as a health clinic or day care facility, estimated development timeline, estimated total development cost, and applicant contribution; and

(g) The applicant must also identify all other sources of funds, including the

dollar amount, source, and commitment status.

(Note: A section 516 grant may not exceed 90 percent of the total development cost of the housing.)

(11) A completed Form RD 1940-20, "Request for Environmental Information," and a description of anticipated environmental issues or concerns. The form can be found online at <http://www.rurdev.usda.gov/regs/forms/1940-20.pdf>.

(12) A prepared HUD 935.2, "Affirmative Fair Housing Marketing Plan." The plan will reflect that occupancy is open to all qualified "domestic farm laborers," regardless of which farming operation they work at and that they will not discriminate on the basis of race, color, sex, age, disability, marital or familial status or National origin in regard to the occupancy or use of the units. The form can be found online at http://www.hudclips.org/sub_nonhud/html/pdfforms/935-2.pdf.

(13) Evidence of site control such as an option or sales contract. In addition, a map and description of the proposed site, including the availability of water, sewer, and utilities and the proximity to community facilities and services such as shopping, schools, transportation, doctors, dentists, and hospitals.

(14) Preliminary plans and specifications, including plot plans, building layouts, and type of construction and materials. The housing must meet the Agency's design and construction standards contained in 7 CFR part 1924, subparts A and C and must also meet all applicable Federal, State, and local accessibility standards.

(15) A Supportive Services Plan describing services that will be provided on-site or made available to tenants through cooperative agreements with service providers in the community, such as a health clinic or day care facility. Off-site services must be accessible and affordable to farmworkers and their families. Letters of intent from service providers are acceptable documentation at the preapplication stage.

(16) A proposed operating budget utilizing Form RD 3560-7, "Multi Family Housing Project Budget/Utility Allowance." The form can be found online at <http://www.rurdev.usda.gov/regs>.

(17) An estimate of development cost utilizing Form RD 1924-13, "Estimate and Certificate of Actual Cost." The form can be found online at <http://www.rurdev.usda.gov/regs/forms/1924-13.pdf>.

(18) Form RD 3560-30, "Certification of No Identity Of Interest (IOI)" and Form RD 3560-31, "Identity of Interest Disclosure/Qualification Certification." These forms can be found online at <http://www.rurdev.usda.gov/regs>.

(19) Form HUD 2530, "Previous Participation Certification." The form can be found online at http://www.hudclips.org/sub_nonhud/html/pdfforms/2530.pdf.

(20) If requesting RA or Operating Assistance, Form RD 3560-25, "Initial Request for Rental Assistance or Operating Assistance." The form can be found online at <http://www.rurdev.usda.gov/regs>.

(21) A Sources and Uses Statement showing all sources of funding included in the proposed project. The terms and schedules of all sources included in the project should be included in the Sources and Uses Statement.

(22) A separate one-page information sheet listing each of the "Application Scoring Criteria" contained in this Notice, followed by the page numbers of all relevant material and documentation that is contained in the proposal that supports the criteria.

(23) Applicants are encouraged, but not required, to include a checklist of all of the application requirements and to have their application indexed and tabbed to facilitate the review process.

Funding Restrictions

Individual requests may not exceed \$3 million (total loan and grant). Grants may not exceed 90 percent of the total development cost of the housing.

Intergovernmental Review

The construction of new section 516 off-farm FLH is subject to the Intergovernmental Review provisions of 7 CFR part 3015, subpart V which requires intergovernmental consultation with State and local officials.

Submission Address

Applicants wishing to apply for assistance must contact the Rural Development State Office serving the place in which they desire to submit an application for off-farm labor housing to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely receipt, and, upon request, will provide the applicant with a written acknowledgment of receipt. A listing of Rural Development State Offices, their addresses, telephone numbers, and person to contact follows:

Note: Telephone numbers listed are not toll-free.

Alabama State Office

Suite 601, Sterling Center
4121 Carmichael Road
Montgomery, AL 36106-3683
(334) 279-3455
TDD (334) 279-3495

James B. Harris
Alaska State Office
800 West Evergreen, Suite 201
Palmer, AK 99645
(907) 761-7740
TDD (907) 761-8905

Debbie Andrys
Arizona State Office
Phoenix Courthouse and Federal Building
230 North First Ave., Suite 206
Phoenix, AZ 85003-1706
(602) 280-8706
TDD (602) 280-8770

Johnna Vargas
Arkansas State Office
700 W. Capitol Ave., Rm. 3416
Little Rock, AR 72201-3225
(501) 301-3250
TDD (501) 301-3063

Clinton King
California State Office
430 G Street, #4169
Davis, CA 95616-4169
(530) 792-5830
TDD (530) 792-5848

Jeff Deiss
Colorado State Office
655 Parfet Street, Room E100
Lakewood, CO 80215
(720) 544-2923
TDD (800) 659-2656

Mary Summerfield
Connecticut
Served by Massachusetts State Office

Delaware & Maryland State Office
4607 South Dupont Highway
PO Box 400
Camden, DE 19934-9998
(302) 697-4353
TDD (302) 697-4303

Pat Baker
Florida & Virgin Islands State Office
4440 N.W. 25th Place
Gainesville, FL 32606-6563
(352) 338-3465
TDD (352) 338-3499

Elizabeth M. Whitaker
Georgia State Office
Stephens Federal Building
355 E. Hancock Avenue
Athens, GA 30601-2768
(706) 546-2164
TDD (706) 546-2034

Wayne Rogers
Hawaii State Office
(Services all Hawaii, American Samoa,
Guam and Western Pacific)
Room 311, Federal Building
154 Waianuenue Avenue
Hilo, HI 96720
(808) 933-8305
TDD (808) 933-8321

Jack Mahan
Idaho State Office
Suite A1
9173 West Barnes Dr.
Boise, ID 83709
(208) 378-5628
TDD (208) 378-5644

LaDonn McElligott
Illinois State Office
2118 W. Park Court, Suite A
Champaign, IL 61821-2986
(217) 403-6222
TDD (217) 403-6240
Barry L. Ramsey
Indiana State Office
5975 Lakeside Boulevard
Indianapolis, IN 46278
(317) 290-3100 (ext. 423)
TDD (317) 290-3343
John Young
Iowa State Office
210 Walnut Street Room 873
Des Moines, IA 50309
(515) 284-4666
TDD (515) 284-4858
Sue Wilhite
Kansas State Office
1303 SW First American Place, Suite 100
Topeka, KS 66604-4040
(785) 271-2721
TDD (785) 271-2767
Virginia M. Hammersmith
Kentucky State Office
771 Corporate Drive, Suite 200
Lexington, KY 40503
(859) 224-7325
TDD (859) 224-7422
Paul Higgins
Louisiana State Office
3727 Government Street
Alexandria, LA 71302
(318) 473-7962
TDD (318) 473-7655
Yvonne R. Emerson
Maine State Office
967 Illinois Ave., Suite 4
PO Box 405
Bangor, ME 04402-0405
(207) 990-9110
TDD (207) 942-7331
Bob Nadeau
Maryland
Served by Delaware State Office
Massachusetts, Connecticut, & Rhode Island
State Office
451 West Street
Amherst, MA 01002
(413) 253-4315
TDD (413) 253-4590
Paul Geoffroy
Michigan State Office
3001 Coolidge Road, Suite 200
East Lansing, MI 48823
(517) 324-5192
TDD (517) 337-6795
Ghulam R. Sumbal
Minnesota State Office
375 Jackson Street Building, Suite 410
St. Paul, MN 55101
(651) 602-7782
TDD (651) 602-7826
Peter Lundquist
Mississippi State Office
Federal Building, Suite 831
100 W. Capitol Street
Jackson, MS 39269
(601) 965-4325
TDD (601) 965-5850
Darnella Smith-Murray
Missouri State Office
601 Business Loop 70 West
Parkade Center, Suite 235
Columbia, MO 65203
(573) 876-9305
TDD (573) 876-9480
Colleen James
Montana State Office
900 Technology Blvd. Suite B
Bozeman, MT 59715
(406) 585-2565
TDD (406) 585-2562
Deborah Chorlton
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall N
Lincoln, NE 68508
(402) 437-5594
TDD (402) 437-5093
Phil Willnerd
Nevada State Office
1390 South Curry Street
Carson City, NV 89703-9910
(775) 887-1222 (ext. 25)
TDD (775) 885-0633
Angilla Denton
New Hampshire State Office
Concord Center
Suite 218, Box 317
10 Ferry Street
Concord, NH 03301-5004
(603) 223-6046
TDD (603) 229-0536
Jim Fowler
New Jersey State Office
5th Floor North Suite 500
8000 Midlantic Dr.
Mt. Laurel, NJ 08054
(856) 787-7740
TDD (856) 787-7784
George Hyatt, Jr.
New Mexico State Office
6200 Jefferson St., NE, Room 255
Albuquerque, NM 87109
(505) 761-4944
TDD (505) 761-4938
Carmen N. Lopez
New York State Office
The Galleries of Syracuse
441 S. Salina Street, Suite 357 5th Floor
Syracuse, NY 13202
(315) 477-6419
TDD (315) 477-6447
George N. Von Pless
North Carolina State Office
4405 Bland Road, Suite 2120
Raleigh, NC 271209
(919) 873-2066
TDD (919) 873-2003
Bill Hobbs
North Dakota State Office
Federal Building, Room 208
220 East Rosser
PO Box 1737
Bismarck, ND 58502
(701) 530-2049
TDD (701) 530-2113
Kathy Lake
Ohio State Office
Federal Building, Room 507
200 North High Street
Columbus, OH 43215-2477
(614) 255-2418
TDD (614) 255-2554
Melodie Taylor-Ward
Oklahoma State Office
100 USDA, Suite 108
Stillwater, OK 74074-2654
(405) 742-1070
TDD (405) 742-1007
Ivan Graves
Oregon State Office
101 SW Main, Suite 1410
Portland, OR 97204-3222
(503) 414-3325
TDD (503) 414-3387
Margo Donelin
Pennsylvania State Office
One Credit Union Place, Suite 330
Harrisburg, PA 17110-2996
(717) 237-2282
TDD (717) 237-2261
Martha E. Hanson
Puerto Rico State Office
IBM Building, Suite 601
Munoz Rivera Ave. #654 Street
San Juan, PR 00918
(787) 766-5095 (ext. 254)
TDD 1-800-274-1572
Lourdes Colon
Rhode Island
Served by Massachusetts State Office
South Carolina State Office
Strom Thurmond Federal Building
1835 Assembly Street, Room 1007
Columbia, SC 29201
(803) 253-3432
TDD (803) 765-5697
Larry D. Floyd
South Dakota State Office
Federal Building, Room 210
200 Fourth Street, SW
Huron, SD 57350
(605) 352-1132
TDD (605) 352-1147
Roger Hazuka or Pam Reilly
Tennessee State Office
Suite 300
3322 West End Avenue
Nashville, TN 37203-1084
(615) 783-1375
TDD (615) 783-1397
G. Benson Lasater
Texas State Office
Federal Building, Suite 102
101 South Main
Temple, TX 76501
(254) 742-9758
TDD (254) 742-9712
Julie Hayes
Utah State Office
Wallace F. Bennett Federal Building
125 S. State Street, Room 4311
Salt Lake City, UT 84138
(801) 524-4325
TDD (801) 524-3309
Janice Kocher
Vermont State Office
City Center, 3rd Floor
89 Main Street
Montpelier, VT 05602
(802) 828-6021
TDD (802) 223-6365
Heidi Setien
Virgin Islands
Served by Florida State Office
Virginia State Office
Culpeper Building, Suite 238
1606 Santa Rosa Road

Richmond, VA 23229
 (804) 287-1596
 TDD (804) 287-1753
 CJ Michels

Washington State Office
 1835 Black Lake Blvd., Suite B
 Olympia, WA 98512
 (360) 704-7730
 TDD (360) 704-7760
 Robert Lund

Western Pacific Territories
 Served by Hawaii State Office

West Virginia State Office
 Federal Building
 75 High Street, Room 320
 Morgantown, WV 26505-7500
 (304) 284-4889
 TDD (304) 284-4836
 Craig St. Clair

Wisconsin State Office
 4949 Kirschling Court
 Stevens Point, WI 54481
 (715) 345-7608 (ext. 7145)
 TDD (715) 345-7614
 Peter Kohnen

Wyoming State Office
 PO Box 11005
 Casper, WY 82602-5006
 (307) 233-6715
 TDD (307) 233-6733
 Jack Hyde

V. Application Review Information

All applications for sections 514 and 516 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this Notice. Incomplete applications will not be reviewed and will be returned to the applicant. No application will be accepted after 5 p.m., local time for each Rural Development State Office on May 13, 2005, unless date and time is extended by another Notice published in the **Federal Register**. The Rural Development State Office will base its determination of completeness of the application and the eligibility of each applicant on the information provided in the application.

Selection Criteria

Section 514 loan funds and section 516 grant funds will be distributed to States based on a national competition, as follows:

- (1) States will accept, review, and score requests in accordance with the Notice. The scoring factors are:
 - (a) The presence and extent of leveraged assistance, including donated land, for the units that will serve program-eligible tenants, calculated as a percentage of the RHS total development cost (TDC). RHS TDC excludes non-RHS eligible costs such as a developer's fee. Leveraged assistance includes, but is not limited to, funds for hard construction costs, section 8 or other non-RHS tenant subsidies, and

state or federal funds. A minimum of ten percent leveraged assistance is required to earn points; however, if the total percentage of leveraged assistance is less than ten percent and the proposal includes donated land, two points will be awarded for the donated land. To count as leveraged funds for purposes of the selection criteria, a commitment of funds must be provided with the preapplication. Points will be awarded in accordance with the following table. (0 to 20 points)

Percentage	Points
75 or more	20
60-74	18
50-59	16
40-49	12
30-39	10
20-29	8
10-19	5
0-9	0

Donated land in proposals with less than ten percent total leveraged Assistance: 2

(b) Percent of units for seasonal, temporary, migrant housing. (5 points for up to and including 50 percent of the units; 10 points for 51 percent or more.)

(c) The selection criteria includes one optional criteria set by the National Office. The National Office initiative will be used in the selection criteria as follows: Up to 10 points will be awarded based on the presence of and extent to which a tenant services plan exists that clearly outlines services that will be provided to the residents of the proposed project. These services may include, but are not limited to, transportation related services, on-site English as a Second Language (ESL) classes, move-in funds, emergency assistance funds, homeownership counseling, food pantries, after school tutoring, and computer learning centers. Two points will be awarded for each resident service included in the tenant services plan up to a maximum of 10 points. Plans must detail how the services are to be administered, who will administer them, and where they will be administered. All tenant service plans must include letters of intent that clearly state the service that will be provided at the project for the benefit of the residents from any party administering each service, including the applicant. (0 to 10 points)

(2) States will conduct the preliminary eligibility review, score the applications, and forward them to the National Office.

(3) The National Office will rank all requests nationwide and distribute funds to States in rank order, within funding and RA limits. A lottery in

accordance with 7 CFR 3560.56(c)(2) will be used for applications with tied point scores when they all cannot be funded. If insufficient funds or RA remain for the next ranked proposal, that applicant will be given a chance to modify their application to bring it within remaining funding levels. This will be repeated for each next ranked eligible proposal until an award can be made or the list is exhausted.

Dated: March 3, 2005.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. 05-4774 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-XV-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Funds Availability for the Section 533 Housing Preservation Grants for Fiscal Year 2005

Announcement Type: Initial Notice inviting applications from qualified applicants for Fiscal Year 2005.

Catalog of Federal Domestic Assistance Numbers (CFDA): 10.433.

SUMMARY: The Rural Housing Service (RHS) announces that it is soliciting competitive applications under its Housing Preservation Grant (HPG) program. The HPG program is a grant program which provides qualified public agencies, private nonprofit organizations, and other eligible entities grant funds to assist very low- and low-income homeowners in repairing and rehabilitating their homes in rural areas. In addition, the HPG program assists rental property owners and cooperative housing complexes in repairing and rehabilitating their units if they agree to make such units available to low- and very low-income persons. This action is taken to comply with Agency regulations found in 7 CFR part 1944, subpart N, which require the Agency to announce the opening and closing dates for receipt of pre-applications for HPG funds from eligible applicants. The intended effect of this Notice is to provide eligible organizations notice of these dates.

DATES: The closing deadline for receipt of all applications in response to this Notice is 5 p.m., local time for each Rural Development State Office on May 13, 2005. The application closing deadline is firm as to date and hour. RHS will not consider any application that is received after the closing deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the

closing deadline date and time. Acceptance by the United States Postal Service or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The reporting requirements contained in this Notice have been approved by the Office of Management and Budget under Control Number 0575-0115.

Program Administration

I. Funding Opportunities Description

The funding instrument for the HPG Program will be a grant agreement. The term of the grant cannot exceed 1 year without Agency consent. Applicants should contact the Rural Development State Office to determine the allocation and the State maximum grant level, if any.

II. Award Information

For Fiscal Year 2005, \$8,810,944 is available for the HPG Program. A set aside of \$892,800 has been established for grants located in Empowerment Zones, Enterprise Communities, and REAP Zones and other funds will be distributed under a formula allocation to States pursuant to 7 CFR part 1940, subpart L, "Methodology and Formulas for Allocation of Loan and Grant Program Funds." Decisions on funding will be based on pre-applications.

III. Eligibility Information

7 CFR part 1944, subpart N provides details on what information must be contained in the pre-application package. Contact the Rural Development State office to receive further information on the State allocation of funds and copies of the pre-application package. Eligible entities for these competitively awarded grants include State and local governments, nonprofit corporations, federally recognized Indian tribes, and consortia of eligible entities.

As part of the application, all applicants must also provide a Dun and Bradstreet Data Universal Numbering System (DUNS) number. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS number request line at 1-866-705-5711. Additional information concerning this requirement is provided in a policy directive issued by OMB and published

in the **Federal Register** on June 27, 2003 (68 FR 38402-38405).

IV. Application and Submission Information

Applicants wishing to apply for assistance must make its statement of activities available to the public for comment. The applicant(s) must announce the availability of its statement of activities for review in a newspaper of general circulation in the project area and allow at least 15 days for public comment. The start of this 15-day period must occur no later than 16 days prior to the last day for acceptance of pre-applications by RHS.

Applicants must also contact the Rural Development State Office, serving the place in which they desire to submit an application to receive further information and copies of the application package. Rural Development will date and time stamp incoming applications to evidence timely receipt, and, upon request, will provide the applicant with a written acknowledgment of receipt. A listing of Rural Development State Offices, their addresses, telephone numbers, and person to contact follows:

Note: Telephone numbers listed are not toll-free.

Alabama State Office
Suite 601 Sterling Centre
4121 Carmichael Road
Montgomery, AL 36106-3683
(334) 279-3400
TDD (334) 279-3495
James B. Harris

Alaska State Office
800 West Evergreen, Suite 201
Palmer, AK 99645
(907) 761-7740
TDD (907) 761-8905
Debbie Andrys

Arizona State Office
Phoenix Courthouse and Federal Building
230 North First Ave., Suite 206
Phoenix, AZ 85003-1706
(602) 280-8765
TDD (602) 280-8706
Johnna Vargas

Arkansas State Office
700 W. Capitol Ave., Rm. 3416
Little Rock, AR 72201-3225
(501) 301-3258
TDD (501) 301-3063
Clinton King

California State Office
430 G Street, #4169
Davis, CA 95616-4169
(530) 934-4614 ext. 123
TDD (530) 792-5848
Linda Eveland

Colorado State Office
655 Parfet Street, Room E100
Lakewood, CO 80215
(720) 544-2923
TDD (800) 659-2656
Mary Summerfield

Connecticut
Served by Massachusetts State Office
Delaware and Maryland State Office
4607 South Dupont Highway
PO Box 400
Camden, DE 19934-9998
(302) 697-4353
TDD (302) 697-4303
Pat Baker

Florida & Virgin Islands State Office
4440 N.W. 25th Place
Gainesville, FL 32606-6563
(352) 338-3465
TDD (352) 338-3499
Elizabeth M. Whitaker

Georgia State Office
Stephens Federal Building
355 E. Hancock Avenue
Athens, GA 30601-2768
(706) 546-2164
TDD (706) 546-2034
Wayne Rogers

Hawaii State Office
(Services all Hawaii, American Samoa,
Guam, and Western Pacific)
Room 311, Federal Building
154 Waiianuenue Avenue
Hilo, HI 96720
(808) 933-8305
TDD (808) 933-8321
Jack Mahan

Idaho State Office
Suite A1
9173 West Barnes Dr.
Boise, ID 83709
(208) 378-5628
TDD (208) 378-5644
LaDonn McElligott
Illinois State Office
2118 West Park Court, Suite A
Champaign, IL 61821-2986
(217) 403-6222
TDD (217) 403-6240
Barry L. Ramsey

Indiana State Office
5975 Lakeside Boulevard
Indianapolis, IN 46278
(317) 290-3100 (ext. 423)
TDD (317) 290-3343
John Young

Iowa State Office
210 Walnut Street Room 873
Des Moines, IA 50309
(515) 284-4493
TDD (515) 284-4858
Sue Wilhite

Kansas State Office
1303 SW First American Place, Suite 100
Topeka, KS 66604-4040
(785) 271-2721
TDD (785) 271-2767
Virginia M. Hammersmith

Kentucky State Office
771 Corporate Drive, Suite 200
Lexington, KY 40503
(859) 224-7325
TDD (859) 224-7422
Beth Moore

Louisiana State Office
3727 Government Street
Alexandria, LA 71302
(318) 473-7962
TDD (318) 473-7655
Yvonne R. Emerson

Maine State Office
967 Illinois Ave., Suite 4
PO Box 405
Bangor, ME 04402-0405
(207) 990-9110
TDD (207) 942-7331
Bob Nadeau

Maryland

Served by Delaware State Office

Massachusetts, Connecticut, & Rhode Island
State Office

451 West Street Suite 2
Amherst, MA 01002
(413) 253-4315
TDD (413) 253-4590
Paul Geoffroy

Michigan State Office
3001 Coolidge Road, Suite 200
East Lansing, MI 48823
(517) 324-5192
TDD (517) 337-6795
Ghulam R. Simbal

Minnesota State Office
375 Jackson Street Building, Suite 410
St. Paul, MN 55125
(651) 602-7804
TDD (651) 602-7830
Thomas Osborne

Mississippi State Office
Federal Building, Suite 831
100 W. Capitol Street
Jackson, MS 39269
(601) 965-4325
TDD (601) 965-5850
Darnella Smith-Murray

Missouri State Office
601 Business Loop 70 West
Parkade Center, Suite 235
Columbia, MO 65203
(573) 876-9303
TDD (573) 876-9480
Becky Eftink

Montana State Office
900 Technology Blvd, Suite B
Bozeman, MT 59771
(406) 585-2515
TDD (406) 585-2562
Deborah Chorlton

Nebraska State Office
Federal Building, Room 152
100 Centennial Mall N
Lincoln, NE 68508
(402) 437-5035
TDD (402) 437-5093
Sharon Kluck

Nevada State Office
1390 South Curry Street
Carson City, NV 89703-9910
(775) 887-1222 (ext. 25)
TDD (775) 885-0633
Angilla Denton

New Hampshire State Office
Concord Center
Suite 218, Box 317
10 Ferry Street
Concord, NH 03301-5004
(603) 223-6046
TDD (603) 229-0536
Jim Fowler

New Jersey State Office
5th Floor North, Suite 500
8000 Midlantic Drive
Mt. Laurel, NJ 08054
(856) 787-7740

TDD (856) 787-7784
George Hyatt, Jr.
New Mexico State Office
6200 Jefferson St., NE, Room 255
Albuquerque, NM 87109
(505) 761-4944
TDD (505) 761-4938
Carmen N. Lopez

New York State Office
The Galleries of Syracuse
441 S. Salina Street, Suite 357 5th Floor
Syracuse, NY 13202
(315) 477-6404
TDD (315) 477-6447
Tia Baker

North Carolina State Office
4405 Bland Road, Suite 260
Raleigh, NC 27609
(919) 873-2066
TDD (919) 873-2003
William A. Hobbs

North Dakota State Office
Federal Building, Room 208
220 East Rosser
PO Box 1737
Bismarck, ND 58502
(701) 530-2046
TDD (701) 530-2113
Barry Borstad

Ohio State Office
Federal Building, Room 507
200 North High Street
Columbus, OH 43215-2477
(614) 255-2418
TDD (614) 255-2554
Melodie Taylor-Ward

Oklahoma State Office
100 USDA, Suite 108
Stillwater, OK 74074-2654
(405) 742-1070
TDD (405) 742-1007
Ivan Graves

Oregon State Office
101 SW Main, Suite 1410
Portland, OR 97204-3222
(503) 414-3351
TDD (503) 414-3387
Diana Chappell

Pennsylvania State Office
One Credit Union Place, Suite 330
Harrisburg, PA 17110-2996
(717) 237-2282
TDD (717) 237-2261
Martha E. Hanson

Puerto Rico State Office
IBM Building, Suite 601
Munoz Rivera Ave. #654
San Juan, PR 00918
(787) 766-5095 (ext. 249)
TDD (787) 766-5332
Lourdes Colon

Rhode Island

Served by Massachusetts State Office

South Carolina State Office
Strom Thurmond Federal Building
1835 Assembly Street, Room 1007
Columbia, SC 29201
(803) 253-3432
TDD (803) 765-5697
Larry D. Floyd

South Dakota State Office
Federal Building, Room 210
200 Fourth Street, SW
Huron, SD 57350

(605) 352-1132
TDD (605) 352-1147
Roger Hazuka or Pam Reilly

Tennessee State Office
Suite 300
3322 West End Avenue
Nashville, TN 37203-1084
(615) 783-1375
TDD (615) 783-1397
Larry Kennedy

Texas State Office
Federal Building, Suite 102
101 South Main
Temple, TX 76501
(254) 742-9758
TDD (254) 742-9712
Julie Hayes

Utah State Office
Wallace F. Bennett Federal Building
125 S. State Street, Room 4311
Salt Lake City, UT 84138
(801) 524-4325
TDD (801) 524-3309
Janice Kocher

Vermont State Office
City Center, 3rd Floor
89 Main Street
Montpelier, VT 05602
(802) 828-6021
TDD (802) 223-6365
Heidi Setien

Virgin Islands

Served by Florida State Office

Virginia State Office
Culpeper Building, Suite 238
1606 Santa Rosa Road
Richmond, VA 23229
(804) 287-1596
TDD (804) 287-1753
CJ Michels

Washington State Office
1835 Black Lake Blvd., Suite B
Olympia, WA 98512
(360) 704-7730
TDD (360) 704-7742
Robert L. Lund

Western Pacific Territories

Served by Hawaii State Office

West Virginia State Office
Federal Building
75 High Street, Room 320
Morgantown, WV 26505-7500
(304) 284-4889
TDD (304) 284-4836
Craig St. Clair

Wisconsin State Office
4949 Kirschling Court
Stevens Point, WI 54481
(715) 345-7608 (ext.151)
TDD (715) 345-7614
Peter Kohnen

Wyoming State Office
PO Box 82601
Casper, WY 82602-5006
(307) 233-6715
TDD (307) 233-6733
Jack Hyde

FOR FURTHER INFORMATION CONTACT: For general information, applicants may contact Bonnie Edwards-Jackson, Senior Loan Specialist, Multi-Family Housing Processing Division, Rural Housing Service, United States Department of

Agriculture, Stop 0781, 1400 Independence Avenue, SW., Washington, DC 20250-0781, telephone (202) 690-0759 (voice) (this is not a toll free number) or (800) 877-8339 (TDD-Federal Information Relay Service).

V. Application Review Information

All applications for Section 533 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this Notice. Pre-applications determined not eligible and/or not meeting the selection criteria will be notified by the Rural Development State Office.

All applicants will file an original and two copies of Standard Form (SF) 424, "Application For Federal Assistance," and supporting information with the appropriate Rural Development State Office. A pre-application package, including SF-424, is available in any Rural Development State Office.

All pre-applications shall be accompanied by the following information which Rural Development will use to determine the applicant's eligibility to undertake the HPG program and to evaluate the pre-application under the project selection criteria of § 1944.679 of 7 CFR part 1944, subpart N.

(a) A statement of activities proposed by the applicant for its HPG program as appropriate to the type of assistance the applicant is proposing, including:

(1) A complete discussion of the type of and conditions for financial assistance for housing preservation, including whether the request for assistance is for a homeowner assistance program, a rental property assistance program, or a cooperative assistance program;

(2) The process for selecting recipients for HPG assistance, determining housing preservation needs of the dwelling, performing the necessary work, and monitoring/inspecting work performed;

(3) A description of the process for identifying potential environmental impacts in accordance with § 1944.672 of 7 part CFR 1944, subpart N, and the provisions for compliance with Stipulation I, A-G of the Programmatic Memorandum of Agreement, also known as PMOA, (RD Instruction 2000-FF, available in any Rural Development State Office) in accordance with § 1944.673(b) of 7 part CFR 1944, subpart N;

(4) The development standard(s) the applicant will use for the housing preservation work; and, if not the Rural Development standards for existing dwellings, the evidence of its

acceptance by the jurisdiction where the grant will be implemented;

(5) The time schedule for completing the program;

(6) The staffing required to complete the program;

(7) The estimated number of very low- and low-income minority and nonminority persons the grantee will assist with HPG funds; and, if a rental property or cooperative assistance program, the number of units and the term of restrictive covenants on their use for very low- and low-income;

(8) The geographical area(s) to be served by the HPG program;

(9) The annual estimated budget for the program period based on the financial needs to accomplish the objectives outlined in the proposal. The budget should include proposed direct and indirect administrative costs, such as personnel, fringe benefits, travel, equipment, supplies, contracts, and other cost categories, detailing those costs for which the grantee proposes to use the HPG grant separately from non-HPG resources, if any. The applicant budget should also include a schedule (with amounts) of how the applicant proposes to draw HPG grant funds, *i.e.*, monthly, quarterly, lump sum for program activities, etc.;

(10) A copy of an indirect cost proposal as required in 7 CFR parts 3015 and 3016, when the applicant has another source of federal funding in addition to the Rural Development HPG program;

(11) A brief description of the accounting system to be used;

(12) The method of evaluation to be used by the applicant to determine the effectiveness of its program which encompasses the requirements for quarterly reports to Rural Development in accordance with § 1944.683(b) of 7 part CFR 1944, subpart N and the monitoring plan for rental properties and cooperatives (when applicable) according to § 1944.689 of 7 part CFR 1944, subpart N;

(13) The source and estimated amount of other financial resources to be obtained and used by the applicant for both HPG activities and housing development and/or supporting activities;

(14) The use of program income, if any, and the tracking system used for monitoring same;

(15) The applicant's plan for disposition of any security instruments held by them as a result of its HPG activities in the event of its loss of legal status;

(16) Any other information necessary to explain the proposed HPG program; and

(17) The outreach efforts outlined in § 1944.671(b) of 7 CFR part 1944, subpart N.

(b) Complete information about the applicant's experience and capacity to carry out the objectives of the proposed HPG program.

(c) Evidence of the applicant's legal existence, including, in the case of a private nonprofit organization, a copy of, an accurate reference to, the specific provisions of State law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for other than public bodies; evidence of good standing from the State when the corporation has been in existence 1 year or more; and the names and addresses of the applicant's members, directors and officers. If other organizations are members of the applicant-organization, or the applicant is a consortium, pre-applications should be accompanied by the names, addresses, and principal purpose of the other organizations. If the applicant is a consortium, documentation showing compliance with § 1944.656(4)(ii) of 7 CFR part 1944, subpart N will also be included.

(d) For a private nonprofit entity, the most recent audited statement and a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant.

(e) A brief narrative statement which includes information about the area to be served and the need for improved housing (including both percentage and the actual number of both low-income and low-income minority households and substandard housing), the need for the type of housing preservation assistance being proposed, the anticipated use of HPG resources for historic properties, the method of evaluation to be used by the applicant in determining the effectiveness of its efforts.

(f) Applicant must submit an original and one copy of Form RD 1940-20 prepared in accordance with Exhibit F-1 of 7 part CFR 1944, subpart N.

(g) Applicant must also submit a description of its process for:

(1) Identifying and rehabilitating properties listed on or eligible for listing on the National Register of Historic Places;

(2) Identifying properties that are located in a floodplain or wetland;

(3) Identifying properties located within the Coastal Barrier Resources System; and

(4) Coordinating with other public and private organizations and programs that provide assistance in the rehabilitation of historic properties (Stipulation I, D, of the PMOA, RD Instruction 2000–FF, available in any Rural Development State Office).

(h) The applicant must also submit evidence of the State Historic Preservation Office's, also known as SHPO, concurrence in the proposal, or in the event of nonconcurrence, a copy of SHPO's comments together with evidence that the applicant has sought the Advisory Council on Historic Preservation's advice as to how the disagreement might be resolved, and a copy of any advice provided by the Council.

(i) The applicant must submit written statements and related correspondence reflecting compliance with § 1944.674(a) and (c) of 7 CFR part 1944, subpart N regarding consultation with local government leaders in the preparation of its program and the consultation with local and state government pursuant to the provisions of Executive Order 12372.

(j) The applicant is to make its statement of activities available to the public for comment prior to submission to Rural Development pursuant to § 1944.674(b) of 7 CFR part 1944, subpart N. The application must contain a description of how the comments (if any were received) were addressed.

(k) The applicant must submit an original and one copy of Form RD 400–1, "Equal Opportunity Agreement," and Form 400–4, "Assurance Agreement Funds," in accordance with § 1944.676 of 7 CFR part 1944, subpart N. Applicants should review 7 CFR part 1944, subpart N for a comprehensive list of all application requirements.

Selection Criteria

The Rural Development State Offices will utilize the following project selection criteria for applicants in accordance with § 1944.679 of 7 CFR part 1944, subpart N:

(a) Providing a financially feasible program of housing preservation assistance. Financially feasible is defined as proposed assistance which will be affordable to the intended recipient or result in affordable housing for very low- and low-income persons.

(b) Serving eligible rural areas with a concentration of substandard housing for households with very low- and low-income.

(c) Being an eligible applicant as defined in § 1944.658 of 7 CFR part 1944, subpart N.

(d) Meeting the requirements of consultation and public comment in accordance with § 1944.674 of 7 CFR part 1944, subpart N.

(e) Submitting a complete pre-application as outlined in § 1944.676 of 7 CFR part 1944, subpart N.

For applicants meeting all of the requirements listed above, the Rural Development State Offices will use weighted criteria as selection for the grant recipients. Each pre-application and its accompanying statement of activities will be evaluated and, based solely on the information contained in the pre-application, the applicant's proposal will be numerically rated on each criteria within the range provided. The highest-ranking applicant(s) will be selected based on allocation of funds available to the state.

(a) Points are awarded based on the percentage of very low-income persons that the applicant proposes to assist, using the following scale:

	Points
(1) More than 80%	20
(2) 61% to 80%	15
(3) 41% to 60%	10
(4) 20% to 40%	5
(5) Less than 20%	0

(b) The applicant's proposal may be expected to result in the following percentage of HPG fund use (excluding administrative costs) to total cost of unit preservation. This percentage reflects maximum repair or rehabilitation with the least possible HPG funds due to leveraging, innovative financial assistance, owner's contribution or other specified approaches. Points are awarded based on the following percentage of HPG funds (excluding administrative costs) to total funds:

	Points
(1) 50% or less	20
(2) 51% to 65%	15
(3) 66% to 80%	10
(4) 81% to 95%	5
(5) 96% to 100%	0

(c) The applicant has demonstrated its administrative capacity in assisting very low- and low-income persons to obtain adequate housing based on the following:

(1) The organization or a member of its staff has 2 or more years experience successfully managing and operating a rehabilitation or weatherization type program, including Rural Development's HPG Program: 10 points.

(2) The organization or a member of its staff has 2 or more years experience successfully managing and operating a program assisting very low- and low-income persons obtain housing assistance: 10 points.

(3) If the organization has administered grant programs, there are no outstanding or unresolved audit or investigative findings which might impair carrying out the proposal: 10 points.

(d) The proposed program will be undertaken entirely in rural areas outside Metropolitan Statistical Areas, also known as MSAs, identified by Rural Development as having populations below 10,000 or in remote parts of other rural areas (i.e., rural areas contained in MSAs with less than 5,000 population) as defined in § 1944.656 of 7 CFR part 1944, subpart N: 10 points.

(e) The program will use less than 20 percent of HPG funds for administration purposes:

	Points
(1) More than 20%	0
(2) 20%	1
(3) 19%	2
(4) 18%	3
(5) 17%	4
(6) 16%	4
(7) 15% or less	5

* Not eligible

(f) The proposed program contains a component for alleviating overcrowding as defined in § 1944.656 of 7 CFR part 1944, subpart N: 5 points.

In the event more than one pre-application receives the same amount of points, those pre-applications will then be ranked based on the actual percentage figure used for determining the points. Further, in the event that pre-applications are still tied, then those pre-applications still tied will be ranked based on the percentage figures used for administration purposes (low to high). Further, for applications where assistance to rental properties or cooperatives is proposed, those still tied will be further ranked based on the number of years the units are available for occupancy under the program (a minimum of 5 years is required). For this part, ranking will be based from most to least number of years. Finally, if there is still a tie, then a lottery system will be used.

Dated: March 3, 2005.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. 05–4775 Filed 3–11–05; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE**Rural Housing Service****Notice for Requests for Proposals for Guaranteed Loans Under the Section 538 Guaranteed Rural Rental Housing Program (GRRHP) for Fiscal Year 2005****AGENCY:** Rural Housing Service, USDA.**ACTION:** Notice.

SUMMARY: This is a request for proposals for guaranteed loans under the section 538 Guaranteed Rural Rental Housing Program (GRRHP) pursuant to 7 CFR 3565.4 for Fiscal Year (FY) 2005 subject to the availability of funding. FY 2005 funding for the section 538 program is \$99.2 million. Applicants will submit proposals in the form of "RESPONSES." The commitment of program dollars will be made to applicants of selected responses that have fulfilled the necessary requirements for obligation. The following paragraphs outline the timeframes, eligibility requirements, lender responsibilities, and the overall response and application processes.

The GRRHP operates under 7 CFR part 3565. The GRRHP Origination and Servicing Handbook (HB-1-3565) is available to provide lenders and the general public with guidance on program administration. HB-1-3565, which contains a copy of 7 CFR part 3565 in Appendix 1, can be found at the Rural Development Instructions Web site address <http://www.rurdev.usda.gov/regs>.

Eligible lenders are invited to submit responses for the development of affordable rental housing to serve rural America. The Rural Housing Service (RHS) will review responses submitted by eligible lenders, on the lender's letterhead, and signed by both the prospective borrower and lender. Although a complete application is not required in response to this Notice, eligible lenders may submit a complete application concurrently with the response. The submission of a complete application will not affect the scoring process.

DATES: The RHS will review and score all responses received through June 13, 2005. Those responses that are selected that subsequently submit complete applications and meet all Federal environmental requirements will receive commitments to the extent an appropriation act provides funding for GRRHP for FY 2005 until all funds are expended. If any FY 2005 funds have not been exhausted by June 13, 2005, the Agency will continue reviewing and scoring NOFA responses every month after June 13, 2005. Each month after

June 13, 2005, the Agency will select proposals with a threshold score of 25 or higher with priority being given based on score rank until all funds are expended. Priority for the selection of proposals that meet the threshold score of 25 will be given to the highest scoring proposals. A Notice will be placed in the **Federal Register** when all funds are committed for FY 2005.

Eligible lenders intending to mail a response or application must provide sufficient time to permit delivery to the Submission Address on or before the closing deadline date and time.

Acceptance by a U.S. Post Office or private mailer does not constitute delivery. Postage due responses and applications will not be accepted.

Submission Address: Eligible lenders will send responses to the Multi-Family Housing Director in the State Office where the project will be located. Rural Development State Offices, their addresses, telephone numbers, and person to contact follows:

Note: Telephone numbers listed are not toll-free.

Alabama State Office
Suite 601, Sterling Centre
4121 Carmichael Road
Montgomery, AL 36106-3683
(334) 279-3455
TDD (334) 279-3495

James B. Harris
Alaska State Office
800 West Evergreen, Suite 201
Palmer, AK 99645
(907) 761-7740
TDD (907) 761-8905
Debbie Andrys

Arizona State Office
Phoenix Courthouse and Federal Building
230 North First Ave., Suite 206
Phoenix, AZ 85003-1706
(602) 280-8765
TDD (602) 280-8706
Johnna Vargas

Arkansas State Office
700 W. Capitol Ave., Room 3416
Little Rock, AR 72201-3225
(501) 301-3250
TDD (501) 301-3063
Cathy Jones

California State Office
430 G Street, #4169
Davis, CA 95616-4169
(530) 792-5830
TDD (530) 792-5848
Jeff Deiss

Colorado State Office
655 Parfet Street, Room E100
Lakewood, CO 80215
(720) 544-2923
TDD (800) 659-2656
Mary Summerfield

Connecticut
Served by Massachusetts State Office
Delaware and Maryland State Office
4607 South Dupont Highway
PO Box 400

Camden, DE 19934-9998
(302) 697-4353
TDD (302) 697-4303
Pat Baker

Florida & Virgin Islands State Office
4440 N.W. 25th Place
Gainesville, FL 32606-6563
(352) 338-3465
TDD (352) 338-3499
Elizabeth M. Whitaker

Georgia State Office
Stephens Federal Building
355 E. Hancock Avenue
Athens, GA 30601-2768
(706) 546-2164
TDD (706) 546-2034
Wayne Rogers

Hawaii State Office
(Services all Hawaii, American Samoa
Guam, and Western Pacific)

Room 311, Federal Building
154 Waiianuenue Avenue
Hilo, HI 96720
(808) 933-8305
TDD (808) 933-8321
Jack Mahan

Idaho State Office
Suite A1
9173 West Barnes Dr.
Boise, ID 83709
(208) 378-5630
TDD (208) 378-5644
LaDonn McElligott

Illinois State Office
2118 West Park Court, Suite A
Champaign, IL 61821-2986
(217) 403-6222
TDD (217) 403-6240
Barry L. Ramsey

Indiana State Office
5975 Lakeside Boulevard
Indianapolis, IN 46278
(317) 290-3100 (ext. 423)
TDD (317) 290-3343
John Young

Iowa State Office
210 Walnut Street Room 873
Des Moines, IA 50309
(515) 284-4666
TDD (515) 284-4858
Sue Wilhite

Kansas State Office
1303 SW. First American Place, Suite 100
Topeka, KS 66604-4040
(785) 271-2721
TDD (785) 271-2767
Virginia M. Hammersmith

Kentucky State Office
771 Corporate Drive, Suite 200
Lexington, KY 40503
(859) 224-7325
TDD (859) 224-7422
Paul Higgins

Louisiana State Office
3727 Government Street
Alexandria, LA 71302
(318) 473-7962
TDD (318) 473-7655
Yvonne R. Emerson

Maine State Office
967 Illinois Ave., Suite 4
PO Box 405, Bangor, ME 04402-0405
(207) 990-9110
TDD (207) 942-7331

Bob Nadeau
Maryland
Served by Delaware State Office
Massachusetts, Connecticut, & Rhode Island
State Office
451 West Street, Amherst, MA 01002
(413) 253-4333
TDD (413) 253-4590
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3001 Coolidge Road, Suite 200
East Lansing, MI 48823
(517) 324-5192
TDD (517) 337-6795
Ghulam R. Simbal
Minnesota State Office
375 Jackson Street Building, Suite 410
St. Paul, MN 55101-1853
(651) 602-7782
TDD (651) 602-7830
Peter Lundquist
Mississippi State Office
Federal Building, Suite 831
100 W. Capitol Street
Jackson, MS 39269
(601) 965-4325
TDD (601) 965-5850
Darnella Smith-Murray
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Parkade Center, Suite 235
Columbia, MO 65203
(573) 876-0990
TDD (573) 876-9480
Colleen James
Montana State Office
900 Technology Blvd. Suite B
Bozeman, MT 59715
(406) 585-2565
TDD (406) 585-2562
Deborah Chorlton
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall N
Lincoln, NE 68508
(402) 437-5594
TDD (402) 437-5093
Phil Willnerd
Nevada State Office
1390 South Curry Street
Carson City, NV 89703-9910
(775) 887-1222 (ext. 25)
TDD (775) 885-0633
Angilla Denton
New Hampshire State Office
Concord Center
Suite 218, Box 317
10 Ferry Street
Concord, NH 03301-5004
(603) 223-6046
TDD (603) 229-0536
Jim Fowler
New Jersey State Office
5th Floor North Suite 500
8000 Midlantic Dr.
Mt. Laurel, NJ 08054
(856) 787-7740
TDD (856) 787-7784
George Hyatt, Jr.
New Mexico State Office
6200 Jefferson St., NE., Room 255
Albuquerque, NM 87109
(505) 761-4944
TDD (505) 761-4938

Carmen N. Lopez
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441 S. Salina Street, Suite 357 5th Floor
Syracuse, NY 13202
(315) 477-6419
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4405 Bland Road, Suite 260
Raleigh, NC 27609
(919) 873-2066
TDD (919) 873-2003
Terry Strole
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220 East Rosser
PO Box 1737
Bismarck, ND 58502
(701) 530-2049
TDD (701) 530-2113
Kathy Lake
Ohio State Office
Federal Building, Room 507
200 North High Street
Columbus, OH 43215-2477
(614) 255-2418
TDD (614) 255-2554
Melodie Taylor-Ward
Oklahoma State Office
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Stillwater, OK 74074-2654
(405) 742-1070
TDD (405) 742-1007
Ivan S. Graves
Oregon State Office
101 SW. Main, Suite 1410
Portland, OR 97204-3222
(503) 414-3325
TDD (503) 414-3387
Margo Donelin
Pennsylvania State Office
One Credit Union Place, Suite 330
Harrisburg, PA 17110-2996
(717) 237-2281
TDD (717) 237-2261
Martha Eberhart
Puerto Rico State Office
654 Munoz Rivera Avenue
IBM Plaza, Suite 601
Hato Rey, PR 00918
(787) 766-5095 (ext. 249)
TDD (787) 766-5332
Lourdes Colon
Rhode Island
Served by Massachusetts State Office
South Carolina State Office
Strom Thurmond Federal Building
1835 Assembly Street, Room 1007
Columbia, SC 29201
(803) 253-3432
TDD (803) 765-5697
Larry D. Floyd
South Dakota State Office
Federal Building, Room 210
200 Fourth Street, SW.
Huron, SD 57350
(605) 352-1132
TDD (605) 352-1147
Roger Hazuka or Pam Reilly
Tennessee State Office
Suite 300
3322 West End Avenue
Nashville, TN 37203-1084

(615) 783-1375
TDD (615) 783-1397
G. Benson Lasater
Texas State Office
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101 South Main
Temple, TX 76501
(254) 742-9758
TDD (254) 742-9712
Julie Hayes
Utah State Office
Wallace F. Bennett Federal Building
125 S. State Street, Room 4311
Salt Lake City, UT 84147-0350
(801) 524-4325
TDD (801) 524-3309
Janice Kocher
Vermont State Office
City Center, 3rd Floor
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Montpelier, VT 05602
(802) 828-6021
TDD (802) 223-6365
Heidi Setien
Virgin Islands
Served by Florida State Office
Virginia State Office
Culpeper Building, Suite 238
1606 Santa Rosa Road
Richmond, VA 23229
(804) 287-1596
TDD (804) 287-1753
CJ Michels
Washington State Office
1835 Black Lake Blvd., Suite B
Olympia, WA 98512
(360) 704-7730
TDD (360) 704-7760
Robert Lund
Western Pacific Territories
Served by Hawaii State Office
West Virginia State Office
Federal Building
75 High Street, Room 320
Morgantown, WV 26505-7500
(304) 284-4889
TDD (304) 284-4836
Craig St. Clair
Wisconsin State Office
4949 Kirschling Court
Stevens Point, WI 54481
(715) 345-7615 (ext. 151)
TDD (715) 345-7614
Peter Kohnen
Wyoming State Office
PO Box 11005
Casper, WY 82602
(307) 233-6715
TDD (307) 233-6733
Jack Hyde
FOR FURTHER INFORMATION CONTACT:
Arlene Nunes, Senior Loan Specialist,
Guaranteed Loans, Multi-Family
Housing Processing Division, U.S.
Department of Agriculture, South
Agriculture Building, Room 1271, STOP
0781, 1400 Independence Avenue, SW.,
Washington, DC 20250-0781. E-mail:
arlene.nunes@usda.gov. Telephone:
(202) 401-2307. This number is not toll-
free. Hearing or speech-impaired
persons may access that number by

calling the Federal Information Relay Service toll-free at (800) 877-8339.

Eligibility of Prior Year Selected Notice of Funding Availability (NOFA)

Responses: NOFA Responses selected, but not yet funded, in prior years, are eligible for FY 2005 program dollars. Prior year NOFA responses selected by RHS may compete for FY 2005 funding without completing a FY 2005 response. These NOFA responses are not subject to the scoring process. RHS will commit and obligate funds on a "first-come first-served basis" only to lenders that submit a complete application for prior year selected NOFA response, including all Federal environmental documents required by 7 CFR part 1940, subpart G, a Form RD 3565-1, and the \$2,500 application fee. FY 2005 will be the last fiscal year that selected prior year NOFA responses will be considered for funding. If prior year selections do not develop into a complete application and funds are not obligated to the subject project, the prior year NOFA response selection will be automatically cancelled. A new NOFA response for the project can be submitted subject to the conditions of the then current NOFA year.

General Program Information

Program Purpose: The section 538 GRRHP is designed to increase the supply of affordable multi-family housing through partnerships between the RHS and major lending sources, as well as state and local housing finance agencies and bond issuers.

Responses Must Be Submitted by: The Agency will only accept responses from GRRHP eligible or approved lenders as described in 7 CFR 3565.102 and 3565.103 respectively.

Qualifying Properties: Qualifying properties include new construction for multi-family housing units or acquisition of existing structures with a minimum per unit rehabilitation expenditure requirement in accordance with 7 CFR 3565.252. The portion of guaranteed funds for acquisition with rehabilitation is limited to 25 percent of the program authority.

Eligible Financing Sources: Any form of Federal, state, and conventional sources of financing can be used in conjunction with the loan guarantee, including Home Investment Partnership Program (HOME) grant funds, tax exempt bonds, and low income housing tax credits.

Maximum Guarantee: The maximum guarantee for a permanent loan will be 90 percent of the unpaid balance and interest on the loan. The maximum guarantee on a construction loan will be 90 percent of the work in place, which

have credit enhancements, or up to 90 percent of the amount actually advanced by the lender, whichever is less.

Reimbursement of Losses: Any losses will be split on a pro-rata basis between the lender and the RHS from the first dollar lost.

Interest Rate: RHS will accept the best rate negotiated between the lender and prospective borrower. The lender is not required to provide the interest rate in the response. The interest rate must be fixed over the term of the loan.

Interest Credit: RHS will provide additional financial assistance for at least 20 percent of the loans by providing an interest credit to reduce the interest rate to the Long Term Monthly Applicable Federal Rate (AFR) subject to appropriations. The interest credit will be paid following the January 1st of the year in which the project has reached occupancy standards, and the permanent loan note guarantee is issued. If 20 percent of the loans have not received interest credit by June 13, 2005, then RHS will award interest credit to those loans that initially requested interest credit and have the highest interest credit priority score until at least 20 percent of the loans have received interest credit. Requests for interest credit must be made in the response. When interest credit assistance is requested, lenders must state in the response the maximum basis points above the Long Term Monthly AFR that will be used to calculate the interest rate. Priority points will be given for basis points equal to or less than 250 above the Long Term Monthly AFR. Lenders should use the Long Term Monthly AFR in effect at the closing of the lender's loan. Lenders are not permitted to make requests for interest credit after the selection process has taken place.

Due to limited funding and in order to distribute interest credit assistance as broadly as possible, the Agency has decided to limit the interest credit to \$1.5 million per loan. For example, if an eligible request were made for interest credit on a loan of \$2.5 million, up to \$1.5 million of the loan would receive interest credit. Interest credit is not available for construction loans. Interest credit is only available for permanent loans. Lenders with projects that are viable with or without interest credit are encouraged to submit a response reflecting financial and market feasibility under both funding options. Responses requesting consideration under both options will not affect interest credit selection. However, once the interest credit funds are exhausted, only those responses requesting

consideration under both funding options or the Non-Interest Credit option will be further considered.

Due to limited interest credit funds and the responsibility of RHS to target and give priority to rural areas most in need, responses requesting interest credit must score a minimum of 55 points under the criteria established in this NOFA. In the event of ties, selection between responses will be by lot.

Surcharges for Guarantee of Construction Advances: There is no surcharge for the guarantee of construction advances for FY 2005.

Program Fees for FY 2005: The following information stipulates the program fees.

(1) There is an initial guarantee fee of 1 percent of the total guarantee amount, which will be due when the loan guarantee is issued. In the case of a combination construction and permanent loan guarantee, the 1 percent initial fee will be paid when the construction loan note guarantee is issued. For purposes of calculating this fee, the guarantee amount is the product of the percentage of the guarantee times the initial principal amount of the guaranteed loan.

(2) There is an annual renewal fee of 0.5 percent of the outstanding principal and interest of the loan. This fee will be collected annually on January 1st of each calendar year.

(3) There is no fee for site assessment and market analysis or preliminary feasibility in FY 2005.

(4) There is a non-refundable application fee of \$2,500 when the application is submitted.

(5) There is a flat fee of \$500 when a lender requests RHS to extend the term of a guarantee commitment.

(6) There is a flat fee of \$500 when a lender requests RHS to reopen an application when a commitment has expired.

(7) There is a flat fee of \$1,250 when a lender requests RHS to approve the transfer of property and assumption of the loan to an eligible prospective borrower.

(8) There is no lender application fee for lender approval in FY 2005.

Eligible Lenders: An eligible lender for the section 538 GRRHP as required by 7 CFR 3565.102 must be a licensed business entity or Housing Finance Agency (HFA) in good standing in the state or states where it conducts business. Lender eligibility requirements are contained in 7 CFR 3565.102. Below is a list of some of the eligible lender criteria under 7 CFR 3565.102:

(1) Licensed business entity that meets the qualifications and has the

approval of the Secretary of Housing and Urban Development (HUD) to make multi-family housing loans that are insured under the National Housing Act. A complete list of HUD approved lenders can be found on the HUD Web site at <http://www.hud.gov>.

(2) A licensed business entity that meets the qualifications and has the approval of the Ginnie Mae or Freddie Mac or Fannie Mae corporations to make multi-family housing loans that are sold to the same corporations. A complete list of Freddie Mac approved lenders can be found in Freddie Mac's Web site at <http://www.freddiemac.com>. Fannie Mae approved lenders are found at <http://www.fanniema.com>. For a list of Ginnie Mae issuers, contact Ginnie Mae at <http://www.ginniemae.gov>.

(3) A state or local HFA with a top-tier rating from Moody's or Standard & Poors, or member of the Federal Home Loan Bank system, and the demonstrated ability to underwrite, originate, process, close, service, manage, and dispose of multi-family housing loans in a prudent manner.

(4) Be a GRRHP approved lender, defined as an entity with an executed multi-family housing Lender's Agreement with RHS.

(5) Lenders that can demonstrate the capacity to underwrite, originate, process, close, service, manage, and dispose of multi-family housing loans in a prudent manner. In order to be approved the lender will have to have an acceptable level of financial soundness as determined by a lender rating service. The submission of materials demonstrating capacity will be required if the lender's response is selected. Lenders who are otherwise ineligible may become eligible if they maintain a correspondent relationship with an eligible lender that does have the capacity to underwrite, originate, process, close, service, manage, and dispose of multi-family housing loans in a prudent manner. In this case, the eligible lender must submit the response and application. All contractual and legal documentation will be signed between RHS and the lender that submitted the response and application.

GRRHP Lender Approval Application: Lenders whose responses are selected

will be notified by the RHS to submit a request for GRRHP lender approval application within 30 days of notification. Lenders that have received GRRHP lender approval in the past and are in good standing do not need to reapply for GRRHP lender approval.

Submission of Documentation for GRRHP Lender Approval: All lenders that have not yet received GRRHP lender approval must submit a complete lender application to: Director, Multi-Family Housing Processing Division, Rural Housing Service, U.S. Department of Agriculture, Room 1263, STOP 0781, 1400 Independence Avenue, SW., Washington, DC 20250-0781. Lender applications must be identified as "Section 538 Guaranteed Rural Rental Housing Program" on the envelope.

As RHS does not have a formal application form, a complete application consists of a cover letter requesting GRRHP lender approval and the following documentation:

- (1) Request for GRRHP lender approval on the lender's letterhead;
- (2) Lenders who are HUD, Ginnie Mae, Freddie Mac or Fannie Mae multi-family approved lenders are required to show evidence of this status, such as a copy of a letter designating the distinction;
- (3) The lender's Loan Origination, Loan Servicing and Portfolio Management Handbooks. These handbooks should detail the lender's policies and procedures on loan origination through termination for multi-family loans;
- (4) Portfolio performance data;
- (5) Copies of standard documents that will be used in processing GRRHP loans;
- (6) Resumes and qualifications of key personnel that will be involved in the GRRHP;
- (7) Identification of standards and processes that deviate from those outlined in the GRRHP Origination and Servicing Handbook (HB-1-3565) found at <http://rdinit.usda.gov/regs>;
- (8) A copy of the most recent audited financial statements;
- (9) Lender specific information including: (a) Legal name and address, (b) list of principal officers and their responsibilities, (c) certification that the

officers and principals of the lender have not been debarred or suspended from Federal programs, (d) Form AD 1047, (e) certification that the lender is not in default or delinquent on any Federal debt or loan, or possesses as an outstanding finding of deficiency in a federal housing program, and (f) certification of the lender's credit rating; and

(10) Documentation on bonding and insurance.

GRRHP Lender Approval Requirements: Lenders who request GRRHP lender approval must meet the standards stipulated in the 7 CFR 3565.103.

Lender Responsibilities: Lenders will be responsible for the full range of loan origination, underwriting, management, servicing, compliance issues and property disposition activities associated with their projects. The lender will be expected to provide guidance to the prospective borrower on the RHS requirements during the application phase. Once the guarantee is issued, the lender is expected to service each loan it underwrites or contract these services to another capable entity.

Discussion of Notice

Content of Notice Responses: All responses require lender information and project specific data. Incomplete responses will not be considered for funding. Lenders will be notified of incomplete responses. Complete responses are to include a signed cover letter from the lender on the lender's letterhead and the following information:

(1) **Lender certification**—The lender must certify that the lender will make a loan to the prospective borrower for the proposed project, under specified terms and conditions subject to the issuance of the GRRHP guarantee. Lender certification must be on the lender's letterhead and signed by both the lender and the prospective borrower.

(2) **Project specific data**—The lender must submit the project specific data below on the lender's letterhead, signed by both the lender and the prospective borrower.

Lender Name	Insert the lender's name.
Lender Tax ID #	Insert lender's tax ID #.
Lender Contact Name	Name of the lender contact for loan.
Mailing Address	Lender's complete mailing address.
Phone #	Phone # for lender contact.

Fax #	Insert lender's fax #.
E-mail Address	Insert lender contact e-mail address.
Borrower Name and Organization Type	State whether borrower is a Limited Partnership, Corporation, Indian Tribe, etc.
Tax Classification Type	State whether borrower is for profit, not for profit, etc.
Borrower Tax ID #	Insert borrower's tax ID #.
Borrower Address, including County	Insert borrower's address and county.
Borrower Phone #	Insert borrower's phone #.
Principal or Key Member for the Borrower	Insert name and title.
Borrower Information and Statement of Housing Development Experience	Attach relevant information.
New Construction or Acquisition with Rehabilitation	State whether the project is new construction or acquisition with rehabilitation.
Project Location Town or City	Town or city in which the project is located.
Project County	County in which the project is located.
Project State	State in which the project is located.
Project Zip Code	Insert zip code.
Project Congressional District	Congressional District for project location.
Project Name	Insert project name.
Project Type	Family, senior (all residents 55 years or older), or mixed.
Property Description and Proposed Development Schedule	Provide as an attachment.
Total Project Development Cost	Enter amount for total project.
# of Units	Insert the # of units in the project.
Ratio of 3-5 bedroom units to total units	Insert percentage of 3-5 bedroom units to total units.
Cost Per Unit	Total development cost divided by # of units.
Rent	Proposed rent structure.
Median Income for Community	Provide median income for the community.
Evidence of Site Control	Attach relevant information.
Description of Any Environmental Issues	Attach relevant information.
Loan Amount	Insert the loan amount.
Interest Credit (IC)	Is interest credit requested for this loan? (Yes or No)
Basis Points over the Long Term Monthly Applicable Federal Rate (for interest credit requests only)	Lenders seeking interest credit must provide the maximum basis points above the Long Term Monthly AFR that will be used to calculate the interest rate. Priority points will be given for basis points equal to or less than 250 above the Long Term Monthly AFR. Lenders should use the Long Term Monthly AFR in effect at the closing of the lender's loan.
If Above Is Yes, Should Proposal Be Considered Under Non-IC Selection if IC Funds Are Exhausted?	If Yes, proposal must show financial feasibility for Non-IC consideration.
Borrower's Proposed Equity	Insert amount.
Tax Credits	Will the project be allocated tax credits? How much? What is the estimated value of the tax credits awarded?
Other Sources of Funds	List all funding sources other than tax credits and amounts for each source.

Loan to Total Development Cost	Guaranteed loan divided by the total development costs of project.
Debt Coverage Ratio	Net Operating Income divided by debt service payments.
Percentage of Guarantee	Percentage guarantee requested.
Collateral	Attach relevant information.
Empowerment Zone(EZ) or Enterprise Community(EC), Colonia or Tribal Lands	Yes or No. Is the project in a recognized EZ or EC, Colonia or on an Indian Reservation?
Population	Must be within the 20,000 population limit set for the program.
Is a Guarantee for Construction Being Requested? Are Advances Being Requested?	State yes or no. The Agency will guarantee construction advances, only as part of a combination construction and permanent loan.
Loan Term	Up to a 40-year amortized loan. Balloon mortgages with a minimum 25-year term are eligible.

Scoring of Priority Criteria for Selection of Projects: All 2005 NOFA responses will be scored based on the criteria set forth below to establish their priority for obligation of funds. Priority criteria include population size, median income, loan to development cost ratio, highest percentage of 3–5 bedroom units to total units, and location in Empowerment Zones/Enterprise Communities or on Tribal Land. Prior to June 13, 2005, projects with an overall score of 25 points and a loan to development cost ratio less than 70 percent will be processed and, when ready, obligated on a first-come-first-serve basis, provided funds are available. Projects that score less than 25 points, and projects that score 25 points or more and do not have a loan to development cost ratio less than 70 percent, may be processed up to the point of obligation, but they will not be obligated until after June 13, 2005. Each month after June 13, 2005, the Agency will select proposals with a threshold score of 25 or higher until all funds are expended. Priority for the selection of proposals that meet the threshold score of 25 will be given to the highest scoring proposals. A notice will be placed in the **Federal Register** when all funds are committed for FY 2005.

Scoring of Priority Criteria for Selection of Projects With Interest Credit Requests: RHS will allocate points to projects with requests for interest credit. Subject to available funding, all projects scoring 55 points or more on the six priority criteria below and demonstrate a need for the interest credit subsidy will receive interest credit awards.

The six priority criteria for projects with requests for interest credit are listed below.

Priority 1—Projects located in eligible rural communities with the lowest populations will receive the highest points.

Population size	Points
0–5,000 people	15
5,001–10,000 people	10
10,001–15,000 people	5
15,001–20,000 people	0

Priority 2—The most needy communities as determined by the median income from the most recent census data will receive points. The RHS will allocate points to projects located in communities having the lowest median income. Points for median income will be awarded as follows:

Median income (dollars)	Points
Less than \$35,000	20
\$35,000–less than \$45,000	15
\$45,000–less than \$55,000	10
\$55,000–less than \$65,000	5
\$65,000 or more	0

Priority 3—Projects that demonstrate partnering and leveraging in order to develop the maximum number of units and promote partnerships with state and local communities will also receive points. Points will be awarded as follows:

Loan to total development cost ratio (percentage %)	Points
90–100	0
Less than 90–70	15
Less than 70–50	20
Less than 50	30

Priority 4—The development of projects on Tribal Lands, or in an Empowerment Zone or Enterprise Community will receive points. The RHS will attribute 20 points to projects that are developed in any of the locations described in this priority. The development of projects in a Colonia or in a place identified in the State’s Consolidated Plan or State Needs Assessment as a high need community

for multi-family housing will receive points. The RHS will attribute 20 points to projects that are developed in any of the locations described in this priority.

Priority 5—RHS will award points for basis points above the long term monthly AFR used to calculate the interest rate. Lenders should use the Long Term Monthly AFR in effect at the closing of the lender’s loan. The score for basis points is as follows:

Basis points	Points
More than 250 basis points	–20
200 to 250 basis points, inclusive ..	10
100 to 199 basis points, inclusive ..	15
0 to 99 basis points, inclusive	20

Priority 6—The RHS will award points to projects with the highest ratio of 3–5 bedroom units to total units as follows:

Ratio of 3–5 bedroom units to total units	Points
More than 50%	6
21%–50%	5
Less than 21%–more than 0%	1

Notifications: Responses will be reviewed for completeness and eligibility. The RHS will notify those lenders whose responses are selected via letter. The RHS will request lenders without GRRHP lender approval to apply for GRRHP lender approval within 30 days upon receipt of notification of selection. For information regarding GRRHP lender approval, please refer to the section entitled “Submission of Documentation for GRRHP Lender Approval” in this Notice.

Lenders will also be invited to submit a complete application and the required application fee of \$2,500 to the Rural Development State Office where the project is located.

Submission of GRRHP Applications: Notification letters will instruct lenders

to contact the Rural Development State Office immediately following notification of selection to schedule required agency reviews.

Rural Development State Office staff will work with lenders in the development of an application package. Required documentation for a complete application package is stated in section 3 of chapter 4 of HB-1-3565.

The deadline for the submission of a complete application and application fee is 90 days from the date of notification of response selection. If the application and fee are not submitted within 90 days from the date of notification, the selection is subject to cancellation, thereby allowing another response that is ready to proceed with processing to be selected.

Obligation of Program Funds: The RHS will only obligate funds to projects that meet the requirements for obligation, including undergoing a satisfactory environmental review in accordance with the National Environmental Protection Act (NEPA) and lenders who have submitted the \$2,500 application fee and completed Form RD 3565-1 for the selected project.

Conditional Commitment: Once required documents for obligation and the application fee are received and all NEPA requirements have been met, the Rural Development State Office will issue a conditional commitment, which stipulates the conditions that must be fulfilled before the issuance of a

guarantee, in accordance with 7 CFR 3565.303.

Issuance of Guarantee: The RHS State Office will issue a guarantee to the lender for a project in accordance with 7 CFR 3565.303. No guarantee can be issued without a complete application, review of appropriate certifications, satisfactory assessment of the appropriate level of environmental review, and the completion of any conditional requirements.

Dated: March 3, 2005.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. 05-4776 Filed 3-11-05; 8:45 am]

BILLING CODE 3410-XV-C



Federal Register

**Monday,
March 14, 2005**

Part III

The President

**Executive Order 13373—Amendments to
Executive Order 11926 Relating to the
Vice Presidential Service Badge**

**Notice of March 10, 2005—Continuation
of the National Emergency With Respect
to Iran**

Presidential Documents

Title 3—**Executive Order 13373 of March 10, 2005****The President****Amendments to Executive Order 11926 Relating to the Vice Presidential Service Badge**

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Amendments to Executive Order 11926. Executive Order 11926 of July 19, 1976, as amended by Executive Order 13286 of February 28, 2003, is further amended as follows:

(a) in section 1, by striking “and Coast Guard” and inserting in lieu thereof “Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and commissioned corps of the Public Health Service”;

(b) in section 1, by inserting “, or who have been assigned to perform duties predominantly for the Vice President for a period of at least one year subsequent to January 20, 2001, in the implementation of Public Law 93–346, as amended, or in military units and support facilities to which section 1 of Executive Order 12793 of March 20, 1992, as amended, refers” immediately preceding the period;

(c) in section 2, by striking “Military Assistant to the Vice President” and inserting in lieu thereof “Vice President’s designee (with the concurrence of the Director of the White House Military Office in the case of personnel in military units or support facilities to which section 1 of Executive Order 12793, as amended, refers)”;

(d) in section 2, by inserting “and, in the case of members of the commissioned corps of the National Oceanic and Atmospheric Administration or the commissioned corps of the Public Health Service so assigned, by the Secretary of Commerce or the Secretary of Health and Human Services, respectively” immediately preceding the period;

(e) in section 5, by adding at the end of the section “No award shall be made to an individual under this Order based on a period of service with respect to which, in whole or in part, the individual was awarded the Presidential Service Badge.”;

(f) in section 6, by striking “and Coast Guard,” and inserting in lieu thereof “Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and commissioned corps of the Public Health Service,”;

(g) in section 6, by inserting “, or who has been assigned to perform duties predominantly for the Vice President, in the implementation of Public Law 93–346, as amended, or in military units and support facilities to which section 1 of Executive Order 12793, as amended, refers,” after “Office of the Vice President”;

(h) in section 6, by inserting “, unless otherwise directed by the Director of the White House Military Office in the case of personnel in military units or support facilities to which section 1 of Executive Order 12793, as amended, refers,” after “is authorized”;

(i) in section 6, by inserting “or her” after “his”; and

(j) in section 6, by striking “first day of duty in the Office of the Vice President” and inserting in lieu thereof “first day of such duty”.

Sec. 2. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

A handwritten signature in black ink, appearing to read "G. W. Bush". The signature is fluid and cursive, with a large initial "G" and a distinct "W" and "B".

THE WHITE HOUSE,
March 10, 2005.

[FR Doc. 05-5097

Filed 3-11-05; 8:45 am]

Billing code 3195-01-P

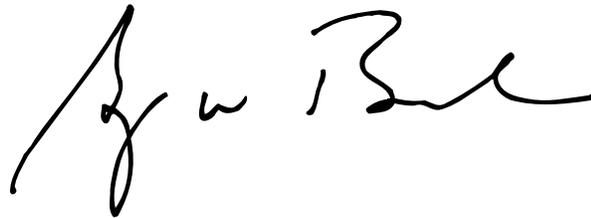
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Notice of March 10, 2005

Continuation of the National Emergency With Respect to Iran

On March 15, 1995, by Executive Order 12957, the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and acquisition of weapons of mass destruction and the means to deliver them. On May 6, 1995, the President issued Executive Order 12959 imposing more comprehensive sanctions to further respond to this threat, and on August 19, 1997, the President issued Executive Order 13059 consolidating and clarifying the previous orders.

Because the actions and policies of the Government of Iran continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 2005. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran. Because the emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170, this renewal is distinct from the emergency renewal of November 2004. This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
March 10, 2005.

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Federal Register

Vol. 70, No. 48

Monday, March 14, 2005

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S. 5/P.L. 109-2
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*2	(869-056-00002-2)	5.00	Jan. 1, 2005
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*4	(869-056-00004-9)	10.00	4 Jan. 1, 2005
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*1-699	(869-052-00004-3)	60.00	Jan. 1, 2004
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27-52	(869-052-00009-4)	49.00	Jan. 1, 2004
53-209	(869-052-00010-8)	37.00	Jan. 1, 2004
210-299	(869-052-00011-6)	62.00	Jan. 1, 2004
300-399	(869-052-00012-4)	46.00	Jan. 1, 2004
400-699	(869-052-00013-2)	42.00	Jan. 1, 2004
700-899	(869-052-00014-1)	43.00	Jan. 1, 2004
900-999	(869-052-00015-9)	60.00	Jan. 1, 2004
1000-1199	(869-052-00016-7)	22.00	Jan. 1, 2004
1200-1599	(869-052-00017-5)	61.00	Jan. 1, 2004
1600-1899	(869-052-00018-3)	64.00	Jan. 1, 2004
1900-1939	(869-052-00019-1)	31.00	Jan. 1, 2004
1940-1949	(869-052-00020-5)	50.00	Jan. 1, 2004
*1950-1999	(869-056-00022-7)	46.00	Jan. 1, 2005
2000-End	(869-052-00022-1)	50.00	Jan. 1, 2004
8	(869-052-00023-0)	63.00	Jan. 1, 2004
9 Parts:			
1-199	(869-052-00024-8)	61.00	Jan. 1, 2004
200-End	(869-052-00025-6)	58.00	Jan. 1, 2004
10 Parts:			
1-50	(869-052-00026-4)	61.00	Jan. 1, 2004
51-199	(869-052-00027-2)	58.00	Jan. 1, 2004
200-499	(869-052-00028-1)	46.00	Jan. 1, 2004
500-End	(869-052-00029-9)	62.00	Jan. 1, 2004
11	(869-052-00030-2)	41.00	Feb. 3, 2004
12 Parts:			
1-199	(869-052-00031-1)	34.00	Jan. 1, 2004
200-219	(869-052-00032-9)	37.00	Jan. 1, 2004
220-299	(869-052-00033-7)	61.00	Jan. 1, 2004
300-499	(869-052-00034-5)	47.00	Jan. 1, 2004
500-599	(869-052-00035-3)	39.00	Jan. 1, 2004
*600-899	(869-056-00037-5)	56.00	Jan. 1, 2005

Title	Stock Number	Price	Revision Date
900-End	(869-052-00037-0)	50.00	Jan. 1, 2004
13	(869-052-00038-8)	55.00	Jan. 1, 2004
14 Parts:			
1-59	(869-052-00039-6)	63.00	Jan. 1, 2004
60-139	(869-052-00040-0)	61.00	Jan. 1, 2004
*140-199	(869-056-00042-1)	30.00	Jan. 1, 2005
200-1199	(869-052-00042-6)	50.00	Jan. 1, 2004
1200-End	(869-052-00043-4)	45.00	Jan. 1, 2004
15 Parts:			
0-299	(869-052-00044-2)	40.00	Jan. 1, 2004
300-799	(869-052-00045-1)	60.00	Jan. 1, 2004
800-End	(869-052-00046-9)	42.00	Jan. 1, 2004
16 Parts:			
0-999	(869-052-00047-7)	50.00	Jan. 1, 2004
*1000-End	(869-056-00049-9)	60.00	Jan. 1, 2005
17 Parts:			
1-199	(869-052-00050-7)	50.00	Apr. 1, 2004
200-239	(869-052-00051-5)	58.00	Apr. 1, 2004
240-End	(869-052-00052-3)	62.00	Apr. 1, 2004
18 Parts:			
1-399	(869-052-00053-1)	62.00	Apr. 1, 2004
400-End	(869-052-00054-0)	26.00	Apr. 1, 2004
19 Parts:			
1-140	(869-052-00055-8)	61.00	Apr. 1, 2004
141-199	(869-052-00056-6)	58.00	Apr. 1, 2004
200-End	(869-052-00057-4)	31.00	Apr. 1, 2004
20 Parts:			
1-399	(869-052-00058-2)	50.00	Apr. 1, 2004
400-499	(869-052-00059-1)	64.00	Apr. 1, 2004
500-End	(869-052-00060-9)	63.00	Apr. 1, 2004
21 Parts:			
1-99	(869-052-00061-2)	42.00	Apr. 1, 2004
100-169	(869-052-00062-1)	49.00	Apr. 1, 2004
170-199	(869-052-00063-9)	50.00	Apr. 1, 2004
200-299	(869-052-00064-7)	17.00	Apr. 1, 2004
300-499	(869-052-00065-5)	31.00	Apr. 1, 2004
500-599	(869-052-00066-3)	47.00	Apr. 1, 2004
600-799	(869-052-00067-1)	15.00	Apr. 1, 2004
800-1299	(869-052-00068-0)	58.00	Apr. 1, 2004
1300-End	(869-052-00069-8)	24.00	Apr. 1, 2004
22 Parts:			
1-299	(869-052-00070-1)	63.00	Apr. 1, 2004
300-End	(869-052-00071-0)	45.00	Apr. 1, 2004
23	(869-052-00072-8)	45.00	Apr. 1, 2004
24 Parts:			
0-199	(869-052-00073-6)	60.00	Apr. 1, 2004
200-499	(869-052-00074-4)	50.00	Apr. 1, 2004
500-699	(869-052-00075-2)	30.00	Apr. 1, 2004
700-1699	(869-052-00076-1)	61.00	Apr. 1, 2004
1700-End	(869-052-00077-9)	30.00	Apr. 1, 2004
25	(869-052-00078-7)	63.00	Apr. 1, 2004
26 Parts:			
§§ 1.0-1.160	(869-052-00079-5)	49.00	Apr. 1, 2004
§§ 1.61-1.169	(869-052-00080-9)	63.00	Apr. 1, 2004
§§ 1.170-1.300	(869-052-00081-7)	60.00	Apr. 1, 2004
§§ 1.301-1.400	(869-052-00082-5)	46.00	Apr. 1, 2004
§§ 1.401-1.440	(869-052-00083-3)	62.00	Apr. 1, 2004
§§ 1.441-1.500	(869-052-00084-1)	57.00	Apr. 1, 2004
§§ 1.501-1.640	(869-052-00085-0)	49.00	Apr. 1, 2004
§§ 1.641-1.850	(869-052-00086-8)	60.00	Apr. 1, 2004
§§ 1.851-1.907	(869-052-00087-6)	61.00	Apr. 1, 2004
§§ 1.908-1.1000	(869-052-00088-4)	60.00	Apr. 1, 2004
§§ 1.1001-1.1400	(869-052-00089-2)	61.00	Apr. 1, 2004
§§ 1.1401-1.1503-2A	(869-052-00090-6)	55.00	Apr. 1, 2004
§§ 1.1551-End	(869-052-00091-4)	55.00	Apr. 1, 2004
2-29	(869-052-00092-2)	60.00	Apr. 1, 2004
30-39	(869-052-00093-1)	41.00	Apr. 1, 2004
40-49	(869-052-00094-9)	28.00	Apr. 1, 2004
50-299	(869-052-00095-7)	41.00	Apr. 1, 2004

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
300-499	(869-052-00096-5)	61.00	Apr. 1, 2004	63 (63.8980-End)	(869-052-00149-0)	35.00	July 1, 2004
500-599	(869-052-00097-3)	12.00	⁵ Apr. 1, 2004	64-71	(869-052-00150-3)	29.00	July 1, 2004
600-End	(869-052-00098-1)	17.00	Apr. 1, 2004	72-80	(869-052-00151-1)	62.00	July 1, 2004
27 Parts:				81-85	(869-052-00152-0)	60.00	July 1, 2004
1-199	(869-052-00099-0)	64.00	Apr. 1, 2004	86 (86.1-86.599-99)	(869-052-00153-8)	58.00	July 1, 2004
200-End	(869-052-00100-7)	21.00	Apr. 1, 2004	86 (86.600-1-End)	(869-052-00154-6)	50.00	July 1, 2004
28 Parts:				87-99	(869-052-00155-4)	60.00	July 1, 2004
0-42	(869-052-00101-5)	61.00	July 1, 2004	100-135	(869-052-00156-2)	45.00	July 1, 2004
43-End	(869-052-00102-3)	60.00	July 1, 2004	136-149	(869-052-00157-1)	61.00	July 1, 2004
29 Parts:				150-189	(869-052-00158-9)	50.00	July 1, 2004
0-99	(869-052-00103-1)	50.00	July 1, 2004	190-259	(869-052-00159-7)	39.00	July 1, 2004
100-499	(869-052-00104-0)	23.00	July 1, 2004	260-265	(869-052-00160-1)	50.00	July 1, 2004
500-899	(869-052-00105-8)	61.00	July 1, 2004	266-299	(869-052-00161-9)	50.00	July 1, 2004
900-1899	(869-052-00106-6)	36.00	July 1, 2004	300-399	(869-052-00162-7)	42.00	July 1, 2004
1900-1910 (§§ 1900 to 1910.999)	(869-052-00107-4)	61.00	July 1, 2004	400-424	(869-052-00163-5)	56.00	⁸ July 1, 2004
1910 (§§ 1910.1000 to end)	(869-052-00108-2)	46.00	⁸ July 1, 2004	425-699	(869-052-00164-3)	61.00	July 1, 2004
1911-1925	(869-052-00109-1)	30.00	July 1, 2004	700-789	(869-052-00165-1)	61.00	July 1, 2004
1926	(869-052-00110-4)	50.00	July 1, 2004	790-End	(869-052-00166-0)	61.00	July 1, 2004
1927-End	(869-052-00111-2)	62.00	July 1, 2004	41 Chapters:			
30 Parts:				1, 1-1 to 1-10		13.00	³ July 1, 1984
1-199	(869-052-00112-1)	57.00	July 1, 2004	1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
200-699	(869-052-00113-9)	50.00	July 1, 2004	3-6		14.00	³ July 1, 1984
700-End	(869-052-00114-7)	58.00	July 1, 2004	7		6.00	³ July 1, 1984
31 Parts:				8		4.50	³ July 1, 1984
0-199	(869-052-00115-5)	41.00	July 1, 2004	9		13.00	³ July 1, 1984
200-End	(869-052-00116-3)	65.00	July 1, 2004	10-17		9.50	³ July 1, 1984
32 Parts:				18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
1-39, Vol. I		15.00	² July 1, 1984	18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
1-39, Vol. II		19.00	² July 1, 1984	18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
1-39, Vol. III		18.00	² July 1, 1984	19-100		13.00	³ July 1, 1984
1-190	(869-052-00117-1)	61.00	July 1, 2004	1-100	(869-052-00167-8)	24.00	July 1, 2004
191-399	(869-052-00118-0)	63.00	July 1, 2004	101	(869-052-00168-6)	21.00	July 1, 2004
400-629	(869-052-00119-8)	50.00	⁸ July 1, 2004	102-200	(869-052-00169-4)	56.00	July 1, 2004
630-699	(869-052-00120-1)	37.00	⁷ July 1, 2004	201-End	(869-052-00170-8)	24.00	July 1, 2004
700-799	(869-052-00121-0)	46.00	July 1, 2004	42 Parts:			
800-End	(869-052-00122-8)	47.00	July 1, 2004	1-399	(869-052-00171-6)	61.00	Oct. 1, 2004
33 Parts:				400-429	(869-052-00172-4)	63.00	Oct. 1, 2004
1-124	(869-052-00123-6)	57.00	July 1, 2004	430-End	(869-052-00173-2)	64.00	Oct. 1, 2004
125-199	(869-052-00124-4)	61.00	July 1, 2004	43 Parts:			
200-End	(869-052-00125-2)	57.00	July 1, 2004	1-999	(869-052-00174-1)	56.00	Oct. 1, 2004
34 Parts:				1000-end	(869-052-00175-9)	62.00	Oct. 1, 2004
1-299	(869-052-00126-1)	50.00	July 1, 2004	44	(869-052-00176-7)	50.00	Oct. 1, 2004
300-399	(869-052-00127-9)	40.00	July 1, 2004	45 Parts:			
400-End	(869-052-00128-7)	61.00	July 1, 2004	1-199	(869-052-00177-5)	60.00	Oct. 1, 2004
35	(869-052-00129-5)	10.00	⁶ July 1, 2004	200-499	(869-052-00178-3)	34.00	Oct. 1, 2004
36 Parts:				500-1199	(869-052-00179-1)	56.00	Oct. 1, 2004
1-199	(869-052-00130-9)	37.00	July 1, 2004	1200-End	(869-052-00180-5)	61.00	Oct. 1, 2004
200-299	(869-052-00131-7)	37.00	July 1, 2004	46 Parts:			
300-End	(869-052-00132-5)	61.00	July 1, 2004	1-40	(869-052-00181-3)	46.00	Oct. 1, 2004
37	(869-052-00133-3)	58.00	July 1, 2004	41-69	(869-052-00182-1)	39.00	Oct. 1, 2004
38 Parts:				70-89	(869-052-00183-0)	14.00	Oct. 1, 2004
0-17	(869-052-00134-1)	60.00	July 1, 2004	90-139	(869-052-00184-8)	44.00	Oct. 1, 2004
18-End	(869-052-00135-0)	62.00	July 1, 2004	140-155	(869-052-00185-6)	25.00	Oct. 1, 2004
39	(869-052-00136-8)	42.00	July 1, 2004	156-165	(869-052-00186-4)	34.00	Oct. 1, 2004
40 Parts:				166-199	(869-052-00187-2)	46.00	Oct. 1, 2004
1-49	(869-052-00137-6)	60.00	July 1, 2004	200-499	(869-052-00188-1)	40.00	Oct. 1, 2004
50-51	(869-052-00138-4)	45.00	July 1, 2004	500-End	(869-052-00189-9)	25.00	Oct. 1, 2004
52 (52.01-52.1018)	(869-052-00139-2)	60.00	July 1, 2004	47 Parts:			
52 (52.1019-End)	(869-052-00140-6)	61.00	July 1, 2004	0-19	(869-052-00190-2)	61.00	Oct. 1, 2004
53-59	(869-052-00141-4)	31.00	July 1, 2004	20-39	(869-052-00191-1)	46.00	Oct. 1, 2004
60 (60.1-End)	(869-052-00142-2)	58.00	July 1, 2004	40-69	(869-052-00192-9)	40.00	Oct. 1, 2004
60 (Apps)	(869-052-00143-1)	57.00	July 1, 2004	70-79	(869-052-00193-8)	63.00	Oct. 1, 2004
61-62	(869-052-00144-9)	45.00	July 1, 2004	80-End	(869-052-00194-5)	61.00	Oct. 1, 2004
63 (63.1-63.599)	(869-052-00145-7)	58.00	July 1, 2004	48 Chapters:			
63 (63.600-63.1199)	(869-052-00146-5)	50.00	July 1, 2004	1 (Parts 1-51)	(869-052-00195-3)	63.00	Oct. 1, 2004
63 (63.1200-63.1439)	(869-052-00147-3)	50.00	July 1, 2004	1 (Parts 52-99)	(869-052-00196-1)	49.00	Oct. 1, 2004
63 (63.1440-63.8830)	(869-052-00148-1)	64.00	July 1, 2004	2 (Parts 201-299)	(869-052-00197-0)	50.00	Oct. 1, 2004
				3-6	(869-052-00198-8)	34.00	Oct. 1, 2004
				7-14	(869-052-00199-6)	56.00	Oct. 1, 2004
				15-28	(869-052-00200-3)	47.00	Oct. 1, 2004
				29-End	(869-052-00201-1)	47.00	Oct. 1, 2004

Title	Stock Number	Price	Revision Date
49 Parts:			
1-99	(869-052-00202-0)	60.00	Oct. 1, 2004
100-185	(869-052-00203-8)	63.00	Oct. 1, 2004
186-199	(869-052-00204-6)	23.00	Oct. 1, 2004
200-399	(869-052-00205-4)	64.00	Oct. 1, 2004
400-599	(869-052-00206-2)	64.00	Oct. 1, 2004
600-999	(869-052-00207-1)	19.00	Oct. 1, 2004
1000-1199	(869-052-00208-9)	28.00	Oct. 1, 2004
1200-End	(869-052-00209-7)	34.00	Oct. 1, 2004
50 Parts:			
1-16	(869-052-00210-1)	11.00	Oct. 1, 2004
17.1-17.95	(869-052-00211-9)	64.00	Oct. 1, 2004
17.96-17.99(h)	(869-052-00212-7)	61.00	Oct. 1, 2004
17.99(i)-end and 17.100-end	(869-052-00213-5)	47.00	Oct. 1, 2004
18-199	(869-052-00214-3)	50.00	Oct. 1, 2004
200-599	(869-052-00215-1)	45.00	Oct. 1, 2004
600-End	(869-052-00216-0)	62.00	Oct. 1, 2004
CFR Index and Findings			
Aids	(869-052-00049-3)	62.00	Jan. 1, 2004
Complete 2005 CFR set		1,342.00	2005
Microfiche CFR Edition:			
Subscription (mailed as issued)		325.00	2005
Individual copies		4.00	2005
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Complete set (one-time mailing)		298.00	2003

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 2004, through January 1, 2005. The CFR volume issued as of January 1, 2004 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2004. The CFR volume issued as of April 1, 2000 should be retained.

⁶ No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2004. The CFR volume issued as of July 1, 2000 should be retained.

⁷ No amendments to this volume were promulgated during the period July 1, 2002, through July 1, 2004. The CFR volume issued as of July 1, 2002 should be retained.

⁸ No amendments to this volume were promulgated during the period July 1, 2003, through July 1, 2004. The CFR volume issued as of July 1, 2003 should be retained.