AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

3–23–05 Wednesday
Vol. 70 No. 55 Mar. 23, 2005

Pages 14523–14966

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 125

RIN 3245–AF16

Government Contracting Programs

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule amends the interim final regulations governing the Service-Disabled Veteran Owned Small Business Concern (SDVO SBC) Program. In particular, this rule clarifies several regulations, specifically those concerning protest procedures.

DATES: This rule is effective March 23, 2005.

FOR FURTHER INFORMATION CONTACT: Dean Koppel, Assistant Administrator, Office of Policy and Research, (202) 205–7322 or at *SDVOSBCProgram@sba.gov.*

SUPPLEMENTARY INFORMATION: On May 5, 2004, the U.S. Small Business Administration (SBA or Agency) published in the **Federal Register**, 69 FR 25261, an interim final rule, with request for comments, to implement that section of the Veterans Benefits Act of 2003 (VBA), which addressed procurement programs for SBCs owned and controlled by service-disabled veterans. Specifically, the interim final rule defined the term service-disabled veterans, explained when competition may be restricted to SDVO SBCs, and established procedures for protesting the status of an SDVO SBC.

Discussion of Comments on the Interim Final Rule

The comment period for the interim final rule closed on July 6, 2004. SBA received 45 comments. The majority of the commenters fully supported the regulatory amendments. Twenty-seven of the 45 commenters provided substantive comments. The following is a synopsis of those substantive comments.

Section-by-Section Analysis of Comments

In the interim final rule, SBA amended § 121.401 by adding the phrase ''the Service-Disabled Veteran-Owned Small Business Concern Program (SDVO SBC Program)'' to state that the SDVO SBC Program is subject to size determinations. SBA received three comments on this section. The commenters stated that by SBA imposing size restrictions, SDVO SBCs will be excluded from certain industries, especially those industries where few employees or affiliation are needed. Consequently, these commenters believed that agencies will not be able to reach their 3% SDVO SBC goal.

In response to these comments, SBA notes that the VBA specifically applies to SBCs. Thus, to be eligible for a SDVO SBC contract, the business concern must meet the small business size standard for the applicable North American Industry Classification System code contained in the contract, in accordance with SBA's size regulations contained in 13 CFR part 121. Therefore, SBA did not adopt this comment and has not amended the rule.

SBA received one comment on § 125.6, which added subcontracting limitations for SDVO SBCs so that all subcontracting limitations would be centrally located and easy for SBCs and contracting officials to locate. The commenter stated that SBA should amend the subcontracting rules so that if a SDVO SBC subcontracts work to another company, the amount of the subcontract would be excluded from the total revenues of the SDVO SBC when calculating size. We note that § 121.104 of SBA's size regulations defines the term receipts and does not exclude subcontracting costs from its definition. In fact, SBA includes subcontracting costs as a factor when developing the size standards. Consequently, SBA believes that this comment is outside the scope of this rulemaking and therefore, SBA has not adopted the commenter's recommendation.

SBA notes that it has clarified § 125.6 to state that the SDVO SBC joint venture must perform the applicable percentage of work. This same requirement is also set forth in § 125.15(b)(3); however, SBA believes it would be helpful to set forth this requirement in § 125.6 as well.

SBA has also clarified the definition of service-disabled veteran with permanent and severe disability in § 125.8 to explain that it is relying on *written* documentation from the U.S. Department of Veterans Affairs (VA) that the veteran has a service-connected, permanent and total disability, as set forth in the VA's regulations.

In addition, SBA has corrected a typographical error in the definition of the term spouse. The definition refers readers to the correct cite—38 U.S.C. 101(31)—for that definition.

SBA defined who owns and controls an SDVO SBC in Subpart B, § 125.9 and § 125.10. SBA received two comments on these sections. One commenter stated that SDVO SBCs should be allowed to own and control holding companies for the purpose of program participation. One commenter stated that SBA should allow a surviving spouse to own and control a SDVO SBC following the death of the service-disabled veteran. Further, one commenter stated that all veterans should be considered, not just service-disabled veterans.

In response to these comments, SBA notes that the VBA and Small Business Act (Act) set forth specific criteria for program eligibility. For example, the Act states that in the case of a publicly-owned business, not less than 51% of the stock must be owned by one or more service-disabled veterans. Thus, we believe that the statute expresses a clear intent for direct ownership of the SBC by service-disabled veterans. SBA has created an exception for certain trusts because SBA believes that living trusts may be treated as the functional equivalent of ownership by service-disabled veterans where the trust is revocable, and the service-disabled veterans are, at all times, the grantors, trustees, and the current beneficiaries of the trust.

Further, the statute does not provide for ownership by surviving spouses of service-disabled veterans or for ownership by a veteran that is not service-disabled. Therefore, SBA has not amended the interim final rule to allow for ownership by holding companies, surviving spouses or veterans that are not service-disabled.

SBA is correcting a typographical error at the heading for Subpart C to change ''gurantee'' to ''guarantee.''

SBA received six comments regarding the eligibility requirements set forth in § 125.15, including the joint venture and nonmanufacturer requirements. Four commenters stated that this program should not allow self-representation on a contract and to avoid a firm's misrepresentation as a SDVO SBC, SBA should require proof of status. SBA notes that it did consider proposing a certification program, similar to others administered by the Agency, which would have required proof of eligibility prior to certification on a particular contract. However, SBA did not believe such a certification program was necessary to implement the VBA or was required by the VBA. In addition, SBA believes that allowing other SDVO SBCs to protest the self-representation made on an offer is a self-policing process and will prevent business concerns from misrepresenting their status. This procedure—allowing self-representation on an offer and then a protest on the self-representation—is the same procedure used for small business set-asides, which SBA believes has worked well in the past and continues to work well.

With respect to the joint venture requirements set forth in § 125.15, one commenter stated that SBA's established joint venture process is unduly restrictive and recommended that SBA allow SDVO SBCs to participate in joint ventures with small and large businesses. This commenter believed that SBA should increase the number of permitted joint ventures for SDVO SBCs. In response to this comment, SBA notes that the joint venture requirements are similar to those for SBA's other programs, including 8(a) and HUBZone. Further, SBA believes that it would not meet the purpose and intent of the VBA—to assist service-disabled veteran-owned SBCs through government contracting preferences—if such concerns were allowed to joint venture with an other-than-small business and together exceed the size requirements of the contract. In such instances, SBA believes the benefits would likely flow to the large business, and not the SDVO SBC and this does not serve the purpose of the VBA.

In addition, with respect to § 125.15(c), one commenter stated that SDVO SBC distributors should be allowed to supply the product of any business, large or small, above and below $25,000. This commenter believes that the nonmanufacturer rule and the waiver process is tedious and onerous for the SBC. First, SBA would like to clarify that waivers to the nonmanufacturers rule are not requested by a SBC as the result of a published Federal requirement. Rather, contracting officers can request a waiver to the rule when: (1) Market research indicates that no small business manufacturer or processor reasonably can be expected to offer a product meeting the specifications (including period for performance) required by a particular solicitation; or (2) SBA determines that no small business manufacturer or processor of the product or class of products is available to participate in the Federal procurement market. Section 121.406(b)(3) of SBA's size regulations further defines the guidelines for contracting officers to request a waiver. Waiver requests are processed after the contracting officer conducts market research and prior to the issuance of a Federal requirement by the contracting officer and are not a burden to a SBC. In this way, SBC non-manufacturers can compete in restricted procurements.

Second, SBA believes that the nonmanufacturer rule is necessary to maintain the small business industrial base. Further, the rule applies to all of SBA's programs. Thus, SBA has not amended the interim final rule to adopt this comment.

SBA received three comments on § 125.18, which addresses what requirements are not available for SDVO SBC contracts. The commenters recommended that only requirements made through the Federal Prison Industries, Inc. and Javits-Wagner-O'Day Programs be excluded from the SDVO SBC Program. The commenters stated that procurements under the 8(a) Business Development (BD) Program should be released for possible award under the SDVO SBC Program. In response to this comment, SBA notes that this regulation is necessary to ensure the integrity of the business development aspects of the 8(a) BD program. Generally, the requirement will be retained for exclusive 8(a) participation, but may be released by SBA as indicated in the regulation. Thus, SBA has not amended the interim final rule to adopt this comment.

Six commenters stated that SBA should change ''may'' to ''shall'' in § 125.19 and § 125.20. In other words, these commenters believe that a CO should be required to award set-aside and sole source contracts to SDVO SBCs and the program should therefore be mandatory rather than discretionary. In response, SBA notes that the VBA specifically states that the contracting officer of a procuring agency ''may'' award a sole source or set-aside contract to a SDVO SBC, if certain conditions are met. Thus, SBA's regulations are following the statutory mandate and therefore the interim final rule has not been changed.

Seven commenters recommended changes to the regulations regarding the sole source provisions for SDVO SBCs set forth in 125.20. Two commenters recommended that the $3 million threshold for contract opportunities, other than manufacturing, be clarified to read $3 million annually. SBA cannot make that change. The statute specifically provides that a contracting officer may award a sole source contract to a SDVO SBC if the anticipated award price of the contract (including options) will not exceed $3 million for contract opportunities other than manufacturing. Thus, the $3 million is based upon the contract price, including options, and not the annual cost of the contract.

Five commenters stated that SDVO SBC Program sole source procurements should be equivalent to sole source procurements under the 8(a) BD Program. For example, in the 8(a) BD Program, a contracting officer may award a sole source contract to an 8(a) BD SBC even if there is a reasonable expectation that two or more 8(a) SBCs can perform the requirement. In contrast, a contracting officer may only award a sole source SDVO SBC contract if he or she does not have a reasonable expectation that two or more SDVO SBCs will submit offers on the requirements (and other criteria are met). In response to this comment, SBA notes that both sole source requirements, for the 8(a) BD Program and the SDVO SBC Program, are set forth in statute. SBA's regulations follow the statutory mandate for each program and therefore, SBA's regulation regarding SDVO SBC sole source contracts remains unchanged.

SBA also received three comments recommending that SDVO SBCs be given a 10% price evaluation preference similar to the SDB or the HUBZone Program. In response to this comment, SBA notes that the SDB and HUBZone price evaluation preferences are statutory mandates. There is no statutory mandate for SDVO SBCs to receive such a price evaluation preference. Therefore, SBA has not amended the regulation to provide for one.

Similarly, SBA received three comments recommending that the SDVO SBC Program be given program parity with the other socio-economic programs, in particular, the 8(a) BD Program. SBA notes that in § 125.19, regarding set-asides for SDVO SBCs, it states that contracting officers should consider setting aside the requirement for SDVO SBCs, 8(a) SBCs and

HUBZone SBCs before considering setting aside the requirement for SBCs in general. SBA believes that this regulation does provide parity for SDVO SBCs with SBA's other programs, to the extent the VBA and other sections of the Small Business Act, as implemented in the Federal Acquisition Regulations, permits such parity.

SBA has amended § 125.25 to clarify, with an example, an insufficient protest allegation. In addition, SBA has amended § 125.25(e), referrals to SBA of protests from the contracting officer. In § 125.25(e), SBA is also requesting the contracting officer inform SBA the date the protested concern submitted its offer and when the protester received notification about the apparent successful offeror. This information is necessary for SBA to determine whether the protest has been submitted on time and the date SBA must look at to determine eligibility.

SBA has amended § 125.26 based upon information it has received concerning service-disabled veteran status documents. SBA has learned that as a result of a fire sometime ago, many of these records were destroyed. Thus, the affected veterans would have to contact the U.S. National Archives and Records Administration (NARA) for documents evidencing their status as a service-disabled veteran. Consequently, SBA has amended § 125.26 to state that a protest must present specific allegations supporting the contention that the owner(s) cannot provide documentation from the VA, U.S. Department of Defense (DoD), or NARA to show that they meet the definition of service-disabled veteran or service-disabled veteran with a permanent and severe disability as set forth in § 125.8.

SBA has amended the timeline for which a protested SDVO SBC concern must submit information in response to a protest. According to § 125.27(c)(1), the protested concern was required to submit information responding to the protest within five business days of receipt of the protest. SBA has amended this to state that the protested concern must submit information responding to the protest within ten business days of receipt of the protest. SBA notes that it has done extensive research on veteran records. SBA has learned that it could take a service-disabled veteran up to ten days to receive information from NARA (a repository for official government documents), and perhaps longer from the different services, about their service-disabled veteran status. Thus, SBA has amended § 125.27 to take this into account, despite the fact SBA believes that each SDVO SBC certifying as such for a Federal procurement should have all of the necessary documents prior to making the representation.

SBA notes that copies of most military personnel and medical records are on file at the National Personnel Records Center in St Louis, MO; however some military personnel records are maintained by the Military Services depending on when the veteran was discharged. Veterans who filed or are filing a medical claim should contact the VA regional office in their state in order to determine if their medical record and claim for service connected disability is already on file. To request military personnel records, the below contact information is provided:

TABLE 1.—CONTACT INFORMATION TO REQUEST MILITARY PERSONNEL RECORDS

Branch of service	Discharge date	Information	Address
1. Air Force	Discharged or retired since September 25, 1947.	Full name, Social Security Number and/or Service Number (both when available), enlistment and discharge dates, date of birth and place of birth (city and state), rank upon discharge or release, address where record is to be mailed, and signature.	National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100, (314) 801–0800, *http://vetrecs.archives.gov.*
2. Army	Discharged or retired between November 1, 1912–September 30, 2002.	Full name, Social Security Number and/or Service Number (both when available), enlistment and discharge dates, date of birth and place of birth (city and state), rank upon discharge or release, address where record is to be mailed, and signature.	National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100, (314) 801–0800, *http://vetrecs.archives.gov.*
	Discharged or retired since October 1, 2002.	Full name, Social Security Number, enlistment and discharge dates, date of birth and place of birth (city and state), rank upon discharge or release, address where record is to be mailed, and signature.	U.S. Army Human Resources Command, ATTN: AHRC–PAV–V, 1 Reserve Way, St. Louis, MO 63132–5200, (314) 592–0521.
3. Marine Corps	Discharged or retired between 1905–Dec 31, 1998.	Full name, Social Security Number and/or Service Number (both when available), enlistment and discharge dates, date of birth and place of birth (city and state), rank upon discharge or release, address where record is to be mailed, and signature.	National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100, (314) 801–0800, *http://vetrecs.archives.gov.*
	Discharged or retired since 1999.	Full name, Social Security Number, date discharged from Marine Corps service, address where record is to be mailed, and signature of member.	Commandant of the Marine Corps, Headquarters, USMC (MMSB–10), 2008 Elliot Road, Quantico, VA 22134–5030.
4. Navy	Discharged or retired between 1885–Dec 31, 1994.	Full name, Social Security Number and/or Service Number (both when available), enlistment and discharge dates, date of birth and place of birth (city and state), rank/rate upon discharge or release, address where record is to be mailed, and signature.	National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100, (314) 801–0800, *http://vetrecs.archives.gov.*
	Discharged or retired since 1995.	Full name, Social Security Number, date discharged from Naval service, address where record is to be mailed, and signature of member.	Navy Personnel Command, PERS–312E, 5720 Integrity Drive, Millington, TN 38055–3120, DSN: 882–4885 or COM: 901–874–4885.

All requests for records and information must be in writing. Generally, there is no charge for military personnel and health record information provided to veterans. With respect to records regarding the status of a veteran with a permanent and severe disability, the VA has informed SBA that the veteran can request a document that specifically states that the veteran has a permanent and total disability for purposes of 38 CFR 3.340.

SBA has also clarified the stay provisions in § 125.27. In the interim final rule, SBA explained that the CO may award the contract if SBA does not issue its protest determination within the 15-day period required by the regulations. SBA has added a new paragraph (e) to allow the CO to award the contract after receipt of a protest if the CO determines in writing that an award must be made to protect the public interest. This provision has two purposes. First, it reinforces that the CO should stay the procurement until the protest and appeal process is completed. Second, SBA understands that in certain situations, the CO may be unable to wait until the process is completed. In those cases, the CO must make the determination in writing.

In response to one commenter, SBA has also amended §§ 125.27(g) and 125.28 to clarify the effects of a protest or appeal determination. With respect to both a protest and an appeal, if the contract has already been awarded and the protest is sustained, or on appeal the Office of Hearings and Appeals (OHA) Judge affirms that the SDVO SBC does not meet a status or ownership and control requirement set forth in these regulations, then the procuring agency cannot count the award as an award to a SDVO SBC. If a contract has not yet been awarded and the protest is sustained, or on appeal the OHA Judge affirms that the protested concern does not meet a status or ownership and control requirement set forth in these regulations, then the protested concern is ineligible for an SDVO SBC contract award. There is a statutory basis for this clarification. According to the VBA, sole source and set-aside contracts can only be awarded to SDVO SBCs as defined by statute and as implemented in SBA's regulations. If the concern is not an SDVO SBC, then it is not an award pursuant to the VBA to a SDVO SBC and should not be counted as such.

SBA received one comment asking for a clarification of the appeal procedures discussed in part 134. SBA has reviewed the OHA appeal procedures set forth in the interim final rule and agrees that further clarification is necessary. Consequently, SBA has amended the rule to include a separate subpart in 13 CFR part 134 to specifically address appeals of SDVO SBC protests. SBA has issued those changes in a separate rule, however, and has requested further comment on the OHA appeal procedures in that rule.

In addition, SBA received several comments on the general nature of the SDVO SBC Program. For example, three commenters recommended that provisions be made for mentor-protégé relationships in the SDVO SBC Program. SBA has reviewed this issue thoroughly and believes that the SDVO SBC Program, unlike the 8(a) BD Program, is not developmental in nature. Rather, it is the result of a recognized need to increase the participation of ''established'' SDVO SBCs in the Federal marketplace. The first attempt, Public Law 106–50, instituted the 3% goal for SDVO SBCs. When data indicated that the desired results were not being achieved, Public Law 108–183 was enacted. Public Law 108–183 established tools (a restricted competition and sole source authority) for contracting officers to use to reach that segment of the small business population. Although there is no prohibition against SBA establishing an SDVO SBC Mentor-Protégé Program, at this juncture, SBA prefers to wait and see if implementation of the procurement tools in Public Law 108–183 will allow contracting activities to reach their SDVO SBC goals. SBA notes that there is no prohibition for SDVO SBCs, when eligible, to participate in the Mentor-Protégé Programs of other agencies.

One commenter recommended that Small Business Innovation and Research (SBIR) contracts be available under the SDVO SBC Program. SBA notes that the SBIR Program was established by the Small Business Innovation Development Act of 1982, codified at 15 U.S.C. 638. The statutory purpose of the SBIR Program is to strengthen the role of innovative SBCs in Federally-funded research and research and development (R/R&D). The SBIR Program is a phased process, uniform throughout the Federal Government, of soliciting proposals and awarding funding agreements for R/R&D to meet stated agency needs or missions. SBA believes that as a result of the nature and purpose of the program and the way it is structured, it would not be beneficial to allow for set-aside or sole source SBIR awards to a SBC simply because they are a SDVO SBC (or any other type of SBC such as a HUBZone or 8(a) BD concern). However, SBA can request agencies to conduct outreach efforts to find and place innovative SDVO SBCs in the SBIR Program information system and encourage such business concerns to participate in the program. In addition, agencies may count SBIR contract awards to SDVO SBCs towards their small business goals.

One commenter stated that the Central Contractor Registration (CCR) should be more efficient at providing marketing assistance to SDVO SBCs. SBA believes that this comment is outside the scope of this rulemaking and therefore, SBA will take no further action on it.

Compliance With Executive Orders 12866, 12988, and 13132, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

SBA has determined that this final rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., chapter 35.

This action meets applicable standards set forth in §§ 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

This regulation will not have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, for the purposes of Executive Order 13132, SBA determines that this final rule has no federalism implications warranting preparation of a federalism assessment.

Because the rule was initially issued as an interim final rule, there was no requirement for SBA to prepare an Initial Regulatory Flexibility Act analysis. Therefore, there is no requirement for SBA to issue a final Regulatory Flexibility Act analysis. However, because OMB has determined that this rule constitutes a ''significant regulatory action'' under Executive Order 12866, SBA reported a Regulatory Impact Analysis (RIA) in the interim final rule. The Agency believes that this RIA is still accurate, and accordingly, sets forth a final RIA below.

Regulatory Impact Analysis

In June 2004, SBA's Office of Advocacy issued a report entitled ''Characteristics of Federal Government Procurement Spending with Veteran-Owned Businesses FY2000–FY2003 (3Q),'' stating that Agencies have made little use of veteran-owned businesses (*http://www.sba.gov/advo/research/#procurement*). As stated in the preamble above, SBA believes there is a

significant need for this regulatory action and implementing the changes in this rule would provide considerable benefits, including attracting more SDVO SBCs to the Federal procurement arena and assisting Agencies in achieving the statutorily mandated 3% government-wide goal for procurement from SDVO SBCs.

Congress found that agencies were falling far short of reaching this goal. Consequently, the legislative history specifically states that Congress urges SBA and the Office of Federal Procurement Policy to expeditiously and transparently implement the Service-Disabled Veteran-Owned Small Business Concern is program. SBA is implementing this program through regulations because there are no other viable alternatives.

SBA cannot accurately determine how many concerns will be competing for SDVO SBC contract awards because there is insufficient data on SDVO SBCs to support a reasonable estimate of the cost or benefit. The Federal Government has only been collecting procurement statistics on veteran-owned businesses since FY 2000. These statistics do not demarcate SDVO SBCs. According to the VA, there were 2.5 million veterans with a service connected disability. (*See http://www.va.gov/vetdata/demographics/index.htm*). This does not mean that each of those veterans own a SBC or own a business concern that would qualify for the program.

SBA reviewed information contained in DoD's CCR database (*http://www.ccr.gov*). Currently, there are 4,825 SDVO SBCs registered in CCR. This represents a small portion, 15.9%, of the 30,434 veteran-owned businesses registered in CCR. Again, it is not known what percentage of the service-disabled veterans based their representation on the ''service-connected'' disability as defined by 38 U.S.C. 101.

SBA also reviewed data from the Federal Procurement Data System (*http://www.fpds.gov*). In FY 2001, there were 9,142 contract actions awarded to SDVO SBCs in the amount of $554,167,000. This represented .25% of all Federal contracts awarded. In FY 2002, 7,131 contract actions were awarded to SDVO SBCs in the amount of $298,901,000. This represented .13% of all Federal contracts awarded. SBA believes that the number of contracts awarded to SDVO SBCs will increase as a result of this regulation implementing the VBA. Few contracts were awarded to SDVO SBCs in the Federal or State arena. This number could increase as a result of the implementation of the VBA through this regulation.

Although there are over 2 million service-disabled veterans, only a small portion own small businesses. However, it is assumed that the establishment of a sole source and set-aside procurement vehicle for SDVO SBCs will attract more of these entities to the Federal procurement arena.

This rule will potentially benefit all SDVO SBCs. However, SBA believes currently eligible SDVO SBCs will benefit immediately since they are ready and able to tender an offer for a Federal procurement. Nonetheless, SBA notes that because of the relatively small percentage of SDVO SBCs (2.4%) registered in the CCR (4,852), as compared to the total number of SBCs (201,742), SBA believes that this rule will not have a major impact on other SBCs in the Federal procurement arena. Federal Government agencies will also benefit from this regulation because they will be able to tap the resources of SDVO SBCs using a sole source or set-aside mechanism and therefore have more opportunities to achieve their SDVO SBC goals, including meeting their Federally-mandated goal to award contracts to SDVO SBCs.

SBA estimates that the Federal government will require no additional appropriations for agencies to implement this program. The awards would come from existing appropriated funds and current agency procurement needs and therefore there would be no increase in the cost to the Government.

SBA estimates that implementation of this regulation for SDVO SBCs will require no additional proposal costs under this program as compared to submitting proposals under any other small business set-aside program. In addition, SDVO SBCs currently represent their status for purposes of data collecting in small business goaling in accordance with 15 U.S.C. 644(g).

List of Subjects in 13 CFR Part 125

Government contracts, Government procurement, Reporting and recordkeeping requirements, Small businesses, Technical assistance.

■ For the reasons set forth in the preamble, amend part 125 of title 13 of the Code of Federal Regulations as follows:

PART 125—GOVERNMENT CONTRACTING PROGRAMS

■ 1. The authority citation for 13 CFR part 125 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 637, 644, and 657f; 31 U.S.C. 9701, 9702.

■ 2. In § 125.6, add a new paragraph (b)(5) to read as follows:

§ 125.6 Prime contractor performance requirements (limitations on subcontracting).

* * * * *

(b) * * *

(5) In accordance with § 125.15(b)(3), the SDVO SBC joint venture must perform the applicable percentage of work.

* * * * *

■ 3. Amend § 125.8 to revise paragraphs (c), (d) and (h) to read as follows:

§ 125.8 What definitions are important in the Service-Disabled Veteran-Owned (SDVO) Small Business Concern (SBC) Program?

* * * * *

(c) *Permanent caregiver* is the spouse, or an individual, 18 years of age or older, who is legally designated, in writing, to undertake responsibility for managing the well-being of the service-disabled veteran with a permanent and severe disability, to include housing, health and safety. A permanent caregiver may, but does not need to, reside in the same household as the service-disabled veteran with a permanent and severe disability. In the case of a service-disabled veteran with a permanent and severe disability lacking legal capacity, the permanent caregiver shall be a parent, guardian, or person having legal custody. There may be no more than one permanent caregiver per service-disabled veteran with a permanent and severe disability.

(d) *Service-Disabled Veteran with a Permanent and Severe Disability* means a veteran with a service-connected disability that has been determined by the VA, in writing, to have a permanent and total service-connected disability as set forth in 38 CFR 3.340 for purposes of receiving disability compensation or a disability pension.

* * * * *

(h) *Spouse* has the meaning given the term in section 101(31) of Title 38, United States Code.

* * * * *

■ 4. Correct the term ''gurantee'' in the Table of Contents in Subpart C to read ''guarantee.''

■ 5. Revise paragraph (a) introductory text of § 125.15 to read as follows:

§ 125.15 What requirements must an SDVO SBC meet to submit an offer on a contract?

(a) *Representation of SDVO SBC status.* An SDVO SBC must submit the following representations with its initial offer (which includes price) on a specific contract:

* * * * *

■ 6. Revise paragraphs (a), (b), and (e) of § 125.25 to read as follows:

§ 125.25 How does one file a service disabled veteran-owned status protest?

(a) *General.* The protest procedures described in this part are separate from those governing size protests and appeals. All protests relating to whether an eligible SDVO SBC is a ''small'' business for purposes of any Federal program are subject to part 121 of this chapter and must be filed in accordance with that part. If a protester protests both the size of the SDVO SBC and whether the concern meets the SDVO SBC requirements set forth in § 125.15(a), SBA will process each protest concurrently, under the procedures set forth in part 121 of this chapter and this part. SBA does not review issues concerning the administration of an SDVO contract.

(b) *Format.* Protests must be in writing and must specify all the grounds upon which the protest is based. A protest merely asserting that the protested concern is not an eligible SDVO SBC, without setting forth specific facts or allegations is insufficient. *Example:* A protester submits a protest stating that the awardee's owner is not a service-disabled veteran. The protest does not state any basis for this assertion. The protest allegation is insufficient.

* * * * *

(e) *Referral to SBA.* The contracting officer must forward to SBA any non-premature protest received, notwithstanding whether he or she believes it is sufficiently specific or timely. The contracting officer must send all protests, along with a referral letter, directly to the Associate Administrator for Government Contracting, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416 or by fax to (202) 205–6390, marked Attn: Service-Disabled Veteran Status Protest. The CO's referral letter must include information pertaining to the solicitation that may be necessary for SBA to determine timeliness and standing, including: the solicitation number; the name, address, telephone number and facsimile number of the CO; whether the contract was sole source or set-aside; whether the protester submitted an offer; whether the protested concern was the apparent successful offeror; when the protested concern submitted its offer (*i.e.*, made the self-representation that it was a SDVO SBC); whether the procurement was conducted using sealed bid or negotiated procedures; the bid opening date, if applicable; when the protest was submitted to the CO; when the protester received notification about the apparent successful offeror, if applicable; and whether a contract has been awarded.

■ 7. Revise § 125.26 to read as follows:

§ 125.26 What are the grounds for filing an SDVO SBC protest?

(a) *Status.* In cases where the protest is based on service-connected disability, permanent and severe disability, or veteran status, the Associate Administrator for Government Contracting will only consider a protest that presents specific allegations supporting the contention that the owner(s) cannot provide documentation from the VA, DoD, or the U.S. National Archives and Records Administration to show that they meet the definition of service-disabled veteran or service disabled veteran with a permanent and severe disability as set forth in § 125.8.

(b) *Ownership and control.* In cases where the protest is based on ownership and control, the Associate Administrator for Government Contracting will consider a protest only if the protester presents credible evidence that the concern is not 51% owned and controlled by one or more service-disabled veterans. In the case of a veteran with a permanent and severe disability, the protester must present credible evidence that the concern is not controlled by the veteran, spouse or permanent caregiver of such veteran.

■ 8. Revise § 125.27 to read as follows:

§ 125.27 How will SBA process an SDVO protest?

(a) *Notice of receipt of protest.* Upon receipt of the protest, SBA will notify the contracting officer and the protester of the date SBA received the protest and whether SBA will process the protest or dismiss it under paragraph (b) of this section.

(b) *Dismissal of protest.* If SBA determines that the protest is premature, untimely, nonspecific, or is based on non-protestable allegations, SBA will dismiss the protest and will send the contracting officer and the protester a notice of dismissal, citing the reason(s) for the dismissal. The dismissal notice must also advise the protester of his/her right to appeal the dismissal to SBA's Office of Hearings and Appeals (OHA) in accordance with part 134 of this chapter.

(c) *Notice to protested concern.* If SBA determines that the protest is timely, sufficiently specific and is based upon protestable allegations, SBA will:

(1) Notify the protested concern of the protest and of its right to submit information responding to the protest within ten business days from the date of the notice; and

(2) Forward a copy of the protest to the protested concern, with a copy to the contracting officer if one has not already been made available.

(d) *Time period for determination.* SBA will determine the SDVO SBC status of the protested concern within 15 business days after receipt of the protest, or within any extension of that time which the contracting officer may grant SBA. If SBA does not issue its determination within the 15-day period, the contracting officer may award the contract, unless the contracting officer has granted SBA an extension.

(e) *Award of contract.* The CO may award the contract after receipt of a protest if the contracting officer determines in writing that an award must be made to protect the public interest.

(f) *Notification of determination.* SBA will notify the contracting officer, the protester, and the protested concern in writing of its determination.

(g) *Effect of determination.* SBA's determination is effective immediately and is final unless overturned by OHA on appeal. If SBA sustains the protest, and the contract has not yet been awarded, then the protested concern is ineligible for an SDVO SBC contract award. If a contract has already been awarded, and SBA sustains the protest, then the contracting officer cannot count the award as an award to an SDVO SBC and the concern cannot submit another offer as an SDVO SBC on a future SDVO SBC procurement unless it overcomes the reasons for the protest (*e.g.*, it changes its ownership to satisfy the definition of an SDVO SBC set forth in § 125.8).

■ 9. Revise § 125.28 to read as follows:

§ 125.28 What are the procedures for appealing an SDVO status protest?

The protested concern, the protester, or the contracting officer may file an appeal of an SDVO status protest determination with OHA in accordance with part 134 of this chapter. If the contract has already been awarded and on appeal, the OHA Judge affirms that the SDVO SBC does not meet a status or ownership and control requirement set forth in these regulations, then the procuring agency cannot count the award as an award to a SDVO SBC. In addition, the protested concern cannot self-represent its status for another procurement until it has cured the eligibility issue. If a contract has not yet been awarded and on appeal the OHA Judge affirms that the protested concern does not meet the status or ownership and control requirement set forth in this part, then the protested concern is

ineligible for an SDVO SBC contract award.

Dated: December 1, 2005.

Hector V. Barreto,

Administrator.

[FR Doc. 05–5466 Filed 3–22–05; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–20584; Airspace Docket No. 05–AEA–05]

Revocation of Class E Airspace; Palmer, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action revokes the Class E airspace area at Palmer Metropolitan Airport, MA. This action is prompted by our cancellation of the standard instrument approach procedures to the airport when the airport converted from Instrument Flight Rule (IFR) public use to a Visual Flight Rule (VFR) private use airport.

DATES: Effective 0901 UTC, July 7, 2005.

Comments for inclusion in the Rules Docket must be received on or before April 22, 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–2005–20584/Airspace Docket No. 05–AEA–05, at the beginning of your comments. You may also submit comments on the Internet at *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 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 Jordan, Airspace Specialist, Airspace and Operations, ETSU, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone (718) 553–4521; fax (718) 995–5693.

SUPPLEMENTARY INFORMATION:

Class E airspace areas are designated to provide controlled airspace for those aircraft using standard instrument approach procedures (SIAPs) to an airport under Instrument Flight Rules (IFR). When the Palmer Metropolitan Airport (PMX) converted from public to private use, the IFR procedures were canceled and the airport changed to Visual Flight Rules (VFR) only operations. Therefore, Class E airspace is no longer required in the vicinity of Palmer Airport. Subsequently the airport identifier was changed from KPMX to 13MA. Class E airspace designations for airspace areas extending upward from 700 feet 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 removed 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 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 noncontroversial 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.

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, part A, subpart I, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with issuing regulations to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it defines controlled airspace in the vicinity of the Palmer Metropolitan Airport to ensure the safety of aircraft operating near that airport and the efficient use of that airspace.

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 MA E5 Palmer, MA [Removed]

* * * * *

Issued in Jamaica, New York, on March 14, 2005.

John G. McCartney,

Acting Area Director, Eastern Terminal Operations.

[FR Doc. 05–5647 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 1999P–5332]

Substances Affirmed as Generally Recognized as Safe: Menhaden Oil

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its regulations by reallocating the uses of menhaden oil in food that currently are established in the regulations, with the condition that when menhaden oil is added to food it is not used in combination with other added oils that are significant sources of eicosapentaenoic acid (EPA) and docosahexaenoic acid (DHA).

DATES: This rule is effective March 23, 2005. Submit written or electronic objections and requests for a hearing by April 22, 2005.

ADDRESSES: You may submit written objections and requests for a hearing, identified by Docket No. 1999P–5332, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting objections.
- Agency Web site: *http://www.fda.gov/dockets/ecomments*. Follow the instructions for submitting objections on the agency Web site.
- E-mail: *fdadockets@oc.fda.gov*. Include Docket No. 1999P–5332 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 number for this rulemaking. All objections 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 objections, see the paragraph pertaining to objections and requests for a hearing in the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or objections received, go to *http://www.fda.gov/ohrms/dockets/default.htm* and insert the docket number, 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: Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 301–436–1267.

SUPPLEMENTARY INFORMATION: In response to a petition (GRASP 6G0316) from the National Fish Meal and Oil Association (NFMOA), FDA issued a final rule on June 5, 1997 (62 FR 30751) (the June 1997 final rule) affirming menhaden oil as generally recognized as safe (GRAS) for use as a direct human food ingredient with limitations on the maximum use levels of menhaden oil in specific food categories. FDA concluded that these limitations are necessary to ensure that daily intakes of EPA and DHA from menhaden oil do not exceed 3.0 grams per person per day (g/p/d). As stated in the June 1997 final rule, the maximum limit of 3.0 g/p/d on the total daily intake of EPA and DHA is a safeguard against the possible adverse effects of these fatty acids on increased bleeding time (the time taken for bleeding from a standardized skin wound to cease), glycemic control in non-insulin dependent diabetics, and increased levels of low-density lipoprotein cholesterol.

On February 26, 2002 (the February 2002 proposed rule), FDA published a proposed rule in the **Federal Register** (67 FR 8744) in response to a petition from the NFMOA to amend § 184.1472 (21 CFR 184.1472) by reallocating the uses of menhaden oil in food that were previously affirmed as GRAS, while maintaining the total daily intake of EPA and DHA from menhaden oil at a level not exceeding 3.0 g/p/d. The reallocation is performed by the following three actions: (1) Reducing the maximum levels of use of menhaden oil in some of the currently listed food categories; (2) adding additional food categories along with assigning maximum levels of use in these new categories; and (3) eliminating the listing of subcategories, e.g., cookies and crackers, breads and rolls, fruit pies and custard pies, and cakes, and including them under broader food categories, e.g., baked goods and baking mixes.

Because of developing interest in food ingredients that are significant sources of EPA and DHA, especially other fish oils, FDA believed that it was necessary to state explicitly in the regulation that when menhaden oil is added as an

ingredient in foods, it may not be used in combination with any other added oil that is a significant source of EPA and DHA. Without this restriction, the intake of DHA and EPA could exceed 3.0 g/p/d. Therefore, FDA published a tentative final rule in the **Federal Register** of January 15, 2004 (69 FR 2313) (the January 2004 tentative final rule), in which FDA tentatively concluded that the reallocated uses of menhaden oil are GRAS, but only when the menhaden oil is not used in combination with any other added oil that is a significant source of EPA and DHA. Because the February 2002 proposed rule did not include a condition of use for other added oils, FDA issued this final rule as tentative to give interested persons an opportunity (75 days) to comment on this use limitation.

FDA received two comments on the tentative final rule. One comment expressed general support for the proposed action. The other comment expressed opposition to it because of labeling issues and environmental concerns. Labeling issues pertaining to menhaden oil are outside the scope of the proposed rule and will not be discussed further. With regard to environmental concerns, the comment asserts that the menhaden fish population is in short supply and that the regional fish commissions responsible for monitoring the menhaden population are biased organizations and controlled by the fishing industry. This assertion is not supported by factual information and addresses an issue outside FDA jurisdiction. Furthermore, the comment does not provide the agency with any information that affects the agency's previous determination that reallocating the foods to which menhaden oil can be added will not have a significant impact on the human environment and that an environmental impact statement is not required. In addition to labeling and environmental concerns, the comment also asserts that FDA's conclusion that there are no safety concerns from food uses of menhaden oil due to possible bioaccumulation of lipophilic chemical contaminants in the source fish is unsupported because FDA does not identify the data that it evaluated. FDA responded in the January 2004 tentative final rule to comments that were received pertaining to concerns about the potential for lipophilic chemical contaminants in menhaden oil. FDA's response to these concerns referred to data that were evaluated by FDA on levels of various chemical contaminants in menhaden oil. The data referred to by FDA in its response are part of the administrative record and are in the docket (Docket No. 1999P–5332). In addition, a copy of FDA's evaluation of these data was placed in the docket when the tentative final rule published. Therefore, FDA's conclusion regarding the potential for lipophilic chemical contaminants in menhaden oil is fully supported by data in the administrative record. FDA did not receive any comments on the limitation that when menhaden oil is added to food it is not to be used in combination with any other added oil that is a significant source of EPA and DHA. The agency is therefore issuing this final rule based on the tentative final rule and is amending § 184.1472 as set forth below.

Any person who will be adversely affected by this regulation may file with the Division of Dockets Management (see **ADDRESSES**) written or electronic objections by (see **DATES**). Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 184

Food additives.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 184 is amended as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

■ 1. The authority citation for 21 CFR part 184 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 371.

■ 2. Section 184.1472 is amended by revising paragraphs (a)(2)(iii) and (a)(3) and adding paragraph (a)(4) to read as follows:

§ 184.1472 Menhaden oil.

(a) * * *

(2) * * *

(iii) *Saponification value.* Between 180 and 200 as determined by the American Oil Chemists' Society Official Method Cd 3–25—''Saponification Value'' (reapproved 1989), which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this publication are available from the Office of Food Additive Safety, Center for Food Safety and Applied Nutrition (HFS–200), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or available for inspection at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 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.

* * * * *

(3) In accordance with § 184.1(b)(2), the ingredient may be used in food only within the following specific limitations to ensure that total intake of eicosapentaenoic acid or docosahexaenoic acid does not exceed 3.0 grams/person/day:

Category of food	Maximum level of use in food (as served)
Baked goods, baking mixes, § 170.3(n)(1) of this chapter.	5.0 percent
Cereals, § 170.3(n)(4) of this chapter.	4.0 percent

Category of food	Maximum level of use in food (as served)
Cheese products, § 170.3(n)(5) of this chapter.	5.0 percent
Chewing gum, § 170.3(n)(6) of this chapter.	3.0 percent
Condiments, § 170.3(n)(8) of this chapter.	5.0 percent
Confections, frostings, § 170.3(n)(9) of this chapter.	5.0 percent
Dairy product analogs, § 170.3(n)(10) of this chapter.	5.0 percent
Egg products, § 170.3(n)(11) of this chapter.	5.0 percent
Fats, oils, § 170.3(n)(12) of this chapter, but not in infant formula.	12.0 percent
Fish products, § 170.3(n)(13) of this chapter.	5.0 percent
Frozen dairy desserts, § 170.3(n)(20) of this chapter.	5.0 percent
Gelatins, puddings, § 170.3(n)(22) of this chapter.	1.0 percent
Gravies, sauces, § 170.3(n)(24) of this chapter.	5.0 percent
Hard candy, § 170.3(n)(25) of this chapter.	10.0 percent
Jams, jellies, § 170.3(n)(28) of this chapter.	7.0 percent
Meat products, § 170.3(n)(29) of this chapter.	5.0 percent
Milk products, § 170.3(n)(31) of this chapter.	5.0 percent
Nonalcoholic beverages, § 170.3(n)(3) of this chapter.	0.5 percent
Nut products, § 170.3(n)(32) of this chapter.	5.0 percent
Pastas, § 170.3(n)(23) of this chapter.	2.0 percent
Plant protein products, § 170.3(n)(33) of this chapter.	5.0 percent
Poultry products, § 170.3(n)(34) of this chapter.	3.0 percent
Processed fruit juices, § 170.3(n)(35) of this chapter.	1.0 percent
Processed vegetable juices, § 170.3(n)(36) of this chapter.	1.0 percent
Snack foods, § 170.3(n)(37) of this chapter.	5.0 percent
Soft candy, § 170.3(n)(38) of this chapter.	4.0 percent
Soup mixes, § 170.3(n)(40) of this chapter.	3.0 percent
Sugar substitutes, § 170.3(n)(42) of this chapter.	10.0 percent
Sweet sauces, toppings, syrups, § 170.3(n)(43) of this chapter.	5.0 percent
White granulated sugar, § 170.3(n)(41) of this chapter.	4.0 percent

(4) To ensure safe use of the substance, menhaden oil shall not be used in combination with any other added oil that is a significant source of eicosapentaenoic acid or docosahexaenoic acid.

* * * * *

Dated: March 14, 2005.

Leslye M. Fraser,

Director, Office of Regulations and Policy, Center for Food Safety and Applied Nutrition.

[FR Doc. 05–5641 Filed 3–22–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. 2005N–0081]

Medical Devices; Immunology and Microbiology Devices; Classification of the Automated Fluorescence in situ Hybridization Enumeration Systems

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying automated fluorescence in situ hybridization (FISH) enumeration systems into class II (special controls). The special control that will apply to the device is the guidance document entitled ''Class II Special Controls Guidance Document: Automated Fluorescence *in situ* Hybridization (FISH) Enumeration Systems.'' The agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety

and effectiveness of the device. Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice of availability of a guidance document that is the special control for this device.

DATES: This rule becomes effective April 22, 2005. The classification was effective December 13, 2004.

FOR FURTHER INFORMATION CONTACT: Maria Chan, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 240–276–0493, ext. 130.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976, generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously marketed devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of FDA's regulations.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification (section 513(f)(2) of the act).

In accordance with section 513(f)(1) of the act, FDA issued an order on October 1, 2004, classifying the VYSIS AUTOVYSION SYSTEM in class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On October 13, 2004, Vysis, Inc. submitted a petition requesting classification of the VYSIS AUTOVYSION SYSTEM under section 513(f)(2) of the act. The manufacturer recommended that the device be classified into class II.

In accordance with section 513(f)(2) of the act, FDA reviewed the petition in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the act. Devices are to be classified into class II if general controls, by themselves, are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the petition, FDA determined that the VYSIS AUTOVYSION SYSTEM can be classified in class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of safety and effectiveness of the device.

The device is assigned the generic name automated FISH enumeration system. It is identified as a device that consists of an automated scanning microscope, image analysis system, and customized software applications for FISH assays. This device is intended for in vitro diagnostic use with FISH assays as an aid in the detection, counting, and classification of cells based on recognition of cellular color, size, and shape, and in the detection and enumeration of FISH signals in interphase nuclei of formalin-fixed, paraffin-embedded human tissue specimens.

FDA has identified the risks to health associated with this type of device as inaccurate results that could lead to improper patient management. Improper patient management, which includes misdiagnosis and improper treatment, could result from failure of the test to perform as indicated or error in interpretation of results. A falsely low fluorescence signal count, or false negative, could contribute to a delay in detecting the disease, disease recurrence, disease prognosis, or a false indication of response to therapy. A falsely high fluorescence signal count, or false positive, could contribute to unnecessary monitoring, inappropriate treatment decisions, or failure to treat adequately. In addition, use of assay results to adjust a treatment regimen without consideration of other clinical factors could pose a risk.

The class II special controls guidance document aids in mitigating potential risks by providing recommendations on validation of performance characteristics, including software validation; control methods; reproducibility; and clinical studies. The guidance document also provides information on how to meet premarket (510(k)) submission requirements for the device. FDA believes that following the class II special controls guidance document generally addresses the risks to health identified in the previous paragraph. Therefore, on December 13, 2004, FDA issued an order to the petitioner classifying the device into class II. FDA is codifying this classification by adding § 866.4700.

Following the effective date of this final classification rule, any firm submitting a 510(k) premarket notification for an automated FISH enumeration system will need to address the issues covered in the special controls guidance. However, the firm need only show that its device meets the recommendations of the guidance, or in some other way provides equivalent assurance of safety and effectiveness.

Section 510(m) of the act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, however, FDA has determined that premarket notification is necessary because FDA's review of the system's key performance characteristics, test methodology and labeling to satisfy requirements of § 807.87(e), will provide reasonable assurance that acceptable levels of performance for both safety and effectiveness will be addressed before marketing clearance. Thus, persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the automated FISH enumeration system they intend to market.

II. Environmental Impact

The agency has determined under 21 CFR 25.34(b) 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.

III. Analysis of Impacts

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 Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Because classification of these devices into class II will relieve manufacturers of the device of the cost of complying with the premarket approval requirements of section 515 of the act (21 U.S.C. 360e), and may permit small potential competitors to enter the marketplace by lowering their costs, the agency certifies that the final rule will not have a significant 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.

IV. Federalism

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.

V. Paperwork Reduction Act of 1995

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VI. Reference

The following reference has been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Petition from Vysis, Inc., dated October 13, 2004.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Section 866.4700 is added to subpart E to read as follows:

§ 866.4700 Automated fluorescence *in situ* hybridization (FISH) enumeration systems.

(a) *Identification.* An automated FISH enumeration system is a device that consists of an automated scanning microscope, image analysis system, and customized software applications for FISH assays. This device is intended for in vitro diagnostic use with FISH assays as an aid in the detection, counting and classification of cells based on recognition of cellular color, size, and shape, and in the detection and enumeration of FISH signals in interphase nuclei of formalin-fixed, paraffin-embedded human tissue specimens.

(b) *Classification.* Class II (special controls). The special control is FDA's guidance document entitled ''Class II Special Controls Guidance Document: Automated Fluorescence *in situ* Hybridization (FISH) Enumeration Systems.'' See § 866.1(e) for the availability of this guidance document.

Dated: March 10, 2005.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 05–5643 Filed 3–22–05; 8:45 am]

BILLING CODE 4160–01–S

POSTAL SERVICE

39 CFR Part 111

General Information on Postal Service

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service will issue a redesigned Domestic Mail Manual (DMM). The redesigned manual is renamed, Mailing Standards of the United States Postal Service, Domestic Mail Manual, and replaces the former Domestic Mail Manual, Issue 58. The redesigned manual is not intended to alter existing standards in DMM 58, and contains the mailing standards effective through January 6, 2005. The new manual presents USPS domestic mailing standards in a manner that increases usability and provides better access to USPS products and services.

DATES: *Effective Date:* This final rule is effective on March 23, 2005. The incorporation by reference of Mailing Standards of the United States Postal Service, Domestic Mail Manual, is approved by the Director of the Federal Register as of March 23, 2005.

FOR FURTHER INFORMATION CONTACT: Sherry L. Freda, (202) 268–7259.

SUPPLEMENTARY INFORMATION: Effective March 20, 2005, the Postal Service will release a redesigned DMM. The redesigned DMM will be issued under a new name, Mailing Standards of the United States Postal Service, Domestic Mail Manual, and will become the official DMM that contains the domestic mailing standards of the Postal Service effective through January 6, 2005. On March 20, the new DMM will be available on line to all Postal employees and customers.

Focusing on who is mailing led the Postal Service to create a series of guides to assist mailers, starting with the consumer in the retail space. DMM 100, A Customer's Guide to Mailing, was launched in September 2002. That work was followed by DMM 200, A Guide to Mailing for Businesses and Organizations, which focuses on the information needs of small and medium volume mailers. We believe these first two provide access to postal services to customers who may not have considered using the mail before. These two guides are now followed by the

Mailing Standards of the United States Postal Service, Domestic Mail Manual, which replaces the current DMM 58.

The redesigned DMM contains all USPS domestic mailing standards, reorganized in a way that is more intuitive to the user. Essentially, the new organization will (1) increase user's ability to find information, (2) increase confidence that users have found all the information they need, and (3) reduce the need to consult multiple chapters of the Manual to locate necessary information.

It is important to note that the redesign of the DMM does not alter and should not be construed as altering existing mailing standards in DMM 58. The Postal Service has not revised any standards based on the DMM redesign. Changes to mailing standards will continue to be published through **Federal Register** notices and the Postal Bulletin, and will appear in the next printed version of Mailing Standards of the United States Postal Service, Domestic Mail Manual, and in the online version available via Postal Explorer (*http//:pe.usps.gov*).

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Incorporation by reference.

■ In view of the considerations discussed above, the Postal Service hereby amends 39 CFR Part 111 as follows:

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

■ 1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

§§ 111.1, 111.2, 111.3, and 111.4 [Amended]

■ 2. Amend §§ 111.1, 111.2, 111.3, and 111.4 by removing the words ''Domestic Mail Manual'' each time they appear, and adding the words ''Mailing Standards of the United States Postal Service, Domestic Mail Manual'' in their place.

■ 3. Amend § 111.3(f) by adding the following new entry to the end of the table:

§ 111.3 Amendment to the Mailing Standards of the United States Postal Service, Domestic Mail Manual.

* * * * *

(f) * * *

Transmittal letter for issue	Dated	**Federal Register** publication
* *	* * *	* *
Premier Edition	January 6, 2005	[insert FR citation for this Final Rule].

§ 111.4 [Amended]

■ 4. Amend § 111.4 by removing ''March 29, 1979'' and adding ''March 23, 2005'' in its place.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 05–5360 Filed 3–22–05; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2005–0003; FRL–7695–5]

Dinotefuran; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of dinotefuran, [*N*-methyl-*N*′-nitro-*N*″-((tetrahydro-3-furanyl)methyl)guanidine] and its metabolites DN [1-methyl-3-(tetrahydro-3-furylmethyl)guanidine] and UF [1-methyl-3-(tetrahydro-3-furylmethyl)urea], expressed as dinotefuran in or on vegetable, fruiting, group 8; vegetable, cucurbit, group 9; brassica, head and stem, subgroup 5A; grape; grape, raisin; potato; potato, chips; potato, granules/flakes; tomato, paste; cotton, undelinted seed; cotton, gin byproducts; and for residues of dinotefuran, [*N*-methyl-*N*′-nitro-*N*″-((tetrahydro-3-furanyl)methyl)guanidine] alone in or on cattle meat, fat, and meat byproducts (mbyp); goat meat, fat, and mbyp; hog meat, fat, and mbyp; horse meat, fat, and mbyp; sheep meat, fat, and mbyp; and milk. Mitsui Chemicals, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective March 23, 2005. Objections and requests for hearings must be received on or before May 23, 2005.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under docket identification (ID) number OPP–2005–0003. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Rita Kumar, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8291; e-mail address: *kumar.rita@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS 32532), e.g., agricultural workers; commercial applicators; farmers;

greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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 Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET *(http://www.epa.gov/edocket/)*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/*. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at *http://www.epa.gov/opptsfrs/home/guidelin.htm/*.

II. Background and Statutory Findings

In the **Federal Register** of July 2, 2003 FR 39547–39554) (FRL–7312–8), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of two pesticide petitions (PP 2F6427 and 3F6566) by Mitsui Chemicals, Inc., Chiyoda-ku, Tokyo, Japan. The petitions requested that 40 CFR 180.603 be amended by establishing tolerances for combined residues of the insecticide dinotefuran, [*N*-methyl-*N*′-nitro-*N*″-((tetrahydro-3-furanyl)methyl)guanidine] and its metabolites DN [1-methyl-3-(tetrahydro-3-furylmethyl)guanidine] and UF [1-methyl-3-(tetrahydro-3-furylmethyl)urea], expressed as dinotefuran as follows: (PP 3F6566) in or on fruiting vegetables at 0.7 parts per million (ppm); tomato paste at 1.0 ppm; cucurbit at 0.5 ppm; head and stem brassica vegetables at 1.4 ppm; grape at 0.8 ppm; raisin at 2.5 ppm; potato at 0.05 ppm; potato, chips at 0.10 ppm; granules at 0.15 ppm; cattle, goat, hog, horse and sheep fat, meat, and byproducts, and milk at 0.05 ppm; and (PP 2F6427) in or on cotton seed undelinted at 0.2 ppm; and cotton gin byproducts at 7.0 ppm. That notice included a summary of the petition prepared by Mitsui Chemicals Inc., the registrant. One comment was received from a private citizen, in support of this notice.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information''. This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue* * *.''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances in the **Federal Register** of November 26, 1997 (62 FR 62961) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2) of FFDCA, for tolerances for combined residues of dinotefuran, [*N*-methyl-*N*′-nitro-*N*″-((tetrahydro-3-furanyl)methyl)guanidine] and its metabolites DN [1-methyl-3-(tetrahydro-3-furylmethyl)guanidine] and UF [1-methyl-3-(tetrahydro-3-furylmethyl)urea], expressed as dinotefuran on fruiting vegetables, group 8 at 0.7 ppm; tomato paste at 1.0 ppm; cucurbit at 0.5 ppm; head and stem brassica vegetables at 1.4 ppm; grape at 0.8 ppm, raisin at 2.5 ppm, potato at 0.05 ppm, potato, chips at 0.10 ppm, potato, granules/flakes at 0.15 ppm; cotton seed undelinted at 0.4 ppm, cotton gin byproducts at 7.0 ppm; and for residues of dinotefuran, [*N*-methyl-*N*′-nitro-*N*″-((tetrahydro-3-furanyl)methyl)guanidine] alone in or on cattle meat, fat, and meat byproducts (mbyp) at 0.05 ppm; goat meat, fat, and mbyp at 0.05 ppm; hog meat, fat, and mbyp at 0.05 ppm; horse meat, fat, and mbyp at 0.05 ppm; sheep meat, fat, and mbyp 0.05 ppm; and milk at 0.05 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by dinotefuran are discussed in Table 1 of this unit as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity in rats	NOAEL: 38/384 (M/F) mg/kg/day LOAEL: 384 (M) mg/kg/day based on adrenal histopathology; 1,871 (F) mg/kg/day based on decreased body weight/body weight gain, changes in hematology/clinical chemistry, changes in organ weights, and adrenal histopathology

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.3100	90-Day oral toxicity in mice	NOAEL: 4,442/5,414 (M/F) mg/kg/day LOAEL: 10,635/11,560 (M/F) mg/kg/day, based on decreased body weight, body weight gain
870.3150	90-Day oral toxicity in dogs	NOAEL: 307/not determined (M/F) mg/kg/day LOAEL: 862 (M) mg/kg/day, based on body weight gain, hemorrhagic lymph nodes; <59 (F), based on decreased body weight, body weight gain
870.3200	28-Day dermal toxicity (rats)	*Systemic* NOAEL: 1,000 mg/kg/day LOAEL: not determined (no effects seen) *Dermal*: NOAEL: 1,000 (M), ≤200 (F) mg/kg/day LOAEL: not determined/≤1,000 (M/F) mg/kg/day based on lack of effects in males, increase in acanthosis/hyperkeratosis in high dose females (lower doses not evaluated histopathologically)
870.3465	28-Day inhalation toxicity (rat)	NOAEL:<0.22 (M) mg/L, 0.22 (F) mg/L LOAEL: decreased body weight gain, food consumption (M); increased clinical signs (protruding eyes) (F)
870.3700	Prenatal developmental toxicity study (rats)	*Maternal* NOAEL: 300 mg/kg/day LOAEL: 1,000 mg/kg/day based on decreased body weight gain and food consumption *Developmental* NOAEL: 1,000 mg/kg/day LOAEL: not determined (no effects seen)
870.3700	Prenatal developmental toxicity study (rabbits)	*Maternal* NOAEL: 52 mg/kg/day LOAEL: 125 mg/kg/day based on decreased body weight gains, food consumption, and necropsy findings *Developmental* NOAEL: 300 mg/kg/day LOAEL: >300 mg/kg/day (no effects seen)
870.3800	Reproduction and fertility effects (rats)	*Parental/systemic* NOAEL: 241/268 (M/F) mg/kg/day LOAEL: 822/907 (M/F) mg/kg/day, based on decreased food consumption, weight gain in males, soft feces in females, and decreasedspleen weights in both sexes *Reproductive (tentative)* NOAEL: 241/268 (M/F) mg/kg/day LOAEL: 822/907 (M/F) mg/kg/day, based on decreased uterine weights and microscopic alterations in the uterus and vagina of F0 females, decreased numbers of primordial follicles in F1 females, altered estrous cyclicity in F0 and F1 females, increase in abnormal sperm morphology in F0 and F1 males, decreased testicular sperm count in F0 males, and decreased sperm motility in F1 males *Developmental* NOAEL: 241/268 (M/F) mg/kg/day LOAEL: 822–935/907–1005 (M/F) mg/kg/day based on decreased body weights, body weight gains, and spleen weights in F1 and F2 males and females, decreased thymus weights in F2 males and females, and decreased forelimb grip strength (F1 males) or hindlimb grip strength (F1 females)
870.4100	Chronic toxicity (rats)	See 870.4300 combined chronic toxicity/carcinogenicity (rats)
870.4100	Chronic toxicity (dogs)	NOAEL: >20/22 (M/F) mg/kg/day LOAEL: 20/108 (M/F) mg/kg/day based on decreased thymus weight, decreased food efficiency, body weight, and body weight gain in females, decreased thymus weight in males
870.4200	Carcinogenicity (rats)	See 870.4300 combined chronic toxicity/carcinogenicity (rats)
870.4200	Carcinogenicity (mice)	NOAEL: <3 (M), <4 (F) mg/kg/day LOAEL: 3/4 (M/F) mg/kg/day based on decreased spleen weights at week 79 terminal sacrifice in males and increased ovarian weights at week 53 in females

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.4300	Combined chronic toxicity/carcinogenicity (rats)	NOAEL: 99.7/127.3 (M/F) mg/kg/day LOAEL: 991/1,332 (M/F) mg/kg/day based on decreased body weight gain, food efficiency in females, increased incidences of kidney pelvic mineralization and ulceration in males
870.5100	Bacterial reverse mutation test	Negative. ± S9 up to 16,000 μg/plate
870.5100	Bacterial reverse mutation test	*Negative*, ± S9 up to limit dose of 5,000 μg/plate
870.5300	*In vitro* mammalian cell gene mutation test	*Negative*, ± S9 up to 2002 μg/mL (mouse lymphoma L5178Y cells)
870.5375	*In vitro* mammalian chromosome aberration test	*Negative* for clastogenic/aneugenic activity up to 2000 μg/mL (CHL/IU cells)
870.5395	*In vivo* mammalian cytogenics -micronucleus assay	*Negative* at oral doses up to 1,080 mg/kg/day for 2 days
870.6200	Acute neurotoxicity screening battery	NOAEL: 750 (M), 325 (F) mg/kg/day LOAEL: 1,500 (M), 750 (F) mg/kg/day based on decreased motor activity on day 1
870.6200	Subchronic neurotoxicity screening battery	NOAEL: 33/40 (M/F) mg/kg/day LOAEL: 327/400 (M/F) mg/kg/day based on increased motor activity during week 2
870.7485	Metabolism and pharmacokinetics (rats)	Absorption was >90% regardless of dose. The radiolabel was widely distributed through the body and was completely excreted within 168 hours of treatment. Urine was the primary elimination route, accounting for 88–99.8%. Excretion into the urine was rapid, being 84–99% complete within 24 hours of treatment. Absorption of the radioactivity was linear within the dose range of 50 and 1,000 mg/kg. Elimination of radioactivity was fast for all groups with a T1/2 ranging from 3.64 to 15.2 hours for the low and high doses, respectively. Radioactivity was rapidly transferred from maternal blood to milk and widely distributed in the fetal tissues. The C_{max} for milk and fetal tissues was detected 0.5 hours after maternal treatment. The concentrations of radioactivity in fetal tissue and maternal milk declined quickly and were below detection limits 24 hours post-treatment. After IV or oral treatment, 75–93% of the administered radiolabeled test material, or nearly 93–97% of total urinary radiolabel, was excreted unchanged in the urine. The parent compound was also the primary component in the plasma, milk, bile, feces, and most tissues collected 4–8 hours after treatment and at both dose levels. Less than 10% of the parent compound was metabolized into numerous minor metabolites that were not well resolved by High Performance Liquid Chromotography (HPLC) or 2D-TLC. For all parameters measured in this study, no sex - or dose-related differences or label position effects were found.
Special study	Neonatal rat metabolism study (12-day old rat pups)	After a single oral 50 mg/kg dose of (G-^{14}C) MTI-446 to 12-day old rats, absorption was high (absorption could not be adequately determined but may have approached 80%) and the radiolabel was widely distributed within the body. Approximately 32–36% of the administered dose was excreted within 4 hours of treatment. Urine was the primary elimination route as indirectly evidenced by finding high radioactive areas in the kidneys and bladder by whole body autoradiography. No areas of tissue sequestration were found and no gender-related differences were identified. The test material was essentially not metabolized, the parent compound accounting for >97% of the radiolabel in the excreta, plasma, kidneys, and stomach, and nearly 61–83% in intestines (and contents), and liver.

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

Three other types of safety or uncertainty factors may be used: ''Traditional uncertainty factors;'' the ''special FQPA safety factor;'' and the ''default FQPA safety factor''. By the term ''traditional uncertainty factor,'' EPA is referring to those additional uncertainty factors used prior to FQPA passage to account for database deficiencies. These traditional uncertainty factors have been

incorporated by the FQPA into the additional safety factor for the protection of infants and children. The term ''special FQPA safety factor '' refers to those safety factors that are deemed necessary for the protection of infants and children primarily as a result of the FQPA. The ''default FQPA safety factor'' is the additional 10X safety factor that is mandated by the statute unless it is decided that there are reliable data to choose a different additional factor (potentially a traditional uncertainty factor (UF) or a special FQPA safety factor).

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (aRfD or cRfD) where the RfD is equal to the NOAEL divided by an UF of 100 to account for interspecies and intraspecies differences and any traditional UFs deemed appropriate (RfD = NOAEL/UF). Where a special FQPA safety factor or the default FQPA safety factor is used, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of safety factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk). An example of how such a probability risk is expressed would be to describe the risk as one in one hundred thousand (1×10^{-5}), one in a million (1×10^{-6}), or one in ten million (1×10^{-7}). Under certain specific circumstances, margin of exposure (MOE) calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a ''point of departure'' is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE_{cancer} = point of departure/exposures) is calculated.

A summary of the toxicological endpoints for dinotefuran used for human risk assessment is shown in the following Table 2.

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR DINOTEFURAN FOR USE IN HUMAN RISK ASSESSMENT

Exposure/Scenario	Dose Used in Risk Assessment, UF	Special FQPA SF and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute dietary (General population including infants and children)	NOAEL = 125 mg/kg/day UF = 100 Acute RfD = 1.25 mg/kg/day	FQPA SF = 1 aPAD = acute RfD ÷ FQPA SF = 1.25 mg/kg/day	Developmental toxicity study in rabbits LOAEL = 300 mg/kg/day based on clinical signs in does (prone position, panting, tremor, erythema) seen following a single dose.
Chronic dietary (All populations)	LOAEL= 20 mg/kg/day UF = 1,000 Chronic RfD = 0.02 mg/kg/day	FQPA SF = 1 cPAD = chronic RfD ÷ FQPA SF = 0.02 mg/kg/day	Chronic toxicity study in dogs LOAEL = 20 mg/kg/day based on decreased thymus weight in males
Short-term incidental oral (1 to 30 days)	NOAEL= 33 mg/kg/day	Residential LOC for MOE = 100 Occupational = NA	Subchronic neurotoxicity study in rats LOAEL = 327 mg/kg/day based on increased motor activity during week 2
Intermediate-term incidental oral (1 to 6 months)	NOAEL= 22 mg/kg/day	Residential LOC for MOE =100 Occupational = NA	Chronic toxicity study in dogs LOAEL = 108 mg/kg/day based on decreased body weight and body weight gain in females
Short-term dermal (1 to 30 days)	No quantitation required.	Residential LOC for MOE = NA Occupational LOC for MOE = NA	No quantitation required. No systemic toxicity was seen at the limit dose in a 28-day dermal toxicity study in which neurotoxicity was evaluated. No developmental toxicity concerns.
Intermediate-term dermal (1 to 6 months)	Oral study NOAEL = 22 mg/kg/day (dermal absorption rate = 30%)	Residential LOC for MOE = 100 Occupational LOC for MOE =100	Chronic toxicity study in dogs LOAEL = 108 mg/kg/day based on decreased body weight and body weight gain in females
Long-term dermal (>6 months)	Oral study LOAEL = 20 mg/kg/day (dermal absorption rate = 30%)	Residential LOC for MOE = 1,000 Occupational LOC for MOE = 1,000	Chronic toxicity study in dogs LOAEL = 20 mg/kg/day based on decreased thymus weight in males
Short-term inhalation (1 to 30 days)	Inhalation study LOAEL= 60 mg/kg/day	Residential LOC for MOE = 1,000 Occupational LOC for MOE = 1,000	28-day Inhalation toxicity study in rats LOAEL = 60 mg/kg/day based on decreased body weight gain in males

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR DINOTEFURAN FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure/Scenario	Dose Used in Risk Assessment, UF	Special FQPA SF and Level of Concern for Risk Assessment	Study and Toxicological Effects
Intermediate-term inhalation (1 to 6 months)	Inhalation study LOAEL = 60 mg/kg/day	Residential LOC for MOE =1,000 Occupational LOC for MOE = 1,000	28-day Inhalation toxicity study in rats LOAEL = 60 mg/kg/day based on decreased body weight gain in males
Long-term inhalation (>6 months)	Oral study LOAEL= 20 mg/kg/day (inhalation absorption rate = 100%)	Residential LOC for MOE = 1,000 Occupational LOC for MOE = 1,000	Chronic toxicity study in dogs LOAEL = 20 mg/kg/day based on decreased thymus weight in males
Cancer (oral, dermal, inhalation)	NA	NA	Not required; no evidence of carcinogenicity.

UF = uncertainty factor, FQPA SF = Special FQPA safety factor, NOAEL = no observed adverse effect level, LOAEL = lowest observed adverse effect level, PAD = population adjusted dose (a = acute, c = chronic) RfD = reference dose, MOE = margin of exposure, LOC = level of concern, NA = Not applicable.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. Tolerances have been established (40 CFR 180.603) for the combined residues of dinotefuran and its metabolites, in or on a variety of raw agricultural commodities. Risk assessments were conducted by EPA to assess dietary exposures from dinotefuran in food as follows:

i. *Acute exposure*. Acute dietary risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

In conducting the acute dietary risk assessment EPA used the DEEM™ software with the FCID, which incorporates food consumption data as reported by respondents in the U.S. Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII), and accumulated exposure to the chemical for each commodity. The following assumptions were made for the acute exposure assessments: The dietary risk analyses incorporated tolerance level residues and assumed 100% of the crops had been treated with dinotefuran. The acute risk estimates are below the Agency's level of concern (< 100% aPAD) for the general U.S. population and all population subgroups.

ii. *Chronic exposure*. In conducting the chronic dietary risk assessment EPA used the DEEM™ software with the FCID, which incorporates food consumption data as reported by respondents in the USDA 1994–1996 and 1998 CSFII, and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: The dietary risk analyses incorporated tolerance level residues and assumed 100% of the crops had been treated with dinotefuran. The chronic risk estimates are below the Agency's level of concern (<100% cPAD) for the general U.S. population and all population subgroups.

iii. *Cancer*. Dinotefuran is classified as ''not likely to be a carcinogen,'' therefore, an exposure assessment for quantifying cancer risk was not conducted.

2. *Dietary exposure from drinking water*. The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for dinotefuran in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of dinotefuran.

The Agency uses the FQPA Index Reservoir Screening Tool (FIRST) or the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS), to produce estimates of pesticide concentrations in an index reservoir. The SCI-GROW model is used to predict pesticide concentrations in shallow ground water. For a screening-level assessment for surface water EPA will use FIRST (a Tier 1 model) before using PRZM/EXAMS (a Tier 2 model). The FIRST model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. Both FIRST and PRZM/EXAMS incorporate an index reservoir environment, and both models include a percent crop treated (PCT) area factor as an adjustment to account for the maximum PC coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a screen for sorting out pesticides for which it is unlikely that drinking water concentrations would exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs), which are the model estimates of a pesticide's concentration in water. EECs derived from these models are used to quantify drinking water exposure and risk as a %RfD or %PAD. Instead, drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to dinotefuran they are further discussed in the aggregate risk sections below.

Based on the FIRST and SCI-GROW models, the EECs of dinotefuran for acute exposures are estimated to be 76 parts per billion (ppb) for surface water and 5.1 ppb for ground water. The EECs for chronic exposures are estimated to be 21 ppb for surface water and 5.1 ppb for ground water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in

this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Dinotefuran is currently registered for use on the following residential non-dietary sites: Professional turf management, professional ornamental production, residential indoor, and lawn. The risk assessment was conducted using the following residential exposure assumptions: Outdoor uses for turf farms, golf courses, residential lawns, and ornamentals.

There is a potential for exposure to homeowners in residential settings during the application of products containing dinotefuran. There is also a potential for exposure from entering areas previously treated with dinotefuran such as lawns where children might play, or golf courses and home gardens that could lead to exposures for adults. As a result, risk assessments were previously discussed for both residential handler and postapplication scenarios in the final rule for setting tolerance on leafy vegetables in the **Federal Register** of September 17, 2004 (69 FR 55963) (FRL–7368–1). The proposed new agricultural uses of dinotefuran do not add any additional residential exposures or risks.

The risks from the combined exposures of adults applying dinotefuran to residential lawns and then being dermally exposed from postapplication activities on the treated lawn do not exceed the Agency's level of concern. Children's combined risks from activities on treated lawns do not exceed the Agency's level of concern.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to dinotefuran and any other substances and dinotefuran does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that dinotefuran has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's web site at *http://www.epa.gov/pesticides/cumulative/*.

D. Safety Factor for Infants and Children

1. *In general.* Section 408 of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a MOE analysis or through using uncertainty (safety) factors (UFs) in calculating a dose level that poses no appreciable risk to humans. In applying this provision, EPA either retains the default value of 10X when reliable data do not support the choice of a different factor, or, if reliable data are available, EPA uses a different additional safety factor value based on the use of traditional UFs and/or special FQPA safety factors, as appropriate.

2. *Prenatal and postnatal sensitivity.* Prenatal developmental toxicity studies in rats and rabbits provided no indication of increased susceptibility (qualitative or quantitative) of rat or rabbit fetuses to *in utero* exposure to dinotefuran. There was no indication of increased (quantitative) susceptibility in the fetuses as compared to parental animals in the two generation reproduction study. Qualitative susceptibility was observed in the reproduction study; however, the degree of concern is low because the observed effects are well characterized (decreased body weight, decreased thymus weight, and decreased grip strength) and there are clear NOAELs/LOAELs.

3. *Conclusion.* Although there is generally low concern and no residual uncertainties for prenatal and/or postnatal toxicity resulting from exposure to dinotefuran, some uncertainty is raised by a deficiency in the data (a lack of a NOAEL in the chronic dog study) and the need for a developmental immunotoxicity study (DIT).

The absence of a NOAEL for the chronic dog study and the need for a DIT study generate some uncertainty regarding the protectiveness of chronic regulatory endpoints and long-term levels of concern. Accordingly, EPA does not have reliable data supporting adoption of a safety factor other than the default additional 10X factor as specified in FFDCA section 408(b)(2)(C). The chronic endpoint and long-term level of concern have therefore, been generated using an overall safety/UF of 1,000 (representing 100X for interspecies and intraspecies variation and an additional 10X pursuant to FFDCA section 408(b)(2)(C).

The Agency does not have similar concerns regarding acute, short-term, and intermediate-term risk assessments for several reason. First, the absence of a NOAEL only occurred in a chronic study. Second, reliable data show that the DIT is unlikely to result in a NOAEL for acute, short-term, or intermediate-term effects that is lower than the NOAELs currently being used to assess the risk from such effects. EPA has required a DlT study with dinotefuran based on the changes in the thymus weight in offspring in the reproduction study and in adult rats and dogs. There is, however, little evidence to support a direct effect of dinotefuran on immune function. This is because lymphoid organ weight changes can be secondary to generalized toxicity (e.g., reductions in body weight, body weight gain, and/or food efficiency). In the reproduction study, decreased thymus weights were seen in offspring in the presence of decreased body weight only at the Limit Dose (10,000 ppm). In the 1-year dog study, decrease in thymus weight was seen in the absence of other toxicity, however, no decrease in thymus weight was seen in the subchronic study in dogs which was conducted at higher doses (i.e., the results of the 1-year study was not supported by the results of the 90-day study).

Further, the only evidence on dinotefuran's potential immunological effect is found in studies with prolonged exposure. In the reproduction study, the effect of concern i.e, decrease in thymus weight in only 1-generation (F2) was seen only following approximately 13–weeks of exposure to the parental animals at close to the limit dose (1,000 mg/kg). Similarly, thymus effects in the chronic dog study were only observable after long-term exposures, but were not seen in the 90-day dog study.

Finally, it is clear that the DIT study, which is performed in the rat, will have to be conducted at high doses (close to the limit dose) to elicit a potential single dose effect and this will result in a potential NOAEL higher than that currently used for various risk

assessments. As noted, in the rat reproduction study, effects only occurred at doses close to the limit dose (1,000 mg/kg/day). The limit dose is the maximum dose recommended for testing in the Series 870 Health Effects Harmonized Test Guidelines; toxic effects occurring only at or near the limit dose are of less concern for human health since they may be specifically related to the high dose exposure and may not occur at the much lower doses to which humans are exposed. Additionally, in the acute neurotoxicity study in the rat, the LOAEL was 750 mg/kg/day in females and 1,500 mg/kg/day in males based on reductions in motor activity indicating that high doses are required to elicit dinotefuran-induced toxicity in rats.

The NOAELs in the critical studies selected for acute dietary (125 mg/kg/day), short-term incidental oral (33 mg/kg/day), and intermediate-term incidental oral and dermal (22 mg/kg/day) exposure scenarios are lower than the offspring NOAEL (241 mg/kg/day) in the reproduction study. Therefore, EPA is confident that the doses selected for these risk assessments will address the concerns for the thymus weight changes seen in the offspring in the reproduction study and will not underestimate the potential risk from exposure to dinotefuran.

The Agency believes there are reliable data showing that the regulatory endpoints are protective of children despite the need for a development neuorotoxicity (DNT) study. DNT data received and reviewed for other compounds in this chemical class (neonicotinoids) including thiacloprid, clothianidin, and imidacloprid, indicate that the results of the required DNT study will not likely impact the regulatory doses selected for dinotefuran.

In addition, the acute and chronic dietary food exposure assessment utilized proposed tolerance level residues and 100% crop treated information for all commodities. By using these screening-level assessments, acute and chronic exposure/risks will not be underestimated. Furthermore, the dietary drinking water assessment (Tier 1 estimates) uses values generated by models and associated modeling parameters which are designed to provide conservative, health protective, high-end estimates of water concentrations. Finally, the residential assessment for children's postapplication exposures is based upon maximum application rates in conjunction with chemical-specific study data and are not expected to underestimate risk.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against EECs. DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the EPA's Office of Water are used to calculate DWLOCs: 2 liter (L)/70 kg (adult male), 2L/60 kg (youth and adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: Acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, EPA concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which EPA has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk*. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food to dinotefuran will occupy 1.2% of the aPAD for the U.S. population, 1.2% of the aPAD for females 13 to 49 years old, 1.3% of the aPAD for infants <1 year old, and 2.9% of the aPAD for children 1 to 2 years old. In addition, there is potential for acute dietary exposure to dinotefuran in drinking water. After calculating DWLOCs and comparing them to the EECs for surface water, and ground water, EPA does not expect the aggregate exposure to exceed 100% of the aPAD, as shown in the following Table 3.

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO DINOTEFURAN

Population/Subgroup	aPAD /(mg/kg/day)	%aPAD/(Food)	Surface Water EEC/(ppb)	Ground Water EEC/(ppb)	Acute DWLOC (ppb)
U.S. population	1.25	1.2	76	5.1	43,000
All infants (<1 year old)	1.25	1.3	76	5.1	12,000
Children (1–2 years old)	1.25	2.9	76	5.1	12,000
Females (13–49 years old)	1.25	1.2	76	5.1	37,000

2. *Chronic risk*. Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to dinotefuran from food will utilize 21% of the cPAD for the U.S. population, 18% of the cPAD for infants <1 year old, and 54% of the cPAD for children 1 to 2 years old, and 20% of the cPAD for females 13 to 49 years old. Based on the use pattern, chronic residential exposure to residues of dinotefuran does not exceed the

Agency's level of concern, as discussed in Unit III.E.3. below. In addition, there is potential for chronic dietary exposure to dinotefuran in drinking water. After calculating DWLOCs and comparing them to the EECs for surface water, and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 4.

TABLE 4.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO DINOTEFURAN

Population Subgroup	cPAD (mg/kg/day)	%cPAD (FOOD)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.02	21	21	5.1	550
All infants (<1 year old)	0.02	18	21	5.1	160
Children (1–2 years old)	0.02	54	21	5.1	90
Females (13–49 years old)	0.02	19	21	5.1	490

3. *Short-term risk*. Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Dinotefuran is currently registered for uses that could result in short-term residential exposure. Short-term and intermediate-term aggregate risk assessments based on exposure from oral, inhalation, and dermal routes were considered. However, the toxicological effects for oral and inhalation routes of exposure are different (i.e., neurotoxicity for oral and decrease in body weight for inhalation); and therefore, these exposure scenarios have not been combined. Also, because no systemic toxicity was seen at the limit dose in a 28-day dermal toxicity study, no quantification of short-term dermal risk is required. Therefore, a short-term aggregate risk assessment was not performed for dinotefuran. An intermediate-term aggregate risk assessment was performed as a screening level assessment, which will apply to short-term aggregate risk.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Dinotefuran is currently registered for use(s) that could result in intermediate-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and intermediate-term exposures for dinotefuran. An intermediate-term aggregate risk assessment was performed as a screening level assessment for adults and children.

For children, the children's subgroup with the highest estimated chronic dietary exposure (children 1–2 years old) was aggregated with residential exposures to children playing on treated lawns (dermal and oral hand-to-mouth exposures) in order to calculate the worst case intermediate-term aggregate risk to children. The reciprocal MOE method was used to conduct the intermediate-term aggregate risk assessment for children, since the level of concern MOEs are identical for all MOEs in the calculation.For adults, the aggregate risk index method was used, since level of concern MOEs are not identical for all types of exposure in the calculation.

i. *Intermediate-term aggregate risk for children*. The child subgroup with the highest estimated chronic dietary exposure (children 1–2 years old) was used to calculate the intermediate-term aggregate risk, including chronic dietary (food and drinking water) and residential and oral exposures. Based on the toxicity endpoint information, all acceptable MOEs are 100, and an intermediate-term oral endpoint for incidental ingestion residential exposure was identified. Therefore, the intermediate-term incidental oral endpoint (NOAEL) was used to incorporate dietary (food and water), and residential incidental ingestion exposures in the aggregate risk assessment. An intermediate-term residential exposure scenario was identified and includes dermal and incidental oral exposure routes. To complete the aggregate intermediate-term exposure and risk assessment, chronic dietary (food and drinking water) and residential dermal and oral exposures must be included.

For children's combined exposure on turf, the total MOE was estimated to be 590. The average (chronic) dietary exposure for the highest exposed child subgroup (children 1–2 years old) was estimated to be 0.011 mg/kg/day. The reciprocal MOE equation is solved for MOE_{water} to determine the $DWLOC_{Intermediate\text{-}term}$ for children. Compared with the Estimated Drinking Water Concentrations (EDWCs), EPA's calculated aggregate intermediate-term DWLOC does not exceed the Agency's level of concern for the subgroup population of children 1 to 2 years old. The aggregate risk assessment for intermediate-term exposure to children is summarized in the following Table 5.

TABLE 5.—AGGREGATE RISK ASSESSMENT FOR INTERMEDIATE-TERM EXPOSURE OF CHILDREN TO DINOTEFURAN

Population	NOAEL/mg/kg/day	Target MOE[1]	Max Exposure[2] mg/kg/day	Average Food Exposure mg/kg/day	Residential Exposure[3] mg/kg/day	Aggregate MOE (food & residential)[4]	Max Water Exposure[5] mg/kg/day	Ground Water EEC[6] µg/L	Surface Water EEC[6] µg/L	Intermediate-Term DWLOC[7] µg/L
Children (3–5 years old)	22	100	0.22	0.011	0.037	460	0.17	5.1	21	1,700

[1] The target MOE of 100 is based on the standard inter- and intra-species safety factors, 10x for intra-species variability and 10x for inter-species extrapolation.

[2] Maximum exposure (mg/kg/day) = NOAEL/Target MOE

[3] Residential exposure to children playing on treated lawns (combined dermal + oral hand-to-mouth + oral object-to-mouth + oral soil ingestion)
[4] Aggregate MOE = [NOAEL/(Avg. Food Exposure + Residential Exposure)]
[5] Maximum Water Exposure (mg/kg/day) = Target Maximum Exposure - (Food Exposure + Residential Exposure)
[6] The use site producing the highest level was used; i.e., turf.
[7] DWLOC (μg/L) = [Maximum water exposure (mg/kg/day) x body weight (10 kg)]/[Water exposure (1L) x 10^{-3} mg/μg]

ii. *Intermediate term aggregate risk for adults.* For adults, the worst case intermediate-term aggregate risk assessment includes the following scenarios: (1) Dermal and inhalation exposures to residential handlers (i.e. M/L/A of liquids to lawns by hose-end sprayers); (2) dermal postapplication exposures on treated lawns;, and (3) oral dietary exposures (i.e. food + drinking water). Based on the toxicity endpoint information, the acceptable MOEs are not all identical. The intermediate-term inhalation endpoint has a UF/MOE of 1,000, because a NOAEL was not reached and a LOAEL was used instead, while the assessments for incorporating food, water and dermal exposures have UFs/MOEs of 100. In this case, the aggregate risk index (ARI) method was used to calculate DWLOC values for the adult aggregate intermediate-term risk assessment.

The highest estimated average (chronic) dietary exposure for adults occurred with the general U.S. population (i.e. 0.0042 mg/kg/day). The adult residential combined risks from dermal (ARI = 17) and inhalation (ARI = 970) exposures to residential handlers and dermal postapplication exposures (ARI = 12) on treated lawns were combined.

The intermediate-term aggregate risk including drinking water exposure can be calculated using the ARI method for aggregating exposure. The equations are solved for MOE_{water} to determine the $DWLOC_{Intermediate\text{-}term}$ for adults. Compared with the EDWCs, EPA's calculated aggregate intermediate-term DWLOC does not exceed Agency's level of concern for the general U.S. population. The aggregate risk assessment for intermediate-term exposure to adults is summarized in the following Table 6.

TABLE 6.—AGGREGATE RISK ASSESSMENT FOR INTERMEDIATE-TERM EXPOSURE OF ADULTS TO DINOTEFURAN.

Population	Target ARI[1]	ARI Food[2]	Residential ARIs[3]			Max Water Exposure ARI[4]	Ground Water EDWC[5] μ/L	Surface Water EDWC μ/L	Intermediate-Term DWLOC[6] μ/L
			Applicators		Postapplication Dermal Exposure				
			Dermal Exposure	Inhalation Exposure					
Females (14–49 years old)	1	116	17	970	12	1.18	5.1	21	5,600

[1] ARI (Aggregate Risk Index) = $MOE_{Calculated}/MOE_{Aceeptable}$
[2] 2 ARI_{Food} = [22 / 0.0019] / 100 = 116
[3] $ARI_{dermal} = MOE_{calculated}/100$ and, $ARI_{inhal} = MOE_{inhal}/1{,}000$
[4] $ARI_{Water} = 1/[1/1- (1/ARI_{Residential\ aplicator\ dermal}) + (1/ARI_{Residential\ applicator\ inhalation}) + (1/ARI_{Postapplication\ dermal})]$
[5] The use site producing the highest level was used; i.e. turf.
[6] DWLOC (μ/L) = [Maximum water exposure (mg/kg/day) x body weight (60 kg)]/[Water exposure (2 L) x 10^{-3} mg/μg] where Maximum water exposure = NOAEL (22) / [ARI_{Water} (1.18) x 100] = 0.1866 mg/kg/day

5. *Aggregate cancer risk for U.S. population.* Dinotefuran is not expected to pose a cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to dinotefuran residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology for plant commodities (High Performance Liquid Chromatography (HPLC)/Mass Spectrometry (MS); HPLC/Ultraviolet (UV); and HPLC/MS/MS) is available to enforce the tolerance expression. The methods may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

A livestock enforcement method is needed to enforce the proposed tolerances of dinotefuran on milk, meat, and meat byproducts. The Liquid Chromatography (LC)/MS/MS method, which was used for the analysis of samples collected from the cow feeding study, may be used for tolerance enforcement. The independent laboratory validation and radiovalidation data are currently under review by the Agency.

B. International Residue Limits

There are currently no established Codex, Canadian, or Mexican maximum residue limits for residues of dinotefuran in/on plant or livestock commodities.

V. Conclusion

Therefore, the tolerance is established for combined residues of dinotefuran, [*N*-methyl-*N'*-nitro-*N''*-((tetrahydro-3-furanyl)methyl)guanidine] and its metabolites DN [1-methyl-3-(tetrahydro-3-furylmethyl)guanidine] and UF [1-methyl-3-(tetrahydro-3-furylmethyl)urea], expressed as dinotefuran, in or on vegetable, fruiting, group 8 at 0.7 ppm; vegetable, cucurbit, group 9 at 0.5 ppm; Brassica, head and stem, subgroup 5A at 1.4 ppm; grape at 0.9 ppm; grape, raisin at 2.5 ppm; potato at 0.05 ppm; potato, chips at 0.1 ppm; potato, granules/flakes at 0.15 ppm; tomato, paste at 1.0 ppm; cotton, undelinted seed at 0.4 ppm; cotton, gin byproducts at 8.0 ppm; and for residues of dinotefuran alone in or on cattle, meat at 0.5 ppm; cattle, fat at 0.05 ppm; cattle meat byproducts (mbyp) at 0.05 ppm; goat, meat at 0.05 ppm; goat, fat at 0.05 ppm; goat mbyp at 0.05 ppm; hog, meat at 0.05 ppm; hog, fat at 0.05 ppm; hog mbyp at 0.05 ppm; horse, meat at 0.05 ppm; horse, fat at 0.05 ppm; horse, mbyp at 0.05 ppm; milk at 0.05 ppm; sheep, meat at 0.05 ppm; sheep, fat at 0.05 ppm; and sheep, mbyp at 0.05 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of FFDCA, as amended by FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to FFDCA by FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of FFDCA, as was provided in the old sections 408 and 409 of FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2005–0003 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 23, 2005.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900L), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Suite 350, 1099 14th St., NW., Washington, DC 20005. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 564–6255.

2. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES**. Mail your copies, identified by docket ID number OPP–2005–0003, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in **ADDRESSES**. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations 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.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not

alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Congressional Review Act

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 rule 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 of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 25, 2005.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.603 is revised to read as follows:

§ 180.603 Dinotefuran; tolerances for residues.

(a) *General.* (1) Tolerances are established for the combined residues of Dinotefuran, [*N*-methyl-*N*′-nitro-*N*″-((tetrahydro-3-furanyl)methyl)guanidine] and its metabolites DN [1-methyl-3-(tetrahydro-3-furylmethyl)guanidine] and UF [1-methyl-3-(tetrahydro-3-furylmethyl)urea], expressed as dinotefuran.

Commodity	Parts per million
Brassica, head and stem, subgroup 5A	1.4
Cotton, undelinted seed	0.4
Cotton, gin byproducts	8.0
Grape	0.9
Grape, raisin	2.5
Potato	0.05
Potato, chips	0.1
Potato, granules/flakes	0.15
Tomato, paste	1.0
Vegetable, fruiting, group 8	0.7
Vegetable, cucubit, group 9	0.5
Vegetable, leafy, except Brassica, group 4	5.0

(2) Tolerances are established for residues of dinotefuran *N*-methyl-*N*′-nitro-*N*″-tetrahydro-3-furanyl)methyl)guanidine in/on the following commodities:

Commodity	Parts per million
Cattle, fat	0.05
Cattle, mbyp	0.05
Cattle, meat	0.05
Goat, fat	0.05
Goat, mbyp	0.05
Goat, meat	0.05
Hog, fat	0.05
Hog, mbyp	0.05
Hog, meat	0.05
Horse, fat	0.05
Horse, mbyp	0.05
Horse, meat	0.05
Milk	0.05
Sheep, fat	0.05
Sheep, mbyp	0.05
Sheep, meat	0.05

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 05–5620 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2005–0049; FRL–7703–1]

Mesotrione; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of mesotrione in or on sweet corn. Syngenta Crop Protection Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA).

DATES: This regulation is effective March 23, 2005. Objections and requests for hearings must be received on or before May 23, 2005.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under docket identification (ID) number OPP–2005–0049. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Joanne Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703)

305–6224; and e-mail address: *miller.joanne@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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 Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET *(http://www.epa.gov/edocket/)*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/*. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at *http://www.epa.gpo/opptsfrs/home/guidelin.htm/*.

II. Background and Statutory Findings

In the **Federal Register** of August 7, 2002 (67 FR 152) (FRL–7186–5), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (2F6443) by Syngenta Crop Protection Inc., 410 Swing Road, PO Box 18300, Greensboro, NC 27419–8300. The petition requested that 40 CFR 180.571 be amended by establishing tolerances for residues of the herbicide mesotrione, 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, in or on the raw agricultural commodities (RACs) sweet corn ears, sweet corn forage, and sweet corn stover at 0.01, 0.50, and 2.0 parts per million (ppm); respectively. That notice included a summary of the petition prepared by Syngenta Crop Protection Inc., the registrant. There were no comments received in response to the notice of filing. The tolerances for sweet corn stover is corrected to 1.5 ppm to reflect the submitted residue data. Sweet corn ears is corrected to sweet corn kernel plus cob with husks removed.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances of November 26, 1997 (62 FR 62961) (FRL–5754–7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2) of FFDCA, for tolerances for residues of mesotrione on sweet corn kernel plus cob with husks removed, sweet corn forage, and sweet corn stover at 0.01, 0.50, and 1.5 ppm; respectively. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by mesotrione as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed are discussed in the **Federal Register** of June 21, 2001 (66 FR 33187) (FRL–6787–7).

B. Toxicological Endpoints

A summary of the toxicological endpoints for mesotrione used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of June 21, 2001 (66 FR 33187) (FRL–67877).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. Tolerances have been established (40 CFR 180.571) for the residues of mesotrione, in or on a variety of RACs. Risk assessments were conducted by EPA to assess dietary exposures from mesotrione in food as follows:

i. *Acute exposure*. Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. No appropriate study available shows any acute dietary effects of concern.

ii. *Chronic exposure*. In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM™) analysis evaluated the individual food consumption as reported by respondents in the United States Department of Agriculture (USDA) 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: Residue levels are at the recommended tolerances for field corn, popcorn, sweet corn and cranberries

and 100% of the crops are treated with mesotrione. The %cPAD for the general U.S. population is 3% and for the most sensitive population subgroups, children 3–5 years old, is 7% of the cPAD.

iii. *Cancer*. Acceptable oral rat and mouse carcinogenicity studies showed no evidence of carcinogenic or mutagenic potential. Therefore, no exposure assessment is needed to access cancer risk.

2. *Dietary exposure from drinking water*. The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for mesotrione in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of mesotrione.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in ground water. In general, EPA will use GENEEC (a Tier 1 model) before using PRZM/EXAMS (a Tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop (PC) area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a screen for sorting out pesticides for which it is unlikely that drinking water concentrations would exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs), which are the model estimates of a pesticide's concentration in water. EECs derived from these models are used to quantify drinking water exposure and risk as a percent reference dose (%RfD) or percent adjusted dose (%PAD). Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to mesotrione they are further discussed in the aggregate risk sections in Unit E.

Based on the GENEEC and SCI-GROW models, the EECs of mesotrione for acute exposures are estimated to be 20 parts per billion (ppb) for surface water and 0.15 ppb for ground water. The EECs for chronic exposures are estimated to be 4.3 ppb for surface water and 0.15 ppb for ground water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Mesotrione is not registered for use on any sites that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to mesotrione and any other substances and mesotrione does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that mesotrione has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's web site at *http://www.epa.gov/pesticides/cumulative/*.

D. Safety Factor for Infants and Children

1. *In general*. Section 408 of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. In applying this provision, EPA either retains the default value of 10X when reliable data do not support the choice of a different factor, or, if reliable data are available, EPA uses a different additional safety factor value based on the use of traditional uncertainty factors and/or special FQPA safety factors, as appropriate.

2. *Prenatal and postnatal sensitivity*. There is quantitative evidence of increased susceptibility demonstrated in the oral prenatal developmental toxicity studies in rats, mice, and rabbits. Delayed ossification was seen in the fetuses at doses below those at which maternal toxic effects were noted. Maternal toxic effects in the rat were decreased body weight gain during treatment and decreased food consumption and in the rabbit, abortions and gastrointestinal effects.

3. *Conclusion*. The FQPA safety factor (10x) is retained in assessing the risk posed because there is quantitative evidence of increased susceptibility of the young exposed to mesotrione in the prenatal developmental toxicity studies in mice, rats, and rabbits and in the multi-generation reproduction study in mice, there is qualitative evidence of increased susceptibility of the young exposed to mesotrione in the multi-generation reproduction study in rats; and a developmental neurotoxicity study is required to assess the effects of tyrosinemia on the developing nervous system exposed to mesotrione.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against EECs. DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a

pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the EPA's Office of Water are used to calculate DWLOCs: 2 liter (L)/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: Acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and ground water are less than the calculated DWLOCs, EPA concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which EPA has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because EPA considers the aggregate risk resulting from multiple exposure pathways associated with a pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, EPA will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Acute doses and endpoints were not identified for the general U.S. population (including infants and children) or the females 13–50 years old population subgroup for mesotrione; therefore, mesotrione is not expected to pose an acute dietary risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to mesotrione from food will utilize 3% of the cPAD for the U.S. population, 4% of the cPAD for all infants (> 1 year old), and 7% of the cPAD for children 3–5 years old. There are no residential uses for mesotrione that result in chronic residential exposure to mesotrione. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in following Table 1:

TABLE 1.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON- CANCER) EXPOSURE TO MESOTRIONE

Population Subgroup	cPAD mg/kg/day	%cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Chronic DWLOC (ppb)
U.S. population	0.0007	3	4.3	0.15	24
All infants (> 1 year old)	0.0 007	4	4.3	0.15	6.7
Children (3–5 years old)	0.0007	7	4.3	0.15	6.5

3. *Short-term risk + intermediate-term risk.* Short-term + intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Mesotrione is not registered for use on any sites that would result in residential exposure. Therefore, the aggregate risk is the sum of the risk from food and water, which do not exceed the Agency's level of concern.

4. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to mesotrione residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (gas chromatography) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

There are no CODEX, Canadian, or Mexican tolerances/Maximum Residue Levels for mesotrione residues. Thus, harmonization is not an issue at this time.

C. Conditions

Conversion of the mesotrione registration to unconditional under section 3(c)(5) of Federal Insecticide and Fungicide Act (FIFRA) as amended may be considered upon submission of developmental neurotoxicity study in the mouse, and an 28-day inhalation study.

V. Conclusion

Therefore, the tolerances are established for residues of mesotrione, 2-[4-(methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione, in or on the RACs sweet corn kernel plus cob with husks removed, sweet corn forage, and sweet corn stover at 0.01, 0.50, and 1.5 ppm; respectively.

VI. Objections and Hearing Requests

Under section 408(g) of FFDCA, as amended by FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to FFDCA by FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of FFDCA, as was provided in the old sections 408 and 409 of FFDCA. However, the period for filing objections is now 60–days, rather than 30–days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2005–0049 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 23, 2005.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900L), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Suite 350, 1099 14th St., NW., Washington, DC 20005. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 564–6255.

2. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES**. Mail your copies, identified by docket ID number OPP–2005–0049, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in **ADDRESSES**. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VII. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations 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.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct

effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VIII. Congressional Review Act

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 rule 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 of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 14, 2005.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.571 is amended by alphabetically adding the following commodities to the table in paragraph (a) to read as follows:

§ 180.571 Mesotrione; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * *	*
Corn, sweet, forage	0.5
Corn, sweet, kernel plus cob with husks removed	0.01
Corn, sweet, stover	1.5

* * * * *

[FR Doc. 05–5719 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2005–0011; FRL–7699–3]

Thiophanate-methyl; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for combined residues of thiophanate-methyl and its metabolite methyl 2-benzimidazoyl carbamate (MBC) in or on cotton and cotton, gin byproducts. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on cotton. This regulation establishes a maximum permissible level for residues of thiophanate-methyl in these feed commodities. These tolerances will expire and are revoked on December 31, 2007.

DATES: This regulation is effective March 23, 2005. Objections and requests for hearings must be received on or before May 23, 2005.

ADDRESSES: To submit a written objection or hearing request follow the detailed instructions as provided in Unit VII. of the **SUPPLEMENTARY INFORMATION.** EPA has established a docket for this action under docket identification (ID) number OPP–2005–0011. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket.* Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6463; e-mail address: *madden.barbara@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions discussed above. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET *(http://www.epa.gov/edocket/)*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at

http://www.epa.gov/fedrgstr/. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/*.

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with sections 408(e) and 408 (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, is establishing tolerances for combined residues of the fungicide thiophanate-methyl, and its metabolite MBC, in or on cotton at 0.05 parts per million (ppm) and cotton gin byproducts at 5.0 ppm. These tolerances will expire and are revoked on December 31, 2007. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on section 18 related tolerances to set binding precedents for the application of section 408 of the FFDCA and the new safety standard to other tolerances and exemptions. Section 408(e) of the FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, i.e., without having received any petition from an outside party.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of the FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Section 18 of the FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by the Food Quality Protection Act of 1996 (FQPA). EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Thiophanate-methyl on Cotton and FFDCA Tolerances

On July 20, 2004, the State of Florida utilized the crisis exemption authority as provided under FIFRA section 18 for use of thiophanate-methyl on cotton. According to the State, fusarium hardlock of cotton has been identified as a severe economic disease during the last 4 years. This disease has become a problem since the state began to grow primarily genetically modified (GMOs) varieties of cotton. Cotton yields have been reduced up to 50% as a result of the disease. To date, thiophanate-methyl is the only pesticide that has been identified to control this disease on cotton. EPA has authorized under FIFRA section 18 the use of thiophanate-methyl on cotton for control of fusarium hardlock in Florida. After having reviewed the submission, EPA concurs that emergency conditions exist for this State.

As part of its assessment of this emergency exemption, EPA assessed the potential risks presented by residues of thiophanate-methyl in or on cotton. In doing so, EPA considered the safety standard in section 408(b)(2) of the FFDCA, and EPA decided that the necessary tolerance under section 408(l)(6) of the FFDCA would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment as provided in section 408(l)(6) of the FFDCA. Although these tolerances will expire and are revoked on December 31, 2007, under section 408(l)(5) of the FFDCA, residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on cotton and cotton gin byproducts after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these tolerances at the time of that application. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these tolerances are being approved under emergency conditions, EPA has not made any decisions about whether thiophanate-methyl meets EPA's registration requirements for use on cotton or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that these tolerances serve as a basis for registration of thiophanate-methyl by a State for special local needs under FIFRA section 24(c). Nor do these tolerances serve as the basis for any State other than Florida to use this pesticide on this crop under section 18 of FIFRA without following all provisions of EPA's regulations implementing FIFRA section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemption for thiophanate-methyl, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances November 26, 1997 (62 FR 62961 (FRL–5754–7).

Consistent with section 408(b)(2)(D) of the FFDCA , EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of thiophanate-methyl and to make a determination on aggregate exposure, consistent with section 408(b)(2) of the FFDCA, for a time-limited tolerance for combined residues of thiophanate-methyl in or on cotton at 0.05 ppm and cotton, gin byproducts at 5.0 ppm.

Residue data were submitted for cotton. Cotton is not consumed by humans, any inadvertent exposure to residues of thiophanate-methyl from this emergency exemption will result from the consumption of meat or milk since cotton gin byproducts and cottonseed (meal, hulls) are animal feed items. Currently there are tolerances for residues of thiophanate-methyl in or on milk and ruminant meat, meat byproducts, liver, and fat. Since there is

an established dry apple pomace tolerance at 40 ppm and peanut forage/hay tolerances exist at 15 ppm, the Agency has determined that adding cotton feed items to the animal diet will not increase the dietary burden and therefore, the current tolerances on animal commodities are adequate.

The Agency conducted dietary exposure assessments for the cotton use under section 18 of FIFRA. Using the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM™-FCID version 2.02) an analysis evaluated the individual food consumption as reported by respondents in the United States Department of Agriculture (USDA) 1994–1996 and 1998 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to thiophanate-methyl for each commodity. The addition of cotton did not result in any increase in dietary exposure compared to existing uses. Further, there are no new residential uses being proposed since the Agency's previous risk assessment. Therefore, establishing tolerances for residues of thiophanate-methyl in or on cotton and cotton gin byproducts will not increase the most recent estimated aggregate risks resulting from use of thiophanate-methyl, as discussed in the **Federal Register** of July 23, 2003 (68 FR 43465) (FRL–7317–5) final rule establishing a time-limited tolerance for combined residues of thiophanate methyl and its metabolite MBC in or on fruiting vegetables. Refer to the July 23, 2003 **Federal Register** document for a detailed discussion of the aggregate risk assessments and determination of safety. Additionally, a summary of the toxicological dose and endpoints for thiophanate methyl for use in human risk assessment is discussed in the final rule published in the **Federal Register** of August 28, 2002 (67 FR 55137) (FRL–7192–1). EPA relies upon these risk assessments and the findings made in the July 23, 2003 **Federal Register** document in support of this action. Below is a summary of the aggregate risk assessments.

The acute and chronic dietary risk estimates for thiophanate methyl were less than 100% of the acute and chronic Population Adjusted Doses (aPAD and cPAD) at the 99.9th exposure percentile for the general U.S. population and all population subgroups. The acute and chronic dietary risk estimates for MBC +2-AB were also less than 100% of the aPAD and cPAD at the 99.9th exposure percentile for the general U.S. population and all population subgroups. EPA generally has no concern for exposures below 100% of the PADs, because the PADs represent the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. The most highly exposed subgroup for all risk estimates calculated was children 1–2 years. Table 1 summarizes the percentages of aPADs and cPADs for all scenarios for the overall U.S. population and for the most highly exposed population subgroup (children 1–2 years).

TABLE 1.—ACUTE AND CHRONIC DIETARY RISK ESTIMATES FOR THIOPHANATE METHYL EXISTING AND PROPOSED USE

Population Subgroup	aPAD Utilized	cPAD Utilized		
		TM	MBC +2-AB	TM
U.S. population	6%	2%	<1%	<1%
Children (1–2 years old)	22%	58%	2%	10%

The acute drinking water assessment, based on simultaneous dietary exposure to both MBC and thiophanate methyl (which was converted to MBC equivalents) resulted in Drinking Water Levels of Concern (DWLOCs) for the Overall U.S. Population of 5,833 parts per billion (ppb), and for children (1–2 years) of 72 ppb (the population subgroup with the lowest DWLOC). All acute DWLOCs were well above the acute Estimated Environmental Concentrations (EECs) for groundwater and surfacewater, at 3 and 44 ppb, respectively.

The chronic drinking water assessment, based on simultaneous dietary exposure to both MBC and thiophanate methyl (which was converted to MBC equivalents) resulted in chronic DWLOCs for the Overall U.S. Population of 870 ppb, and for children (1–2 years) of 22 ppb (the population subgroup with the lowest DWLOC). All chronic DWLOCs were well above the chronic EEC for groundwater of 3 ppb. The chronic DWLOCs were also above the chronic EEC for surfacewater of 23–24 ppb, except for that of the most highly exposed subgroup, children (1–2 years), which is slightly below the EEC with a chronic DWLOC of 22 ppb. However, given the conservative nature of the screening-level approach to estimated drinking water risks, and the equivalent levels of the chronic DWLOC and EEC (22–23–24 ppb), the Agency does not believe this represents a significant risk or concern for chronic aggregate exposures.

Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Thiophanate methyl and MBC are currently registered for uses that could result in short-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and short-term exposures for thiophanate methyl and MBC. All residential exposures are considered to be short-term. The Margins of Exposure (MOEs) (converted to MBC equivalents) for aggregate short-term exposure to thiophanate methyl are as follows: oral exposure of children (1–6 years) is 670; dermal exposure of children (1–6 years) is 1,000; and dermal exposure of females (13–50 years) is 1,315. The MOEs for aggregate exposure to MBC from the use of MBC as an in-can paint preservative are 670 for dermal exposure and 770 for exposure via inhalation. The MOEs (converted to MBC equivalents) for the total thiophanate methyl and MBC aggregate exposure are as follows: 630 for oral and dermal exposure of children (1–years); 770 for exposure via inhalation for females (13–50 years); and 620 for oral and dermal exposure for females (13–50 years). Although the MOEs below 1,000 exceed the Agency's level of concern, when considering the conservative method of exposure estimation and the negotiated risk mitigation whereby the registrant has agreed to conduct hand-press studies to help refine this assessment, the risks do not exceed the Agency's level of concern.

The total thiophanate methyl and MBC+2-AB dietary cancer risk is 1.1 x 10^{-6} for existing and proposed new uses. The cancer risk from non-occupational residential exposure is 1.1 x 10^{-6}.

Therefore, aggregate cancer risk is 2.2 x 10^{-6}. This risk estimate includes cancer risk from both thiophanate methyl and MBC+2-AB on food including all existing uses and section 18 uses, thiophanate methyl exposure from treating ornamentals, thiophanate methyl exposure from performing post-application lawn activities, and exposure from applying paint containing MBC. This is considered to be a high-end risk scenario since it is not expected that someone would treat ornamentals, perform high exposure post-application activities, and apply paint containing MBC every year for 70 years. Therefore, this estimate is considered to be a conservative estimate. Additionally, the cancer risk estimate for drinking water is based on the highest EEC, which is also a very high-end risk estimate since it is based on the maximum rate being applied every season for 70 years. The risk estimate calculations also assumed that the modeled surface water EEC is equivalent to concentrations in finished drinking water. Thus, food plus water plus non-occupational residential cancer risk is 2.2 x 10^{-6} which is within the range considered as negligible. Therefore, the risks do not exceed the Agency's level of concern.

Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to thiophanate-methyl residues.

V. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (example—gas chromatography) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

Canada, Codex, and Mexico do not have maximum residue limits for residues of thiophanate-methyl in or on cotton or byproducts of cotton. Therefore, harmonization is not an issue.

VI. Conclusion

Therefore, tolerances are established for combined residues of thiophanate-methyl, thiophanate-methyl and its metabolite (methyl 2-benzimidazoyl carbamate (MBC), in or on cotton at 0.05 ppm and cotton, gin byproducts at 5.0 ppm.

VII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to ''object'' to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of the FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP–2005–0011 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 23, 2005.

1. *Filing the request*. Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900L), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. You may also deliver your request to the Office of the Hearing Clerk in Suite 350, 1099 14th St., NW., Washington, DC 20005. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 564–6255.

2. *Copies for the Docket*. In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in **ADDRESSES**. Mail your copies, identified by the docket ID number OPP–2005–0011, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001. In person or by courier, bring a copy to the location of the PIRIB described in **ADDRESSES**. You may also send an electronic copy of your request via e-mail to: *opp-docket@epa.gov*. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

VIII. Statutory and Executive Order Reviews

This final rule establishes time-limited tolerances under section 408 of the FFDCA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review

under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 exemption under section 408 of the FFDCA, such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations 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.'' This final rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

IX. Congressional Review Act

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 rule 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 of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 25, 2005.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.371 is amended by alphabetically adding commodities to the table in paragraph (b) to read as follows:

§ 180.371 Thiophanate-methyl; tolerances for residues.

(b) * * *

Commodity	Parts per million	Expiration/revocation date
* * * *	*	
Cotton	0.05	12/31/07
Cotton, gin byproducts	5.0	12/31/07
* * * *	*	

* * * * *

[FR Doc. 05–5720 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7888–3]

North Carolina: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: North Carolina 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 North Carolina's changes to their 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 23, 2005, unless EPA receives adverse written comment by April 22, 2005. If EPA receives such comment, 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: Send written comments to Thornell Cheeks, North Carolina Authorizations Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA 30303–3104; (404) 562–8479. You may also e-mail your comments to *Cheeks.Thornell@epa.gov* or submit your comments at *http://www.regulation.gov*. Copies of North Carolina's applications may be viewed from 9 a.m. to 4 p.m. at the following addresses: North Carolina Department of Environment and Natural Resources, 401 Oberlin Rd., Suite 150, Raleigh, North Carolina 29201, (919)733–2178; and EPA Region 4, Atlanta Federal Center, Library, 61 Forsyth Street, SW., Atlanta, Georgia 30303; (404) 562–8190, John Wright, Librarian.

FOR FURTHER INFORMATION CONTACT: Thornell Cheeks, North Carolina Authorizations Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA 30303–3104; (404) 562–8479.

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 North Carolina's applications to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant North Carolina Final authorization to operate its hazardous waste program with the changes described in the authorization applications. North Carolina 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 North Carolina, 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 North Carolina 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. North Carolina 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 North Carolina is 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 North Carolina Previously Been Authorized for?

North Carolina initially received final authorization on December 14, 1984, effective December 31, 1984 (49 FR 48694) to implement its base hazardous waste management program. We granted authorization for changes on March 25, 1986 (51 FR 10211) effective April 8, 1986, August 5, 1988 (53 FR 1988) effective October 4, 1988, February 9, 1989 (54 FR 6290) effective April 10,1989, September 22, 1989 (54 FR 38993) effective November 21, 1989, January 18, 1991 (56 FR 1929) effective March 19, 1991, April 10, 1991 (56 FR 14474) effective June 9, 1991, July 19, 1991 (56 FR 33206) effective September 17, 1991, April 27, 1992 (57 FR 15254) effective June 26, 1992, December 12, 1992 (57 FR 59825) effective February 16, 1993, June 3, 1993 (58 FR 31474) effective June 3, 1993, January 27, 1994 (59 FR 3792) effective March 28 1994, April 4, 1994 (59 FR 15633) effective June 3, 1994, June 23, 1994 (59 FR 32378) effective August 22, 1994, November 10, 1994 (59 FR 56000) effective January 9, 1995, September 27, 1995 (60 FR 49800) effective November 27, 1995, April 25, 1996 (61 FR 18284) effective June 24, 1996, October 23, 1998 (63 FR 56834) effective December 22, 1998, August 25 1999 (64 FR 46298) effective October 25, 1999, and February 28, 2002 (67 FR 9219) effective April 29, 2002. North Carolina most recently received authorization for revisions to its program on February 14, 2005 (69 FR 74444).]

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

On November 29, 2004 and January 31, 2005 North Carolina submitted final complete program revision applications, seeking authorization of their changes in accordance with 40 CFR 271.21. North Carolina's revisions consists of provisions promulgated July 1, 2000 through June 30, 2001 (RCRA XI); July 1, 2001 through June 30, 2002,(RCRA XII); July 1, 2002 through June 30, 2003 (RCRA XIII) and July 1, 2003 through June 30, 2004 otherwise known as RCRA XIV. The rule adoption for the provisions of RCRA XI, and XII covered in this action became effective April 10, 2003. The rule adoption for the provisions of RCRA XIII and XIV covered in this action became effective August 10, 2004 unless otherwise noted. North Carolina Statutes at section150B–21.6 and section 130A–294 allow the North Carolina Department of Environment and Natural Resources to administer the rules governing hazardous waste management. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that North Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final authorization. Therefore, we grant North Carolina Final authorization for the following program changes:

Federal requirements	**Federal Register**	Analogous state authority [1]
Hazardous Air Pollutant Standards: Technical Corrections; Checklist 188, RCRA Cluster XI, Non-HSWA Provision.	65 FR 42292–42302 July 10, 2000 as amended May 14, 2001 66 FR 24270–24272 and July 3, 2001 66 FR 35087–35107	15A NCAC 13A.0106(d), 15A NCAC 13A.0109(q), 15A NCAC 13A.0113(g).
Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes; Checklist 189, RCRA Cluster XI, HSWA Provision.	65 FR 67068–67133 November 8, 2000	15A NCAC 13A.0106(d), 15A NCAC 13A.0106(e), 15A NCAC 13A.0112(b), 15A NCAC 13A.0112(c).
Land Disposal Restrictions Phase IV—Deferral for PCBs in Soil; Checklist 190, RCRA Cluster XI, HSWA Provision.	65 FR 81373–81381 December 26, 2000	15A NCAC 13A.0112(b), 15A NCAC 13A.0112(c), 15A NCAC 13A.0112(e).
Mixed Waste Rule; Checklist 191, RCRA Cluster XI, HSWA and Non-HSWA Provision.	66 FR 27218—27266 May 16, 2001	15A NCAC 13A.0111(f).
Mixture and Derived-From Rules Revisions; Checklist 192 A, RCRA Cluster XI, HSWA and Non-HSWA Provision.	66 FR 27266–27297 May 16, 2001	15A NCAC 13A.0106(a).
Land Disposal Restrictions Correction; Checklist 192B, RCRA Cluster XI, HSWA.	66 FR 27266–27297 May 16, 2001	15A NCAC 13A.0112(e).
Change of Official EPA Mailing Address; Checklist 193, RCRA Cluster XI, HSWA/non-HSWA.	66 FR 34374–34376 June 28, 2001	15A NCAC 13A.0101(e).
Mixture and Derived-From Rules Revision II; Checklist 194, RCRA XII, HSWA/Non-HSWA.	66 FR 50332–50334 October 3, 2001	15A NCAC 13A.0106(a).
Inorganic Chemical Manufacturing Wastes Identification and Listing; Checklist 195, RCRA XII, HSWA/Non-HSWA.	66 FR 58258–58300 November 20, 2001	15A NCAC 13A.0106(a), 15A NCAC 13A.0106(d), 15A NCAC 13A.0106(e), 15A NCAC 13A.0112(b), 15A NCAC 13A.0112(c).
CAMU Amendments; Checklist 196, RCRA XII, HSWA Provision.	67 FR 2962–3029 January 22, 2002	15A NCAC 13A.0112(b), 15A NCAC 13A.0109(s).
Hazardous Air Pollutant Standards for Combusters; Interim Standards; Checklist 197, RCRA XII, HSWA/non-HSWA Provision.	67 FR 6792–6818 February 13, 2002	15A NCAC 13A.0109(q), 15A NCAC 13A.0110(o), 15A NCAC 13A.0111(d), 15A NCAC 13A.0113(b), 15A NCAC 13A.0113(i), 15A NCAC 13A.0113(k).
Hazardous Air Pollutant Standards for Combusters; Corrections; Checklist 198, RCRA XII, HSWA/non-HSWA Provision.	67 FR 6968–6996 February 14, 2002	15A NCAC 13A.0111(d), 15A NCAC 13A.0113(g).

Federal requirements	**Federal Register**	Analogous state authority [1]
Vacatur of Mineral Processing Spent Materials being Reclaimed as Solid Wastes and TCLP Use with MGP Waste; Checklist 199, RCRA XII, HSWA/non-HSWA Provision.	67 FR 11251–11254 March 13, 2002	15A NCAC 13A.0106(a), 15A NCAC 13A.0106(c).
Zinc Fertilizer Rule; Checklist 200, RCRA XIII, HSWA/Non-HSWA.	67 FR 48393–48415 July 24, 2002	15A NCAC 13A.0106(a), 15A NCAC 13A.0111(a), 15A NCAC 13A.0112(c).
Treatment Variance for Radioactivity; Checklist 201, RCRA XIII, HSWA Provision.	67 FR 62618—62624 October 7, 2002	15A NCAC 13A.0112(c).
Hazardous Air Pollutant Standards for Combuster—Corrections 2; Checklist 202, RCRA XIII, HSWA Provision.	67 FR 77687–77692 December 19, 2002	15A NCAC 13A.0113(b), 15A NCAC 13A.0113(i).
Recycled Used Oil Management Standards; Clarification; Checklist 203, RCRA XIV, Non-HSWA Provision.	68 FR 44659–44665 July 30, 2003	15A NCAC 13A.0107(c).
Performance Track; Checklist 204, RCRA XIV, Non-HSWA Provision.	69 FR 21737–21754 April 22, 2004 69 FR 62217 October 25, 2004	15A NCAC 13A.0106(a), 15A NCAC 13A.0118(b), 15A NCAC 13A.0118(h).
NESHAP: Surface Coating of Automobiles and Light Duty Trucks; Checklist 205, RCRA XIV, Non-HSWA Provision.	69 FR 22601–22661 April 26, 2004	15A NCAC 13A.0109(w), 15A NCAC 13A.0110(t).

[1] The North Carolina provisions for RCRA 11 and 12 are from the North Carolina Hazardous Waste Management Rules 15A NCAC 13A, dated April 10, 2003, unless otherwise stated. North Carolina provisions for RCRA 13 and 14 are from the North Carolina Hazardous Waste Rules 15A NCAC 13A dated August 10, 2004 unless otherwise stated.

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?

North Carolina 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. 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 North Carolina is not yet authorized.

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

North Carolina is authorized to carry out its hazardous waste program in Indian Country within the State, which includes the Cherokee Indian Nation. Therefore, this action has no effect on Indian Country. EPA will continue to implement and administer the RCRA program in these lands.

K. What Is Codification and Is EPA Codifying North Carolina'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 II for this authorization of North Carolina'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 13175 (65 FR 67249, November 9, 2000). 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. This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' 66 FR 28355, May 22, 2001 because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 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) 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 23, 2005.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous material 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: March 10, 2005.

A. Stanley Meiburg,

Deputy Regional Administrator, Region 4.

[FR Doc. 05–5722 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105

[GSPMR Amendment 2005–01; GSPMR Case 2004–105–1]

General Services Administration Property Management Regulations; Privacy Act of 1974; New System of Records Exemption

AGENCY: Office of Inspector General, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: The GSA Office of Inspector General (OIG) is publishing a final rule amending the General Services Administration Property Management Regulation (GSPMR) to exempt the new system of records, Internal Evaluation Case Files (GSA/ADM–25), from certain information disclosure provisions. Due to the law enforcement nature of the records, a rule amendment is required in order to invoke the relevant exemptions under the Privacy Act of 1974, as amended (5 U.S.C 552a). The exemption will assist the OIG to efficiently and effectively perform internal investigations and other authorized duties and activities.

DATES: March 23, 2005.

FOR FURTHER INFORMATION CONTACT: GSA Privacy Act Officer, General Services Administration, Office of the Chief People Officer, 1800 F Street NW, Washington DC 20405; telephone (202) 501–1452.

ADDRESSES: Any correspondence relating to this rule amendment should be submitted to the Office of Counsel to the Inspector General (JC), Office of Inspector General, General Services Administration, 1800 F Street NW, Washington DC 20405.

SUPPLEMENTARY INFORMATION:

A. Background

In the December 29, 2004, issue of the **Federal Register**, an OIG notice was published proposing the establishment of the new system of records ''Internal Evaluation Case Files,'' (GSA/ADM–25), under the Privacy Act, as amended, 5 U.S.C. 552a. An amendment to GSPMR 105–64.6 (41 CFR 105–64.6) is necessary to exempt that system of records from the provisions of the Act that require, among other things, that the OIG provide notice when collecting information, account for certain disclosures, permit individuals access to their records, and allow them to request that the records be amended. These provisions would interfere with the conduct of OIG internal investigations if applied to the OIG's maintenance of the proposed system of records.

Accordingly, the OIG exempts the system of records under sections (j)(2) and (k)(2) of the Privacy Act. Section (j)(2), 5 U.S.C. 552a(j)(2), exempts a system of records maintained by ''the agency or component thereof which performs as its principal function any activity pertaining to enforcement of criminal laws . . ..'' Section (k)(2), 5 U.S.C. § 552a(k)(2), exempts a system of records consisting of ''investigatory materials compiled for law enforcement purposes,'' where such materials are not within the scope of the (j)(2) exemption pertaining to criminal law enforcement.

Where applicable, section (j)(2) may be invoked to exempt a system of records from any Privacy Act provision except: 5 U.S.C. 552a(b) (conditions of disclosure); (c) (1) and (2) (accounting of disclosures and retention of accounting, respectively); (e)(4) (A) through (F) (system notice requirements); (e) (6), (7), (9), (10), and (11) (certain agency requirements relating to system maintenance); and (i) (criminal penalties). Section (k)(2) may be invoked to exempt a system of records from 5 U.S.C. 552a(c)(3) (making accounting of disclosures available to the subject individual); (d) (access to records); (e)(1) (G), (H) and (I) (notice of certain procedures); and (f) (promulgation of certain Privacy Act rules).

The system of records consists of information covered by the (j)(2) and (k)(2) exemptions. The OIG internal evaluation case files are maintained pursuant to official investigatory and law enforcement functions of the OIG under the authority of the Inspector General Act of 1978, Public Law 95–452, 5 U.S.C. App. 3 (1978). Furthermore, the OIG constitutes a GSA component that performs as one of its principal functions activities pertaining to the enforcement of criminal laws, see 5 U.S.C. 552a(j)(2). Information covered under the (j)(2) exemption includes, but is not limited to, information compiled for the purpose of identifying criminal offenders and alleged offenders and consisting of identifying data and notations of arrests, and the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; information compiled for the purpose of a criminal investigation, including reports of informants and investigators, that is associated with an identifiable individual; or reports of enforcement of the criminal laws from arrest or indictment through release from supervision. Information contained in OIG complaint and investigative files

under the (k)(2) exemption relates to non-criminal law enforcement matters, such as information pertaining to the investigation of civil, administrative, or regulatory violations and similar wrongdoing.

Access by subject individuals, among others, to this system of records, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of OIG investigations. Knowledge of such investigations could enable suspects to take action to prevent detection of unlawful activities, conceal or destroy evidence, or escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their families and could jeopardize the safety and well being of investigative and related personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, or retained would significantly impede the effectiveness of OIG investigatory activities and, in addition, could preclude the apprehension and successful prosecution or discipline of persons engaged in fraud or other illegal activity.

For the above reasons, the OIG exempts the proposed system of records containing the OIG internal evaluation case files under exemptions (j)(2) and (k)(2) of the Privacy Act by amending GSPMR 105–64.6 (41 CFR 105–64.6), as provided below. Under this rule, the GSA and the OIG specify their systems of records that are exempt from the Privacy Act.

A notice of the proposed rule to amend the GSPMR was published on December 29, 2004, for public comment. No comments were received during the 30–day comment period. Therefore, the amendments are finalized in this final rule.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), GSA certifies that the amendment to its regulations would not have a significant economic impact on a substantial number of small entities within the meaning of the RFA. The purpose of the amendment, pursuant to the Privacy Act, is solely to exempt from disclosure certain files of the GSA's OIG that will be kept in a new system of records within the GSA OIG. The amendment imposes no new regulatory requirements either directly or indirectly on anyone, including small entities.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the GSPMR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Energy and Environment Considerations

We preliminarily conclude that this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 41 CFR Part 105–64

Privacy.

Dated: March 15, 2005.

June V. Huber,

Director, Office of Information Management, Office of the Chief People Officer.

■ Therefore, GSA is amending 41 CFR part 105—64 as set forth below:

PART 105–64—REGULATIONS IMPLEMENTING THE PRIVACY ACT OF 1974

■ 1. The authority citation for 41 CFR part 105–64 is amended to read as follows:

Authority: The authority provided by Pub. L. 152, Ch. 288, 63 Stat 377 (codified as amended in scattered section of 40 U.S.C. and 41 U.S.C.).

■ 2. Amend section 105–64.601 by adding paragraph (c) before the undesignated paragraph following paragraph (b); and in the undesignated paragraph following new paragraph (c) by removing ''and GSA/ADM–24'' and adding '', GSA/ADM–24, and GSA/ADM–25'' in its place. The added text reads as follows:

105–64.601 General exemptions.

* * * * *

(c) Internal Evaluation Case Files, GSA/ADM–25.

* * * * *

■ 2. Amend section 105–64.602 by adding paragraph (d) before the undesignated paragraph following paragraph (c); and in the second sentence of the undesignated paragraph following new paragraph (d) by removing the words ''identify'' and ''which'' and adding ''identity'' and ''where'', respectively, in their place; and revising the last sentence. The added and revised text reads as follows:

105–64.602 Specific exemptions.

* * * * *

(d) Internal Evaluation Case Files, GSA/ADM–25.

* * * The systems are exempted to maintain the effectiveness and integrity of investigations conducted as part of the Federal Protective Service, Office of Inspector General, and internal security law enforcement duties or responsibilities in the areas of Federal employment, Government contracts, and access to security classified information.

[FR Doc. 05–5654 Filed 3–22–05; 8:45 am]

BILLING CODE 6820–34–S

GENERAL SERVICES ADMINISTRATION

41 CFR Part 302–17

[FTR Amendment 2005–02; FTR Case 2005–302]

RIN 3090–AI05

Federal Travel Regulation; Relocation Income Tax (RIT) Allowance Tax Tables–2005 Update

AGENCY: Office of Governmentwide Policy, (GSA).

ACTION: Correcting amendments.

SUMMARY: The General Services Administration (GSA) published a document in the **Federal Register** on Tuesday, March 15, 2005 (70 FR 12598), that updated Federal, State, and Puerto Rico tax tables for calculating the relocation income tax (RIT) allowance. This document corrects that final rule.

DATES: *Effective Date*: January 1, 2005.

FOR FURTHER INFORMATION CONTACT Ms. Sallie Sherertz, Office of Governmentwide Policy, Travel Management Policy Division, at (202) 219–3455. Please cite the correction to FTR Amendment 2005–02, FTR case 2005–302.

SUPPLEMENTARY INFORMATION:

A. Background

A final rule was published in the **Federal Register** on March 15, 2005 (70 FR 12598). This document makes corrections to that final rule.

List of Subjects in 41 CFR Chapter 302, Part 302–17

Government employees, Income taxes, Relocation allowances and entitlements, Transfers, Travel and transportation expenses.

■ Accordingly, 41 CFR part 302–17 is corrected by making the following correcting amendments:

PART 302—17 RELOCATION INCOME TAX (RIT) ALLOWANCE

■ 1. The authority citation for 41 CFR part 302–17 continues to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13747, 3 CFR, 1971–1975 Comp., p. 586.

Appendix A to Part 302–17 [Amended]

■ 2. Amend Appendix A to part 302–17, in the table, in the first row, in the fourth column, by inserting ''/qualifying widows and widowers'' after ''Married filing jointly''.

Appendix B to Part 302–17 [Amended]

■ 3. Amend Appendix B to part 302–17, in the introductory paragraph, in the last sentence, by inserting '', at *http://tax.cchgroup.com*'' after ''CCH Inc.''.

Appendix C to Part 302–17 [Amended]

■ 4. Amend Appendix C to part 302–17, in the introductory paragraph before the table, in the last sentence, by inserting ''2000'' after ''1999''.

■ 5. Amend Appendix C to part 302–17, in the table, in the first row, in the fourth column, by inserting ''/qualifying widows and widowers'' after ''Married filing jointly''.

Dated: March 17, 2005.

Peggy DeProspero,

Director, Travel Management Policy Division.

[FR Doc. 05–5709 Filed 3–22–05; 8:45 am]

BILLING CODE 6820–14–S

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1600

[WO–350–2520–24 1A]

RIN 1004–AD 57

Land Use Planning

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Final rule.

SUMMARY: This final rule modifies the BLM's planning regulations with three objectives. It defines cooperating agency and cooperating agency status. It clarifies the responsibility of managers to offer this status to qualified agencies and governments, and to respond to requests for this status. Finally, it makes clear the role of cooperating agencies in the various steps of BLM's planning process.

The rule is necessary to emphasize the importance of working with Federal and state agencies and local and tribal governments through cooperating agency relationships in developing, amending, and revising the Bureau's resource management plans. BLM's current planning regulations do not mention the cooperating agency relationship.

DATES: This final rule is effective on April 22, 2005.

FOR FURTHER INFORMATION CONTACT: Robert Winthrop at (202) 785–6597 or Mark Lambert at (202) 452–7763. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose
II. Response to Comments
III. Procedural Matters

I. Background and Purpose

Why Is BLM Implementing This Rule?

BLM's policy emphasizes the importance of working with Federal and state agencies and local and tribal governments to develop the Bureau's resource management plans. BLM's current planning regulations do not mention the cooperating agency relationship, an important tool for working with other agencies and governments. This final rule:

- Defines cooperating agency and cooperating agency status;
- Clarifies the responsibility of managers to offer this status to qualified agencies and governments, and to respond to requests for this status; and
- Formally establishes the role of cooperating agencies in the various steps of BLM's planning process.

This final rule does not make any substantive changes in the public participation requirements found at § 1610.2. This rule directs BLM to provide the public with meaningful opportunities to participate in the preparation of plans, amendments, and related guidance. The collaboration between BLM and cooperating agencies envisioned by this final rule is in addition to existing requirements to engage the public in the planning process.

Because cooperating agencies are government agencies, meetings between BLM and agencies that hold cooperating agency status would not normally be subject to the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 1. This is because section 204(b) of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, provides that FACA does not apply to meetings held exclusively between Federal officials and officers of state, local, and tribal governments.

BLM made other minor changes not directly related to cooperating agencies that update our planning regulations to reflect our current organizational structure. BLM was reorganized in many district and area jurisdictions. We now use the term ''field office'' in referencing these jurisdictions. Therefore, resource management plan boundaries do not typically follow the previous ''resource area'' boundaries and managers of these new jurisdictions have assumed the title of Field Manager. These organizational adjustments are reflected in this final rule.

Section by Section Discussion

Section 1601.0–4 Responsibilities

The changes for this section are editorial, and do not affect the substance of this rule. This section remains as proposed.

Section 1601.0–5 Definitions

We amended this section by adding definitions of ''eligible cooperating agency'' and ''cooperating agency.'' The definition of cooperating agency makes clear that an agency becomes a cooperating agency only after it has entered into a written agreement with BLM. In the proposed rule, we used the terms ''cooperating agency'' and ''cooperating agency status.'' We changed these terms in the final rule to improve clarity. We also revised subsection (d) (defining eligible cooperating agency) in the final rule by imposing uniform eligibility criteria for tribes, states, and local governments to become cooperating agencies. Please see the Responses to Comments discussion for an explanation of the changes.

We are also adding a definition for Field Manager. The purpose of the definition is to update the regulations to reflect BLM's current organizational structure. In many cases, BLM has moved away from having district offices and subordinate area offices. BLM now has field offices that we formerly called area offices or district offices. However, in some instances, we maintain a district office with subordinate field offices. Therefore, to avoid having to use the term ''District Manager and/or Field Manager'' we are defining Field Manager to include both positions.

Section 1610.1 Resource Management Planning Guidance

The changes for this section are editorial, and do not affect the substance of this rule. This section remains as proposed.

Section 1610.2 Public Participation

The changes for this section are editorial, and do not affect the substance of this rule. This section remains as proposed.

Section 1610.3–1 Coordination of Planning Efforts

The changes to this section provide direction that explicitly requires State Directors and Field Managers to utilize the cooperating agency relationship in their efforts to coordinate with other Federal and state agencies and local and tribal governments, where possible and appropriate. We include language instructing State Directors and Field Managers to invite eligible Federal agencies, state and local governments, and federally recognized Indian tribes to participate as cooperating agencies in the development, amendment, and revision of resource management plans. New language requires Field Managers to consider requests for cooperating agency status from other Federal agencies, state and local governments, and federally recognized Indian tribes, and to inform the State Director if the Field Manager denies the request. These changes provide a more consistent approach to the use of cooperating agencies by the BLM. Other changes for this section are editorial, and do not affect the substance of this rule. This section remains as proposed with the exception of two minor edits: we replaced the term ''tribal governments'' with ''federally recognized Indian tribes'' in two places to be consistent with other changes made to the rule (*see* the Responses to Comments discussion for an explanation of the changes), and substituted ''eligible'' for ''qualifying'' in subsection (b).

Section 1610.4–1 Identification of Issues

We revised this section to instruct Field Managers to collaborate with cooperating agencies throughout the scoping process. Other changes for this section are editorial, and do not affect the substance of this rule. Other than a minor word change (deleting ''participating'' from ''participating cooperating agencies''), this section remains as proposed.

Section 1610.4–2 Development of Planning Criteria

We revised the first sentence of this section expressly to include cooperating agencies among those the BLM will coordinate with in developing planning criteria for resource management plans and revisions. This section remains as proposed with one exception: We deleted ''participating'' from ''participating cooperating agencies.''

Section 1610.4–3 Inventory Data and Information Collection

We revised the first sentence of this section to instruct Field Managers to collaborate with cooperating agencies in arranging for the collection of data and information. Other changes for this section are editorial, and do not affect the substance of this rule. Other than a minor word change (deleting ''participating'' from ''participating cooperating agencies''), this section remains as proposed.

Section 1610.4–4 Analysis of the Management Situation

We revised the first sentence of this section to instruct Field Managers to collaborate with cooperating agencies in preparing the analysis of the management situation. Other than a minor word change (deleting ''participating'' from ''participating cooperating agencies''), this section remains as proposed.

Section 1610.4–5 Formulation of Alternatives

We revised the first sentence of this section to instruct BLM to collaborate with cooperating agencies in formulating alternatives. We also emphasized that the decision to designate alternatives for further development and analysis remains the exclusive responsibility of the BLM. Other than a minor word change (deleting ''participating'' from ''participating cooperating agencies''), this section remains as proposed.

Section 1610.4–6 Estimation of Effects of Alternatives

We revised this section to instruct Field Managers to collaborate with cooperating agencies in analyzing and displaying the effects of implementing each alternative. Other changes for this section are editorial, and do not affect the substance of this rule. Other than a minor word change (deleting ''participating'' from ''participating cooperating agencies''), this section remains as proposed.

Section 1610.4–7 Selection of Preferred Alternative

In the final rule, we changed the title of the section, and in the first sentence deleted ''participating'' from ''participating cooperating agencies.'' Please see the Responses to Comments discussion for an explanation of this change. The first sentence instructs Field Managers to collaborate with cooperating agencies in evaluating the alternatives and identifying a preferred alternative. We rewrote the second sentence to clarify terminology. The second sentence emphasizes that the decision to select a preferred alternative remains the exclusive responsibility of the BLM. Other changes for this section are editorial, and do not affect the substance of this rule.

Changing Titles

Throughout part 1600, we changed our reference to position titles. We replaced the title of District Manager and Area Manager with the term Field Manager to reflect the current BLM organization.

II. Responses to Comments

In this portion of the Supplementary Information, we summarize the comments received, and then discuss those sections of the proposed rule addressed by comments. If we do not discuss a particular section or paragraph, it means that no public comments addressed the provision.

The public comment period for 43 CFR part 1600 ended on September 20, 2004. BLM received 14 comments from agencies, organizations, and individuals. Eleven of the comments supported the proposed rule change, though often suggesting modifications. Several comments emphasized the importance of including state and local governments in the planning process. One comment suggested that other Federal land management agencies should adopt similar policies. Another comment objected to the proposed rule because of the Bureau's policies regarding the management of wild horses; this comment is outside the scope of land use planning or cooperating agency relationships and this rule.

A number of comments suggested how BLM should work with cooperating agencies. These suggestions include:

- BLM should notify potential cooperating agencies early in the planning process;
- The cooperating agency relationship should be formalized through memoranda of understanding (MOUs);
- Cooperating agencies should be involved in identifying planning issues;
- Cooperating agencies should be involved in selecting contractors for plan preparation;
- BLM should be more consistent in the application of cooperating agency provisions, including the conditions under which cooperating agencies may use consultants to represent them in its planning process;

• BLM should ensure that current plan language and proposed changes are depicted in a single document throughout the planning process;

• BLM should respond to all written suggestions and comments from cooperating agencies throughout the planning process; and

• BLM managers should be directly involved in the planning process.

We agree with many of these suggestions, but believe they are more appropriate for BLM's internal guidance rather than its regulations. The Planning, Assessment, and Community Support Group is preparing a desk guide for field offices on working effectively with cooperating agencies. We will consider these comments in preparing the guide. In addition, several points these comments raised, including the importance of the Field Manager's involvement and the need to establish the cooperating agency relationship through a written memorandum of understanding, are addressed in recent BLM guidance: Instruction Memorandum 2004–231, The Scope of Collaboration in the Cooperating Agency Relationship.

Three comments urged BLM to ensure that all planning efforts included an adequate assessment of local social and economic conditions and impacts. We agree. The Land Use Planning Handbook (H–1601–1) is under revision and will include specific direction for field office staff to work with state, local, and tribal planning partners as well as the public in identifying socio-economic issues, sources of data, and methods of analysis (Planning Handbook, Appendix D, Sec. III.A). In addition, every field office preparing a resource management plan is required to conduct an economic strategies workshop to bring together local government officials, community leaders, and BLM staff to review regional conditions and trends, identify local economic and social goals, and seek opportunities for advancing them through collaboration in plans and policies (Planning Handbook, Appendix D, Sec. III.B).

Two comments urged the BLM to incorporate the suggested rule change language into its Land Use Planning Handbook. Language in the Handbook concerning cooperating agencies will be consistent with this final rule.

In the remainder of this section we address those comments that suggested changes in specific provisions of the proposed regulations.

Section 1601.0–5 Definitions

In reviewing the proposed rule for consistency with its regulations and guidance, the Council on Environmental Quality (CEQ) indicated that use of the term ''participating'' (as in the phrase ''participating cooperating agencies'') may lead to confusion with unrelated policy proposals involving the National Environmental Policy Act (NEPA) process. To correct this, we modified the term defined at subsection (d) from ''cooperating agency'' to ''eligible cooperating agency,'' and at subsection (e) from ''cooperating agency status'' to ''cooperating agency.'' As a result ''cooperating agency'' now refers unambiguously to a governmental entity that meets the requirements identified in subsection (d) and has entered into a written agreement establishing its cooperating agency status with the BLM as required by subsection (e). This allowed us to strike the word ''participating'' from §§ 1610.4–1, 1610.4–2, 1610.4–3, 1610.4–4, 1610.4–5, 1610.4–6, and 1610.4–7. We also made other minor changes to subsection (e) for clarity.

Subsection (d): Eligible Cooperating Agency [formerly: Cooperating Agency]. For a tribe to become a cooperating agency the CEQ regulations require that there be effects on its reservation (40 CFR 1508.5). In the proposed rule, we included this language, but added a second option, allowing tribes to qualify when potential effects occur ''on ceded public land with reserved treaty rights.'' In the final rule we reorganized this section altogether to provide consistent criteria for tribes, states, and local governments.

One comment recommended changing the criteria for tribal eligibility because the proposed rule would restrict tribal participation as a cooperating agency to situations where activities authorized through a resource management plan may affect reservation lands or those lands outside reservation boundaries in which tribes had rights reserved through treaties. Thus, the comment explained that the proposed rule would exclude almost all federally recognized Alaskan native groups because their reservations were dissolved by the Alaska Native Claims Settlement Act (43 U.S.C. 1618(a)). The comment proposed that we recast the criteria for tribal eligibility in terms of effects (a) in ''Indian Country'' (a term defined in federal statute as lands within the boundaries of a reservation, dependent Indian communities, or Indian allotments (see 18 U.S.C. 1151)), or (b) ''outside of Indian country where federally-recognized tribes have recognized rights and interests protected by treaty, statute, judicial decisions or other authorities.''

We agree that BLM's use of cooperating agency status should apply consistently to all federally recognized Indian tribes, which the proposed rule did not achieve. In reconsidering the rationale for federally recognized Indian tribes to participate as cooperating agencies, we also concluded that there was no justification to impose different eligibility criteria for tribes than for state and local governments. By applying the criteria used for state and local governments to federally recognized Indian tribes, and deleting any requirement to demonstrate potential effects on particular tribal lands or resources, both inconsistencies are removed. All federally recognized Indian tribes are potentially eligible, whether or not they possess reservations. In the final rule we use the following language at § 1601.0–5(d):

> (1) A Federal agency other than a lead agency that is qualified * * * by virtue of its jurisdiction by law as defined in 40 CFR 1508.15, or special expertise as defined in 40 CFR 1508.26; or
>
> (2) A federally recognized Indian tribe, a state agency, or a local government agency with similar qualifications.

This has the merit of assessing tribal qualifications on the same basis we use for other government entities: primarily for expertise regarding the physical, biological, or socio-economic conditions of the planning area and its environs.

Separate from the cooperating agency relationship, federal agencies have a responsibility to consult with federally recognized Indian tribes on a government-to-government basis. In a planning context, BLM may also have specific statutory obligations, such as the tribal consultation requirement established through the National Historic Preservation Act (36 CFR 800.2(c)(2)). The cooperating agency relationship will complement such formal consultation efforts.

Subsection (e): Cooperating Agency [formerly: Cooperating Agency Status]. One comment suggested that eligible entities seeking cooperating agency status should have the right to waive the requirement of a written agreement with BLM. We disagree. An essential element of a productive relationship between BLM and its cooperating agencies is that each party has a common understanding of its roles and responsibilities throughout a planning process. A written agreement provides this common understanding. The requirement is reasonable, will benefit agency relationships, and should not prove burdensome for BLM or its cooperating agency partners.

Section 1610.2 Public Participation

Two comments proposed that when a new or revised resource management plan is prepared, the existing, approved plan and any amendments be made available on the Internet (at proposed § 1610.2(g)). This suggestion is more appropriate for internal BLM guidance than regulation. The revised Land Use Planning Handbook will encourage use of the Internet to communicate with our publics about land use planning activities (Appendix A (II), Appendix G–1 (8)), though it does not require Internet posting of approved plans.

Section 1610.3–1 Coordination of Planning Efforts

In subsection (b) we replaced ''qualifying Federal agencies'' with ''eligible Federal agencies,'' to make the wording consistent with the revised definition at § 1601.0–5 (d).

Several comments addressed the degree of discretion the proposed rule would give Field Managers. One comment suggested that to ensure that the planning team does not become unnecessarily large and cumbersome, the invitation to cooperating agencies should be at the discretion of the Field Manager rather than obligatory for all qualifying Federal agencies and state, local, and tribal governments (at proposed § 1610.3–1(b)). In contrast, one comment stated that the phrase ''where possible and appropriate'' as applied to collaboration with cooperating agencies was unnecessarily discretionary (at proposed § 1610.3–1(a)(5)). Two comments suggested that it was inappropriate to include the option for a Field Manager to deny a request for cooperating agency status when the requesting agency is qualified by ''special expertise'' as defined at 40 CFR 1508.26 (at § 1610.3–1(b)).

We believe that the rule provides an appropriate balance. While the intent of the rule is to ensure that other government entities have early and consistent involvement in BLM's planning efforts, the rule also recognizes that the question of whether a potential cooperating agency has ''special expertise'' relative to a given planning effort must be judged on a case-by-case basis by the Field Manager. As noted in the proposed rule and this final rule, the State Director may overrule a Field Manager's denial of a request for cooperating agency status (at section 1610.3–1(b)).

Two comments suggested that the language of §§ 1610.3–1(a)(1) and (2), which requires BLM managers to consider the plans of other Federal agencies, state and local governments, and tribes, be modified to require consideration of programs and policies. Sections 1610.3–2(a) through (d) currently require BLM managers to seek consistency with the plans, policies, and programs of other government entities. We believe those requirements are sufficient to meet the intent of these comments.

Section 1610.3–2 Consistency Requirements

Two comments proposed that the provision for a Governor's consistency review of BLM's resource management plans, described in the existing regulations at § 1610.3–2(e), be expanded to include comparable reviews by affected local and tribal governments. Because we did not propose changes to this section of the planning regulations, these suggestions fall outside the scope of the proposed rule. The Planning, Assessment, and Community Support Group may propose additional changes to BLM's planning regulations in the future. If we do so, we will consider these suggestions.

Section 1610.4–7 Selection of Preferred Alternative

One comment urged us to clarify the language concerning development of the preferred alternative, suggesting that it was confusing to use ''identification'' to describe both collaboration with cooperating agencies and the final decision reserved to BLM. We agree. The current planning regulations use ''select,'' as does the planning handbook. The last sentence of this section of the final rule reads: ''Nonetheless, the decision to *select* a preferred alternative remains the exclusive responsibility of the BLM'' (emphasis added). Therefore, we also changed the title of § 1610.4–7 from ''Identification of preferred alternative'' to ''Selection of preferred alternative.''

III. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

This rule is not a significant regulatory action and is not subject to review by the Office of Management and Budget under Executive Order 12866. The effect of the rule is limited to governmental entities, and merely clarifies within BLM's planning regulations the criteria for cooperating agency relationships, and their application to BLM's planning process. BLM does not have to assess the potential costs and benefits of the rule under section 6(a)(3) of that order because it does not result in economic impacts of $100 million or more per year, does not propose any novel policy changes, does not cause any significant sectoral impacts, and does not conflict with any other regulations.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act. The effect of the rule is limited to governmental entities, and merely clarifies within BLM's planning regulations the criteria for cooperating agency relationships, and their application to BLM's planning process. While state agencies and local and tribal governments may incur some expense in participating as cooperating agencies in BLM planning processes, their participation is voluntary. Moreover, this rule does not alter their opportunities to participate as cooperating agencies, which is already provided for in the Council on Environmental Quality (40 CFR 1500 *et seq.*) regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule does not have an annual effect on the economy of $100 million or more. It will not cause an increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions. While state agencies and local and tribal governments may entail some expense in participating as cooperating agencies in BLM planning processes, their participation is voluntary. This rule does not alter their opportunities to participate as cooperating agencies. The rule does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

BLM has determined that this rule is not significant under the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 532, because it will not result in state,

local, and tribal government, or private sector expenditures of $100 million or more in any one year. This rule will not significantly or uniquely affect small governments. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*).

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

The rule does not represent a government action capable of interfering with constitutionally protected property rights. Therefore, the Department of the Interior has determined that the rule would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

Executive Order 13132, Federalism

The rule 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. The rule only codifies existing policy that allows states and local government to participate in land use planning with BLM and neither adds nor removes these entities from a decision-making role. Therefore, BLM has determined that this rule does not have sufficient Federalism implications to warrant BLM preparation of a Federalism Assessment.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

The rule will have ''tribal implications'' as defined in Section 1(a), in that it will enlarge the opportunities for tribal participation as cooperating agencies in BLM's planning process. The rule will not impose substantial direct compliance costs on Indian tribal governments nor will it preempt tribal law. Therefore, neither formal consultation with tribal officials nor preparation of a tribal summary impact statement is required. Tribal governments are sovereign dependent nations, standing in a government-to-government relationship with the U.S. government; this provides the primary basis for consultation with Federal agencies.

Executive Order 12988, Civil Justice Reform

Under Executive Order 12988, the Office of the Solicitor has determined that this rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This regulation does not contain any information collection requirements.

National Environmental Policy Act of 1969

BLM has determined that this rule is categorically excluded from environmental review under section 102(2)(c) of the National Environmental Policy Act (NEPA). Under the Department of the Interior Manual 516 DM, Chapter 2, Appendix 1, § 1.10, this rule qualifies as a categorical exclusion because it is procedural in nature and because its environmental effect is too broad, speculative or conjectural to analyze. Furthermore, the rule does not meet any of the 10 criteria for exceptions to the categorical exclusions listed in 516 DM, Chapter 2, Appendix 2.

Under Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term ''categorical exclusions'' means a category of actions that do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Endangered Species Act of 1973

The final rule will have no effect on listed or proposed species or on designated or proposed critical habitat under the Endangered Species Act (16 U.S.C. 1531–1544). Nothing in the final rule changes existing planning processes and procedures that ensure the protection of such species and habitat. Therefore consultation under Section 7 of the Endangered Species Act is not required. Further compliance with the Endangered Species Act will occur when resource management plans are developed, revised, or amended.

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

In accordance with Executive Order 13211, BLM has determined that the rule will not have substantial direct effects on the energy supply, distribution or use, including a shortfall in supply or price increase.

The principal authors of this final rulemaking are Robert Winthrop and Mark Lambert, of BLM's Planning, Assessment, and Community Support Group, assisted by Kelly Odom, of BLM's Regulatory Affairs Group and Amy Sosin of the Department of the Interior, Office of the Solicitor.

Lists of Subjects at 43 CFR Part 1600

Administrative practice and procedures, Environmental impact statements, Indians, Intergovernmental relations, Public lands.

Dated: January 6, 2005.

Rebecca W. Watson,

Assistant Secretary, Land and Minerals Management.

■ For reasons set forth in the preamble and under the authority of the FLPMA (43 U.S.C. 1740), BLM amends part 1600 of Title 43 of the Code of Federal Regulations as set forth below:

PART 1600—PLANNING, PROGRAMMING, BUDGETING

■ 1. The authority citation for part 1600 continues to read as follows:

Authority: 43 U.S.C. 1711–1712.

■ 2. Amend § 1601.0–4 by revising paragraphs (b) and (c) to read as follows:

§ 1601.0–4 Responsibilities.

* * * * *

(b) State Directors will provide quality control and supervisory review, including plan approval, for plans and related environmental impact statements and provide additional guidance, as necessary, for use by Field Managers. State Directors will file draft and final environmental impact statements associated with resource management plans and amendments.

(c) Field Managers will prepare resource management plans, amendments, revisions and related environmental impact statements. State Directors must approve these documents.

■ 3. Amend § 1601.0–5 by redesignating paragraphs (d) through (k) as paragraphs (g) through (n) respectively, by adding in a newly designated paragraph (m) ''or field office'' following the word ''area'' in the first sentence and by adding new paragraphs (d), (e), and (f) to read as follows:

§ 1601.0–5 Definitions.

* * * * *

(d) *Eligible cooperating agency* means:

(1) A Federal agency other than a lead agency that is qualified to participate in the development of environmental impact statements as provided in 40 CFR 1501.6 and 1508.5 or, as necessary, other environmental documents that BLM prepares, by virtue of its

jurisdiction by law as defined in 40 CFR 1508.15, or special expertise as defined in 40 CFR 1508.26; or

(2) A federally recognized Indian tribe, a state agency, or a local government agency with similar qualifications.

(e) Cooperating agency means an eligible governmental entity that has entered into a written agreement with the BLM establishing cooperating agency status in the planning and NEPA processes. BLM and the cooperating agency will work together under the terms of the agreement. Cooperating agencies will participate in the various steps of BLM's planning process as feasible, given the constraints of their resources and expertise.

(f) Field Manager means a BLM employee with the title ''Field Manager'' or ''District Manager.''

* * * * *

§ 1610.1 [Amended]

■ 4. Amend § 1610.1 by inserting after ''resource areas'' wherever it appears, the term ''or field office.''

■ 5. Amend § 1610.2 by revising the first sentence of paragraph (c) and revising paragraph (g) to read as follows:

§ 1610.2 Public participation.

* * * * *

(c) When BLM starts to prepare, amend, or revise resource management plans we will begin the process by publishing a notice in the **Federal Register** and appropriate local media, including newspapers of general circulation in the state and field office area. The Field Manager may also decide if it is appropriate to publish a notice in media in adjoining States. * * *

* * * * *

(g) BLM will make copies of an approved resource management plan and amendments reasonably available for public review. Upon request, we will make single copies available to the public during the public participation process. After BLM approves a plan, amendment, or revision we may charge a fee for additional copies. We will also have copies available for public review at the:

(1) State Office that has jurisdiction over the lands,

(2) Field Office that prepared the plan; and

(3) District Office, if any, having jurisdiction over the Field Office that prepared the plan.

* * * * *

■ 6. Amend § 1610.3–1 by:

■ a. Revising paragraph (a);

■ b. Redesignating existing paragraphs (b), (c), (d), (e), and (f) as (c), (d), (e), (f), and (g), respectively;

■ c. Revising newly designated paragraph (g); and

■ d. Adding a new paragraph (b) to read as follows:

§ 1610.3–1 Coordination of planning efforts.

(a) In addition to the public involvement prescribed by § 1610.2, the following coordination is to be accomplished with other Federal agencies, state and local governments, and federally recognized Indian tribes. The objectives of the coordination are for the State Directors and Field Managers to:

(1) Keep apprised of non-Bureau of Land Management plans;

(2) Assure that BLM considers those plans that are germane in the development of resource management plans for public lands;

(3) Assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans;

(4) Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes, in the development of resource management plans, including early public notice of final decisions that may have a significant impact on non-Federal lands; and

(5) Where possible and appropriate, develop resource management plans collaboratively with cooperating agencies.

(b) When developing or revising resource management plans, BLM State Directors and Field Managers will invite eligible Federal agencies, state and local governments, and federally recognized Indian tribes to participate as cooperating agencies. The same requirement applies when BLM amends resource management plans through an environmental impact statement. State Directors and Field Managers will consider any requests of other Federal agencies, state and local governments, and federally recognized Indian tribes for cooperating agency status. Field Managers who deny such requests will inform the State Director of the denial. The State Director will determine if the denial is appropriate.

* * * * *

(g) When an advisory council has been formed under section 309 of the Federal Land Policy and Management Act of 1976 for the area addressed in a resource management plan or plan amendment, BLM will inform that council, seek its views, and consider them throughout the planning process.

■ 7. Amend § 1610.4–1 by revising the second sentence to read as follows:

§ 1610.4–1 Identification of issues.

The Field Manager, in collaboration with any cooperating agencies, will analyze those suggestions and other available data, such as records of resource conditions, trends, needs, and problems, and select topics and determine the issues to be addressed during the planning process.* * *

■ 8. Revise § 1610.4–2 to read as follows:

§ 1610.4–2 Development of planning criteria.

(a) The Field Manager will prepare criteria to guide development of the resource management plan or revision, to ensure:

(1) It is tailored to the issues previously identified; and

(2) That BLM avoids unnecessary data collection and analyses.

(b) Planning criteria will generally be based upon applicable law, Director and State Director guidance, the results of public participation, and coordination with any cooperating agencies and other Federal agencies, State and local governments, and federally recognized Indian tribes.

(c) BLM will make proposed planning criteria, including any significant changes, available for public comment prior to being approved by the Field Manager for use in the planning process.

(d) BLM may change planning criteria as planning proceeds if we determine that public suggestions or study and assessment findings make such changes desirable.

■ 9. Amend § 1610.4–3 by removing the paragraph designation and revising the first sentence to read as follows:

§ 1610.4–3 Inventory data and information collection.

The Field Manager, in collaboration with any cooperating agencies, will arrange for resource, environmental, social, economic and institutional data and information to be collected, or assembled if already available. * * *

■ 10. Amend § 1610.4–4 by revising the first sentence of the introductory text to read as follows:

§ 1610.4–4 Analysis of the management situation.

The Field Manager, in collaboration with any cooperating agencies, will analyze the inventory data and other information available to determine the ability of the resource area to respond to

identified issues and opportunities. * * *

* * * * *

■ 11. Amend § 1610.4–5 by revising the first sentence to read as follows:

§ 1610.4–5 Formulation of alternatives.

At the direction of the Field Manager, in collaboration with any cooperating agencies, BLM will consider all reasonable resource management alternatives and develop several complete alternatives for detailed study. Nonetheless, the decision to designate alternatives for further development and analysis remains the exclusive responsibility of the BLM. * * *

■ 12. Amend § 1610.4–6 by revising the first sentence to read as follows:

§ 1610.4–6 Estimation of effects of alternatives.

The Field Manager, in collaboration with any cooperating agencies, will estimate and display the physical, biological, economic, and social effects of implementing each alternative considered in detail. * * *

■ 13. Amend § 1610.4–7 by revising the section heading and revising the first two sentences to read as follows:

§ 1610.4–7 Selection of preferred alternatives.

The Field Manager, in collaboration with any cooperating agencies, will evaluate the alternatives, estimate their effects according to the planning criteria, and identify a preferred alternative that best meets Director and State Director guidance. Nonetheless, the decision to select a preferred alternative remains the exclusive responsibility of the BLM. * * *

■ 14. In addition to the amendments set forth above, in 43 CFR part 1600, in the table below, for each section indicated in the left column, remove the title indicated in the middle column from wherever it appears in the section, and add the title indicated in the right column.

§§ 1601.0–5, 1610.1, 1610.2, 1610.3–1, 1610.3–2, 1610.4–8, 1610.4–9, 1610.5–1, 1610.5–3, 1610.5–5, 1610.5–7, 1610.7–1, and 1610.8 [Amended]

Section	Remove	Add
1601.0–5	District and Area Managers	Field Managers.
1610.1	District and Area Manager	Field Manager.
1610.2	District Manager	Field Manager.
1610.3–1	District or Area Manager	Field Manager.
1610.3–2	District and Area Managers	Field Managers.
1610.4–8	District Manager	Field Manager.
1610.4–9	District Manager	Field Manager.
1610.5–1	District Manager	Field Manager.
1610.5–3	District and Area Manager	Field Manager.
1610.5–5	District Manager	Field Manager.
1610.5–7	District and Area Manager	Field Manager.
1610.7–1	District Manager	Field Manager.
1610.8	District or Area Manager	Field Manager.

[FR Doc. 05–5683 Filed 3–18–05; 2:46 pm]
BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 94–129; FCC 04–214]

Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: In this document, the Commission addresses issues raised in petitions for reconsideration regarding the implementation of the subscriber carrier selection changes provisions of the Telecommunications Act of 1996 (1996 Act) which addresses policies and rules concerning unauthorized changes of consumers' long distance carriers.

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

FOR FURTHER INFORMATION CONTACT: David Marks or Nancy Stevenson, Consumer & Governmental Affairs Bureau at (202) 418–2512.

SUPPLEMENTARY INFORMATION: On March 17, 2003, the Commission released a *Third Order on Reconsideration* published at 68 FR 19152, April 18, 2003; that amended rules implementing section 258 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996. This is a summary of the Commission's Fifth Order on Reconsideration (*Reconsideration Order*), FCC 04–214, adopted September 3, 2004, and released November 24, 2004, addressing issues raised in petitions for reconsideration of the *Third Order on Reconsideration*.

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, it does not contain any new or modified ''information collection burdens for small business concerns with fewer than 25 employees'', pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c) (4).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). This *Reconsideration Order* can also be downloaded in Word and Portable Document Format (PDF) at *http://www.fcc.gov/cgb/policy/slamming.html*.

Synopsis

The Commission's rules implementing section 258 were promulgated through a series of orders. In the *Second Report and Order*, published at 64 FR 7746, February 16, 1999, the Commission sought to eliminate the profits associated with slamming by broadening the scope of its carrier change rules and adopting, among other things, more rigorous slamming liability and carrier change verification measures. When the Commission released the *Second Report and Order*, it recognized that additional revisions to the slamming rules could further improve the preferred carrier change process and prevent unauthorized changes. Therefore, concurrent with the release of the *Second Report and Order*, the Commission issued a Further Notice of

Proposed Rulemaking (*Further Notice*), published at 64 FR 7763, February 16, 1999. In the *Third Report and Order*, the Commission adopted a number of rules proposed in the *Further Notice*, and addressed most issues raised on reconsideration of the *Second Report and Order*. In addition, in the *First Reconsideration Order*, published at 65 FR 47678, August 3, 2000, the Commission amended portions of the rules regarding liability for slamming that had been stayed by the DC Circuit Court. Finally, in the *Third Reconsideration Order*, we addressed remaining petitions for reconsideration of the previous orders, and modified certain rules concerning, amongst other things, verifications of carrier change requests and liability for slamming.

In the *Reconsideration Order*, we addressed petitions filed by a coalition of independent local exchange carriers (LEC Petitioners) seeking reconsideration of the Commission's verification requirement for in-bound carrier change request calls. Additionally, we addressed a petition filed by AT&T seeking clarification of the decision to apply our slamming rules to newly-installed lines. Finally, we addressed a petition filed by WorldCom (MCI) seeking a finding that credits made to the consumer before a slamming complaint has been filed will be considered ''unpaid'' when calculating liability under the slamming rules, or will be deducted from the amount owed to the authorized carrier by a carrier found liable for a slam.

Regulatory Flexibility Act Analysis

In the *Reconsideration Order*, the Commission promulgates no additional final rules, and our present action is, therefore, not subject to the Regulatory Flexibility Act of 1980, as amended.

Report to Congress

The Commission will not send a copy of this *Fifth Order on Reconsideration* pursuant to the Congressional Review Act because the *Fifth Order on Reconsideration* neither adopts nor modifies a rule.

Ordering Clauses

Pursuant to sections 1, 4(i), 4(j), 201, 206–208, and 258 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201, 206–208, and 258, and §§ 1.421 and 1.429 of the Commission's rules, 47 CFR 1.421 and 1.429, that this *Fifth Order on Reconsideration* in CC Docket No. 94–129 *is adopted*.

Pursuant to sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C 151, 154(i), and 154(j), and §§ 1.3, 1.43, and 1.429 of the Commission's rules, 47 CFR 1.3, 1.43, and 1.429, that the petitions for waiver, emergency partial stay, and reconsideration filed by the LEC Petitioners, LEC Commenters, TDS Telecom and the Nebraska LECs *are denied*.

Pursuant to sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j), and § 1.429 of the Commission's rules, 47 CFR 1.429, that AT&T's petition for reconsideration or clarification *is granted* to the extent indicated herein.

Pursuant to sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j), and § 1.429 of the Commission's rules, 47 CFR 1.429, that MCI's petition for reconsideration *is denied*.

The Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Fifth Order on Reconsideration* to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–5737 Filed 3–22–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 98–67, CG Docket No. 03–123; DA 05–447]

Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

AGENCY: Federal Communications Commission.

ACTION: Clarification.

SUMMARY: In this document, the Commission addresses the current waiver of the telecommunications relay services (TRS) requirement that TRS providers (including providers of captioned telephone service) offer three-way calling functionality as a TRS mandatory standard. Also in this document, the Commission clarifies the manner in which TRS providers may comply with this rule; as a result, a waiver of this requirement is no longer necessary.

DATES: Effective February 18, 2005.

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

FOR FURTHER INFORMATION CONTACT: Dana Jackson, Consumer & Governmental Affairs Bureau, Disability Rights Office at (202) 418–2247 (voice), (202) 418–7898 (TTY), or e-mail at *Dana.Jackson@fcc.gov.*

SUPPLEMENTARY INFORMATION: On June 17, 2003, the Commission released a *Second Report and Order, Order on Reconsideration (Second Improved TRS Order),* published at 68 FR 50973, August 25, 2003, CC Docket No. 98–67 and CG Docket No. 03–123; FCC 03–112. In the *Second Improved TRS Order*, the Commission required that TRS providers offer three-way calling as a standard feature of TRS. On February 24, 2004, the Commission released an order waiving the requirement that TRS providers offer three-way calling functionality for one year until February 25, 2005. On November 30, 2004, the Commission released a *Public Notice*, published at 70 FR 2360, January 13, 2005, CC Docket No. 98–67 and CG Docket No. 03–123; DA 04–3709, seeking comment on whether TRS providers (including providers of captioned telephone service) will be able to offer the three-way calling functionality as a TRS mandatory minimum standard as of the February 24, 2005, waiver expiration date, or whether it is necessary to extend this waiver. Also, in that document, the Commission sought comment on whether, instead of a waiver, the requirement might be modified or clarified, and, if so, how. This is a summary of the Commission's document DA 05–447, released February 18, 2005. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, it does not contain any new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4). The Commission will not send a copy of this document pursuant to the Congressional Review Act because the document neither adopts nor modifies a rule, but clarifies an existing rule. *See* 5 U.S.C. 801(a)(1)(A).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). This document can also be downloaded in Word or Portable

Document Format (PDF) at: *http://www.fcc.gov/cgb/dro.*

Synopsis

In the *Second Improved TRS Order & NPRM*, the Commission required that TRS providers offer three-way calling as a standard feature of TRS. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket No. 98–67 and CG Docket No. 03–123, FCC 03–112; published at 68 FR 50973 and 68 FR 50993, August 25, 2003, (*Second Improved TRS Order & NPRM*). We defined three-way calling to be a TRS feature that allows more than two parties to be on the telephone line at the same time with the communications assistant (CA). We stated that three-way calling could be arranged in one of two ways: first, the TRS consumer may request that the TRS facility and the CA set up the call with two other parties, or, second, one of the parties to the call may set up the call.

In the August 1, 2003, *Captioned Telephone Order*, we recognized captioned telephone service as a type of TRS. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, CC Docket No. 98–67, FCC 03–190; published at 68 FR 55898, September 29, 2003, (*Captioned Telephone Order*). Captioned telephone service is an enhanced Voice Carry Over (VCO) service that allows a user, on one standard telephone line, to both listen to what the other party is saying and simultaneously read captions of what the other party is saying. This way, a typical user of this service, who has the ability to speak and some residual hearing, can both listen to what is said over the telephone and read captions for clarification. A CA using specially developed voice recognition technology generates the captions. That order did not waive the requirement that providers of captioned telephone service offer three-way calling.

On September 24, 2003, AT&T Corp. (AT&T) filed a petition seeking waiver of the deadline for providing three-way calling, asserting it was not possible for the TRS facility to set up a three-way call, subject to clarification regarding how three-way calling may be provided in compliance with the Commission's regulations. *See AT&T Petition for Limited Reconsideration and for Waiver at 7–10* (filed Sept. 24, 2003) (*AT&T Waiver Request*). The *AT&T Waiver Request* was placed on *Public Notice* and comments and reply comments were received in response. All of the commenters stated that they interpreted the three-way calling requirement to be fully satisfied if a TRS facility processes such a call initiated by an end user using a LEC's customer calling service (CCS) feature. *See Three-Way Calling Waiver Order* at paragraph 4 &n.9; 19 FCC Rcd 2993, February 24, 2004.

On December 11, 2003, Ultratec, Inc. (Ultratec) and Sprint Corporation (Sprint) filed a joint petition, (*see Petition for Clarification by Ultratec, Inc. and Sprint Corporation*) (filed Dec. 11, 2003) (*Joint Petition*), seeking clarification that the three-way calling requirement either does not apply to captioned telephone service, such as CapTel, or, in the alternative, that a TRS provider complies with this rule regardless of the actual method used to set up these calls. CapTel is a proprietary technology of Ultratec. *See Captioned Telephone Order* at paragraph 4 n. 11.

On February 24, 2004, in response to these petitions, the Consumer & Governmental Affairs Bureau (Bureau) released an order waiving the requirement that TRS providers offer three-way calling functionality for one year, *i.e.*, until February 24, 2005. *See Three-Way Calling Waiver Order* at paragraph 5. The Bureau noted that it was not technologically possible for a TRS facility to set up a three-way call.

On November 30, 2004, in anticipation of the February 24, 2005 expiration date of the three-way calling waiver as set forth in the *Three-Way Calling Waiver Order*, the Commission released a *Public Notice* seeking comment on whether TRS providers would be able to offer three-way calling as of the waiver expiration date, or whether it is necessary to extend the waiver. *See Federal Communications Commission Seeks Comment on Expiration of Waiver of Three-Way Calling Requirement for Providers of Telecommunications Relay Services (TRS)*, in CC Docket No. 98–67, CG Docket No. 03–123, DA 04–3709; published at 70 FR 2360, January 13, 2005. The Commission also sought comment on whether, instead of a waiver, the requirement might be modified or clarified and, if so, how.

In response to the November 30, 2004, *Public Notice*, four comments and two reply comments were filed. Comments were filed by AT&T (Dec. 17, 2004); MCI (Dec. 17, 2004); SBC Communications, Inc. (SBC) (Dec. 17, 2004); and Ultratec, Sprint, & Hamilton Relay, Inc. (Hamilton) (as Joint Commenters) (Dec. 17, 2004). Reply Comments were filed by Hamilton (Dec. 30, 2004) and by Telecommunications for the Deaf, Inc. (TDI) & National Association of the Deaf (NAD) (as Joint Commenters) (Dec. 30, 2004). All commenters generally agree that it is still not technologically possible for a TRS facility to originate or set up a three-way call. *See* AT&T Comments at 3–4; SBC Comments at 2; Ultratec, Sprint, & Hamilton Joint Comments at 3–6; Hamilton Reply Comments at 2; and TDI & NAD Joint Reply Comments at 2. MCI, however, suggests that it can establish a three-way call, and that the waiver for three-way calling should be allowed to expire. MCI Comments at 2.

All parties also generally agree that the three-way calling requirement should be deemed satisfied if the provider handles or facilitates a three-way call when arranged by one of the parties to the call. *See, e.g.*, AT&T Comments at 3; Ultratec, Sprint, & Hamilton Joint Comments at 4–6. AT&T states, for example, that it ''processes three-way TRS calls established by the end user through LEC-provided CCS [custom calling features] or through bridging via the user's own premises equipment,'' and that ''the most reasonable interpretation of the *Second Improved TRS Order* is that the Commission requirement is fully satisfied if a TRS center processes such three-way calling initiated in that manner.''

Ultratec, Sprint, and Hamilton assert that a captioned telephone provider or CA is not capable of initiating or setting up a three-way call. *See* Ultratec, Sprint, & Hamilton Joint Comments at 3–4. They further note that the ''CapTel technology does not permit CapTel users to set up three-way calling from their captioned telephone devices.'' They assert that the three-way calling requirement should be interpreted to mean that the provider must be capable of handling a three-way call if *any* of the parties to the call sets up the call; *i.e.*, that the three-way calling requirement is met if the ''parties to a relay call are able to *participate* in a [three-way call], even if the TRS providers handling these calls are not able to set up these calls themselves.'' They add that ''CapTel services, as well as other TRS services provided by Hamilton and Sprint, are already in compliance with this interpretation of the * * * three-way calling standard.'' *See also* TDI & NAD Joint Reply Comments at 2 (agreeing with Ultratec, Sprint and Hamilton's view that the three-way calling obligation is met when parties to a relay call are able to participate in a three-way call, even if the TRS provider is not able to set up the call).

Based upon our review of the prior orders addressing this issue, and the comments, we clarify that TRS providers (including providers of captioned telephone service) will satisfy the three-way calling requirement set forth in the *Second Improved TRS Order & NPRM* if they ensure that the TRS facility or CA facilitates or handles a three-way call, as the CA would handle any TRS call, where and to the extent the three-way call has been arranged by any one of the parties to the call, *e.g.*, using a party's LEC-provided custom calling service (CCS), by bridging two telephone lines via customer terminal equipment, or by some other means. Therefore, we clarify that TRS providers are not required to be able to arrange, initiate, or set up a three-way call (but they may do so).

In addition, because providers may meet the three-way calling requirement in various ways, we will not further specify any particular method(s) of handling such calls, so long as the provider is able to handle or facilitate a three-way call, in some manner, whether initiated by one of the parties to the call *or* set up by the provider. We therefore agree with Sprint that there is no requirement that a captioned telephone provider be able to set up a three-way call, or that the captioned telephone user be able to initiate a three-way call, so long as the captioned telephone provider provides for three-way calling in some manner. *See* Ultratec, Sprint, & Hamilton Joint Comments at 3–6.

We believe that permitting flexibility in the manner in which a provider handles or facilitates three-way calling is consistent with the ultimate objective of ensuring that TRS users have access to this feature. AT&T requests that we clarify the ''appropriate basis for billing end users that are parties to the conference call.'' AT&T Comments at 4 n.10. In the *Second Improved TRS Order & NPRM* we addressed how the costs of three-way TRS calls may be recovered from the Interstate TRS Fund. *Second Improved TRS Order & NPRM* at paragraphs 74–75. To the extent AT&T seeks guidance on how a provider may recover the costs of providing three-way calling service generally (*i.e.*, not the costs of providing the relay service), we note only that a provider may not impose charges on a TRS user that are different than those that would be charged to a hearing person using voice telephone service and the three-way calling feature.

Because we have clarified that a TRS provider meets the three-way calling requirement set forth in the *Second Improved TRS Order & NPRM* by handling such calls when initiated or set up by one of the parties to the call (*or* by the provider setting up the call), the record reflects that waiver of this requirement is no longer necessary. Accordingly, the one-year waiver of this requirement set forth in the *Three-Way Calling Waiver Order* will expire, pursuant to that order, on February 24, 2005.

The expiration of this waiver will not affect the current three-way calling waiver for IP Relay and VRS. *See Second Improved TRS Order & NPRM* at paragraph 76.

Federal Communications Commission.

Jay Keithley,

Deputy Chief, Consumer & Governmental Affairs Bureau.

[FR Doc. 05–5736 Filed 3–22–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–556; MB Docket No. 04–301, RM–10969; MB Docket No. 04–302, RM–11020; MB Docket No. 04–303, RM–11025; MB Docket No. 04–304, RM–11021; MB Docket No. 04–306, RM–10754; MB Docket No. 04–307, RM–10982; MB Docket No. 04–308, RM–10973; MB Docket No. 04–309, RM–10974]

Radio Broadcasting Services; Kerman, CA, Lockney, TX, Lone Wolf, OK, Quanah, TX, Orchard Mesa, CO, Rising Star, TX, Twentynine Palms, CA, Waterford, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adds eight new allotments in Kerman, California, Lockney, Texas, Lone Wolf, Oklahoma, Quanah, Texas, Orchard Mesa, Colorado, Rising Star, Texas, Twentynine Palms, California, and Waterford, California. The Audio Division, at the request of Linda A. Davidson, allots Channel 224A at Kerman, California, as the community's third local aural transmission service. Channel 224A can be allotted to Kerman in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.8 kilometers (8.6 miles) west to avoid a short-spacing to the license sites of FM Station KZFO, Channel 224B, Clovis, California and FM Station KMJO, Channel 224B1, Marina, California. The reference coordinates for Channel 224A at Kerman are 36–40–37 North Latitude and 120–12–08 West Longitude. Supplementary Information, *infra*.

DATES: Effective April 18, 2005. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket Nos. 04–301, 04–302, 04–303, 04–304, 04–306, 04–307, 04–308, 04–309, adopted March 2, 2005 and released March 4, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20054, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

The Audio Division, at the request of Charles Crawford, allots Channel 271C3 at Lockney, Texas, as the community's first local aural transmission service. Channel 271C3 can be allotted to Lockney in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.7 kilometers (4.2 miles) southeast to avoid a short-spacing to the vacant allotment site of Channel 269A at Turkey, Texas and the license site of FM Station KATP, Channel 270C1, Amarillo, Texas and Station KZII–FM, Channel 273C3, Clovis, New Mexico. The reference coordinates for Channel 271C3 at Lockney are 34–05–00 North Latitude and 101–23–15 West Longitude.

The Audio Division, at the request of Charles Crawford, allots Channel 224A at Lone Wolf, Oklahoma, as the community's first local aural transmission service. Channel 224A can be allotted to Lone Wolf in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.8 kilometers (4.8

miles) east to avoid a short-spacing to the license sites of Station KOMA–FM, Channel 223C, Oklahoma, Oklahoma, Station KNIN–FM, Channel 225C1, Wichita Falls, Texas and FM Station KBKH, Channel 225C2, Shamrock, Texas. The reference coordinates for Channel 224A at Lone Wolf are 34–58–53 North Latitude and 99–09–53 West Longitude.

The Audio Division, at the request of Charles Crawford, allots Channel 255C3 at Quanah, Texas, as the community's second local aural transmission service. Channel 255C3 can be allotted to Quanah in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.9 kilometers (9.3 miles) south to avoid a short-spacing to the vacant allotment site of Channel 254A at Seymour, Texas and the license site of FM Station KRIJ, Channel 253C, Elk City, Oklahoma. The reference coordinates for Channel 255C3 at Quanah are 34–10–04 North Latitude and 99–46–49 West Longitude.

The Audio Division, at the request of Dana J. Puopolo, allots Channel 249C3 at Orchard Mesa, as the community's first local aural transmission service. Channel 249C3 can be allotted to Orchard Mesa in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.8 kilometers (3.6 miles) northwest to avoid a short-spacing to the vacant allotment site of Channel 249C3 at Aspen, Colorado. The reference coordinates for Channel 249C3 at Orchard Mesa are 39–04–47 North Latitude and 108–36–00 West Longitude.

The Audio Division, at the request of Charles Crawford, allots Channel 290C3 at Rising Star, Texas, as the community's first local aural transmission service. Channel 290C3 can be allotted to Rising Star in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The reference coordinates for Channel 290C3 at Rising Star are 32–05–54 North Latitude and 98–58–00 West Longitude.

The Audio Division, at the request of Dana J. Puopolo, allots Channel 270A at Twentynine Palms, California, as the community's third local aural transmission service. Channel 270A can be allotted to Twentynine Palms in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.5 kilometers (2.2 miles) north to avoid a short-spacing to the license site of FM Station KWID, Channel 270C, Las Vegas, Nevada and Mexican Station XHPF–FM, Channel 270B, Mexicali, BN. Mexican concurrence has been requested since Twentynine Palms is located within 320 kilometers (199 miles) of the US-Mexican border. The reference coordinates for Channel 270A at Twentynine Palms are 34–09–41 North Latitude and 116–03–47 West Longitude.

The Audio Division, at the request of Linda A. Davidson, allots Channel 294A at Waterford, California, as the community's first local aural transmission service. Channel 294A can be allotted to Waterford in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.1 kilometers (6.9 miles) east to avoid a short-spacing to the license site of FM Station KEZR, Channel 293B, San Jose, California. The reference coordinates for Channel 294A at Waterford are 37–40–21 North Latitude and 120–38–26 West Longitude.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Channel 224A at Kerman, by adding Channel 270A at Twentynine Palms, and by adding Waterford, Channel 294A.

■ 3. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Orchard Mesa, Channel 249C3.

■ 4. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by adding Lone Wolf, Channel 224A.

■ 5. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Lockney, Channel 271C3, by adding Channel 255C3 at Quanah, and by adding Rising Star, Channel 290C3.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–5733 Filed 3–22–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 05–563; MB Docket No. 04–237, RM–10996; MB Docket No. 04–238, RM–10997]

Radio Broadcasting Services; Gassville, AR and Nantucket, MA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Northwest Arkansas Broadcasting Company, LLC, allots Channel 224A at Gassville, as the community's first local service. *See* 69 FR 42956, July 19, 2004. Channel 224A can be allotted to Gassville in compliance with the Commission's minimum distance separation requirements with a site restriction of .7 kilometers (.4 miles) north of Gassville. The reference coordinates for Channel 224A at Gassville, Arkansas are 36–17–22 North Latitude and 92–29–43 West Longitude. The Audio Division, at the request of Paul B. Christensen allots Channel 249A at Nantucket, Massachusetts, as the community's second FM commercial aural transmission service. Channel 249A can be allotted to Nantucket in compliance with the Commission's minimum distance separation requirements with a site restriction of .4 kilometers (.25 miles) north of Nantucket. The reference coordinates for Channel 249A at Nantucket are 41–17–12 North Latitude and 70–06–06 West Longitude.

DATES: Effective April 18, 2005. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MB Docket Nos. 04–237, 04–238, adopted March 2, 2005 and released March 4, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's

duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20054, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Gassville, Channel 224A.

■ 3. Section 73.202(b), the Table of FM Allotments under Massachusetts, is amended by adding Channel 249A at Nantucket.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 05–5734 Filed 3–23–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 05–28; DA 05–169]

Inquiry Regarding the Impact of Certain Rules on Competition in the Multichannel Video Programming Distribution Market

AGENCY: Federal Communications Commission.

ACTION: Review of rules and statutory provisions; extension of comment period.

SUMMARY: This decision extends the period for filing public reply comments in this proceeding at the request of a commenter.

DATES: Reply comments were due on or before March 16, 2005, and are now due on or before March 31, 2005.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman, Media Bureau, 202–418–7046.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order in MB Docket No. 05–28, DA 05–627, adopted March 9, 2005, and released on March 9, 2005. The full text of this Order is available for inspection and copying during regular business hours in the FCC Reference Center, 445 Twelfth Street, SW., Room CY–A257, Portals II, Washington, DC 20554, and may also be purchased from the Commission's copy contractor, Best Company and Printing, Inc., Room CY–B402, telephone (800) 378–3160, e-mail *www.BCPIWEB.COM*. To request materials in accessible formats for people with disabilities (electronic files, large print, audio format and Braille), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis of the Order

1. By a Public Notice dated January 25, 2005, the Media Bureau began an inquiry on the impact of specific provisions of the Communications Act of 1934, as amended, and Commission rules on competition in the multichannel video programming distribution (MVPD) market. (70 FR 6593, February 8, 2005.) The Commission is required to submit a report to Congress on the results of its inquiry no later than nine months after the enactment date of the Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA), *i.e.*, September 8, 2005. (Pub. L. 108–447, § 208, 118 Stat 2809, 3428–29, 2004. The SHVERA was enacted on December 8, 2004, as title IX of the ''Consolidated Appropriations Act, 2005.) The Public Notice called for reply comments on March 16, 2005.

2. The Walt Disney Company, Disney ABC Cable Networks Group, The ABC Television Network, and the ABC-owned television stations (collectively, Disney) has requested a thirty day extension of time, until April 15, 2005, to file reply comments. Disney seeks this extension of time to prepare a detailed reply to the issues raised in the initial comments, including an economic analysis in response to a study on retransmission consent submitted by the Joint Cable Commenters.

3. The Commission concludes that the Walt Disney Company has stated good cause for itself and others to receive an extension of fifteen days for the filing of their reply comments. A fifteen day extension will result in a more complete discussion and analysis of the issues raised in the initial comments.

4. Accordingly, *It is ordered that,* pusuant to Sections 4(i), 4(j), and 5(c) of Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 155(c), and sections 0.61, 0283, and 1.46 of the Commission's rules, 47 CFR 0.61, 0.283, and 1.46, the date for filing reply comments in MB Docket No. 05–28 is extended until March 31, 2005.

Federal Communications Commission.

Thomas Horan,

Senior Legal Advisor, Media Bureau.

[FR Doc. 05–5835 Filed 3–22–05; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

48 CFR Part 207

[DFARS Case 2004–D021]

Defense Federal Acquisition Regulation Supplement; Contractor Performance of Acquisition Functions Closely Associated With Inherently Governmental Functions

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 804 of the National Defense Authorization Act for Fiscal Year 2005. Section 804 places limitations on the award of contracts for the performance of acquisition functions closely associated with inherently governmental functions.

DATES: *Effective date:* March 23, 2005.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before May 23, 2005 to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2004–D021, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. o Defense Acquisition Regulations Web site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil.* Include DFARS Case 2004–D021 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Robin Schulze, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, (703) 602–0326.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule adds DFARS Subpart 207.5 to implement Section 804 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375). Section 804 adds 10 U.S.C. 2383, which places limitations on the award of contracts for performance of the acquisition functions closely associated with inherently governmental functions that are listed in section 7.503(d) of the Federal Acquisition Regulation.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD has prepared an initial regulatory flexibility analysis consistent with 5 U.S.C. 603. The analysis is summarized as follows: The objective of the rule is to ensure proper management and oversight of contracts for functions that generally are not considered to be inherently governmental, but may approach being in that category because of the nature of the function, the manner in which the contractor performs the contract, or the manner in which the Government administers contractor performance. The impact of the rule on small entities is unknown at this time. DoD agencies will implement the requirements of the rule in making decisions whether to enter into, and in the administration of, contracts for performance of the acquisition functions closely associated with inherently governmental functions that are listed in section 7.503(d) of the Federal Acquisition Regulation. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2004–D021.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply, because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, et seq.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish an interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 804 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375). Section 804 provides that DoD may enter into contracts for the performance of acquisition functions closely associated with inherently governmental functions only if: (1) Appropriate DoD personnel cannot reasonably be made available to perform the functions; (2) appropriate DoD personnel will supervise contractor performance and will perform all associated inherently governmental functions; and (3) DoD addresses any potential organizational conflict of interest of the contractor in the performance of the contract. Section 804 became effective upon enactment on October 28, 2004. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 207

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR Part 207 is amended as follows:

■ 1. The authority citation for 48 CFR Part 207 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 207—ACQUISITION PLANNING

■ 2. Subpart 207.5 is added to read as follows:

Subpart 207.5—Inherently Governmental Functions

Sec.
207.500 Scope of subpart.
207.503 Policy.

207.500 Scope of subpart.

This subpart also implements 10 U.S.C. 2383.

207.503 Policy.

(S–70) *Contracts for acquisition functions.*

(1) In accordance with 10 U.S.C. 2383, the head of an agency may enter into a contract for performance of the acquisition functions closely associated with inherently governmental functions that are listed at FAR 7.503(d) only if—

(i) The contracting officer determines that appropriate military or civilian DoD personnel—

(A) Cannot reasonably be made available to perform the functions;

(B) Will supervise contractor performance of the contract; and

(C) Will perform all inherently governmental functions associated with the functions to be performed under the contract; and

(ii) The contracting officer ensures that the agency addresses any potential organizational conflict of interest of the contractor in the performance of the functions under the contract (see FAR Subpart 9.5).

(2) See related information at PGI 207.503(S–70).

[FR Doc. 05–5629 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 209

Defense Federal Acquisition Regulation Supplement; Technical Amendment

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making a technical amendment to the Defense Federal Acquisition Regulation Supplement to update the list of agency debarring and suspending officials.

DATES: Effective March 23, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations System, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350.

List of Subjects in 48 CFR Part 209

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR Part 209 is amended as follows:

■ 1. The authority citation for 48 CFR Part 209 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 209—CONTRACTOR QUALIFICATIONS

209.403 [Amended]

■ 2. Section 209.403 is amended in the definition of ''Debarring and suspending official'', in paragraph (1), by removing ''National Security Agency—The

Director'' and adding in its place ''National Security Agency—The Senior Acquisition Executive''.

[FR Doc. 05–5633 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 219

[DFARS Case 2004–D029]

Defense Federal Acquisition Regulation Supplement; Extension of Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 843 of the National Defense Authorization Act for Fiscal Year 2005. Section 843 provides for a 5-year extension of the DoD test program for negotiation of comprehensive small business subcontracting plans.

DATES: Effective March 23, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350. Please cite DFARS Case 2004–D029.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 219.702 to implement Section 843 of the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108–375). Section 843 amends Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Pub. L. 101–189; 15 U.S.C. 637 note) to extend the termination date of the DoD test program for negotiation of comprehensive small business subcontracting plans, from September 30, 2005, to September 30, 2010. The test program permits participating DoD contractors to negotiate comprehensive small business subcontracting plans on a plant, division, or company-wide basis.

This rule also updates a statutory reference at DFARS 219.702(a), and updates the heading of DFARS Subpart 219.7 for consistency with the heading of FAR Subpart 19.7.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2004–D029.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 219

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 219 is amended as follows:

■ 1. The authority citation for 48 CFR part 219 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 219—SMALL BUSINESS PROGRAMS

Subpart 219.7 [Amended]

■ 2. Subpart 219.7 is amended by revising the subpart heading to read ''Subpart 219.7—The Small Business Subcontracting Program''.

219.702 [Amended]

■ 3. Section 219.702 is amended as follows:

■ a. In paragraph (a), in the introductory text, by adding after ''as amended'' the parenthetical ''(15 U.S.C. 637 note)''; and

■ b. In paragraph (a)(i)(A)(*1*), by removing ''2005'' and adding in its place ''2010''.

[FR Doc. 05–5630 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Parts 234, 242, and 252

[DFARS Case 2003–D030]

Defense Federal Acquisition Regulation Supplement; Major Systems Acquisition

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to major systems acquisition, earned value management systems, and cost/schedule status reporting. This rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: *Effective Date:* March 23, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, Defense Acquisition Regulations Council, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0311; facsimile (703) 602–0350. Please cite DFARS Case 2003-D030.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm*.

This final rule is a result of the DFARS Transformation initiative. The DFARS changes include—

- Deletion of the definitions of ''systems'' and ''systems acquisition'' at DFARS 234.001, since these terms are not used within DFARS part 234.
- Relocation of text on earned value management systems from DFARS part 234 to part 242, since earned value management system requirements are not limited to major systems acquisition. The earned value management system thresholds

specified in DoDI 5000.2, Operation of the Defense Acquisition System, do not cleanly equate to major or other than major systems. The prescriptions for the Cost/Schedule Status Report clause and provision at DFARS 252.242–7005 and 252.242–7006, respectively, also are amended to remove text that limits their use to other than major systems.

• Deletion of text at DFARS 234.005–70 regarding a requirement for the procuring contracting officer to obtain assistance from the administrative contracting officer when determining the adequacy of a proposed earned value management system plan. Text on this subject has been relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi*.

• Updating of references to OMB Circulars and the DoD 5000 series documents.

DoD published a proposed rule at 69 FR 8155 on February 23, 2004. DoD received no comments on the proposed rule. Therefore, DoD has adopted the proposed rule as a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule updates and relocates existing DFARS text, with no significant change in policy.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 234, 242, and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR parts 234, 242, and 252 are amended as follows:

■ 1. The authority citation for 48 CFR parts 234, 242, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 234—MAJOR SYSTEM ACQUISITION

234.001 [Removed]

■ 2. Section 234.001 is removed.

■ 3. Section 234.003 is revised to read as follows:

234.003 Responsibilities.

DoDD 5000.1, The Defense Acquisition System, and DoDI 5000.2, Operation of the Defense Acquisition System, contain the DoD implementation of OMB Circular A–109 and OMB Circular A–11.

■ 4. Section 234.005 is revised to read as follows:

234.005 General requirements.

See 242.1106(a) for information on the use of earned value management systems and the use of cost/schedule status reports.

234.005–70 and 234.005–71 [Removed]

■ 5. Sections 234.005–70 and 234.005–71 are removed.

PART 242—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 6. Section 242.1106 is amended by revising paragraph (a) to read as follows:

242.1106 Reporting requirements.

(a) See DoDI 5000.2, Operation of the Defense Acquisition System, for reporting requirements for defense technology projects and acquisition programs. Table E3.T2. of DoDI 5000.2 specifies the earned value management system (EVMS) thresholds. When an offeror proposes an EVMS plan, follow the review procedures at PGI 242.1106(a). The Defense Acquisition Guidebook provides additional guidance on earned value management and identifies when cost/schedule status reports are applicable.

* * * * *

■ 7. Section 242.1107–70 is revised to read as follows:

242.1107–70 Solicitation provisions and contract clauses.

(a) When the Government requires contractor compliance with DoD earned value management system criteria—

(1) Use the provision at 252.242–7001, Notice of Earned Value Management System, in solicitations; and

(2) Use the clause at 252.242–7002, Earned Value Management System, in solicitations and contracts.

(b) Use the clause at 252.242–7005, Cost/Schedule Status Report, in solicitations and contracts that require cost/schedule status reports (*i.e.*, when the Contract Data Requirements List includes DI–MGMT–81467).

(c) Use the provision at 252.242–7006, Cost/Schedule Status Report Plans, in solicitations that require cost/schedule status reports.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.234–7000 and 252.234–7001 [Removed]

■ 8. Sections 252.234–7000 and 252.234–7001 are removed.

■ 9. Sections 252.242–7001 and 252.242–7002 are added to read as follows:

252.242–7001 Notice of Earned Value Management System.

As prescribed in 242.1107–70(a)(1), use the following provision:

NOTICE OF EARNED VALUE MANAGEMENT SYSTEM (MAR 2005)

(a) The offeror shall provide documentation that the cognizant Administrative Contracting Officer has recognized that the proposed earned value management system (EVMS) complies with the EVMS criteria of DoDI 5000.2, Operation of the Defense Acquisition System, or that the proposed cost/schedule control system has been accepted by the Department of Defense.

(b) If the offeror proposes to use a system that does not meet the requirements of paragraph (a) of this provision, the offeror shall submit a comprehensive plan for compliance with the EVMS criteria.

(1) The plan shall—

(i) Describe the EVMS the offeror intends to use in performance of the contract;

(ii) Distinguish between the offeror's existing management system and modifications proposed to meet the criteria;

(iii) Describe the management system and its application in terms of the 32 EVMS criteria;

(iv) Describe the proposed procedure for administration of the criteria as applied to subcontractors; and

(v) Provide documentation describing the process and results of any third-party or self-evaluation of the system's compliance with EVMS criteria.

(2) The offeror shall provide information and assistance as required by the Contracting Officer to support review of the plan.

(3) The Government will review the offeror's plan for EVMS before contract award.

(c) Offerors shall identify the major subcontractors, or major subcontracted effort if major subcontractors have not been selected, planned for application of the criteria. The prime contractor and the Government shall agree to subcontractors selected for application of the EVMS criteria.

(End of provision)

252.242–7002 Earned Value Management System.

As prescribed in 242.1107–70(a)(2), use the following clause:

EARNED VALUE MANAGEMENT SYSTEM (MAR 2005)

(a) In the performance of this contract, the Contractor shall use an earned value management system (EVMS) that has been recognized by the cognizant Administrative Contracting Officer (ACO) as complying with the criteria provided in DoDI 5000.2, Operation of the Defense Acquisition System.

(b) If, at the time of award, the Contractor's EVMS has not been recognized by the cognizant ACO as complying with EVMS criteria (or the Contractor does not have an existing cost/schedule control system that has been accepted by the Department of Defense), the Contractor shall apply the system to the contract and shall be prepared to demonstrate to the ACO that the EVMS complies with the EVMS criteria referenced in paragraph (a) of this clause.

(c) The Government may require integrated baseline reviews. Such reviews shall be scheduled as early as practicable and should be conducted within 180 calendar days after (1) contract award, (2) the exercise of significant contract options, or (3) the incorporation of major modifications. The objective of the integrated baseline review is for the Government and the Contractor to jointly assess areas, such as the Contractor's planning, to ensure complete coverage of the statement of work, logical scheduling of the work activities, adequate resourcing, and identification of inherent risks.

(d) Unless a waiver is granted by the ACO, Contractor-proposed EVMS changes require approval of the ACO prior to implementation. The ACO shall advise the Contractor of the acceptability of such changes within 30 calendar days after receipt of the notice of proposed changes from the Contractor. If the advance approval requirements are waived by the ACO, the Contractor shall disclose EVMS changes to the ACO at least 14 calendar days prior to the effective date of implementation.

(e) The Contractor agrees to provide access to all pertinent records and data requested by the ACO or duly authorized representative. Access is to permit Government surveillance to ensure that the EVMS complies, and continues to comply, with the criteria referenced in paragraph (a) of this clause.

(f) The Contractor shall require the following subcontractors to comply with the requirements of this clause:

(Contracting Officer to insert names of subcontractors selected for application of EVMS criteria in accordance with 252.242–7001(c).)

_____

_____

_____

_____

(End of clause)

■ 10. Section 252.242–7005 is amended by revising the introductory text, the clause date, and paragraph (c) to read as follows:

252.242–7005 Cost/Schedule Status Report.

As prescribed in 242.1107–70(b), use the following clause:

COST/SCHEDULE STATUS REPORT (MAR 2005)

* * * * *

(c) The Contractor may use a cost/schedule control system that has been recognized by the cognizant Administrative Contracting Officer (ACO) as complying with the earned value management system criteria provided in DoDI 5000.2, Operation of the Defense Acquisition System.

* * * * *

■ 11. Section 252.242–7006 is amended by revising the introductory text, the clause date, and paragraph (b) to read as follows:

252.242–7006 Cost/Schedule Status Report Plans.

As prescribed in 242.1107–70(c), use the following provision:

COST/SCHEDULE STATUS REPORT PLANS (MAR 2005)

* * * * *

(b) If the offeror proposes to use a cost/schedule control system that has been recognized by the cognizant Administrative Contracting Officer as complying with the earned value management system criteria of DoDI 5000.2, Operation of the Defense Acquisition System, the offeror may submit a copy of the documentation of such recognition instead of the written summary required by paragraph (a) of this provision.

(End of provision)

[FR Doc. 05–5626 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 237

[DFARS Case 2004–D032]

Defense Federal Acquisition Regulation Supplement; Contractor Performance of Security-Guard Functions

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 324 of the National Defense Authorization Act for Fiscal Year 2005. Section 324 conditionally extends the expiration date of DoD's authority to enter into contracts for the performance of security-guard functions at military installations or facilities to meet the increased need for such functions since September 11, 2001.

DATES: Effective March 23, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Robin Schulze, Defense Acquisition Regulations Council, OUSD (AT&L) DPAP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2004–D032.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends DFARS 237.102–70 to implement Section 324 of the National Defense Authorization Act for Fiscal Year 2005 (Pub. L. 108–375). Section 324 amends Section 332 of Public Law 107–314 to extend DoD's authority to enter into contracts for security-guard functions at military installations or facilities, provided DoD submits a report to Congress by December 1, 2005, that addresses DoD's use of this authority and includes a plan for meeting security-guard requirements on a long-term basis in a manner consistent with applicable law.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This rule will not have a significant cost or administrative impact on contractors or offerors, or a significant effect beyond the internal operating procedures of DoD. Therefore, publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2004–D032.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 237

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

■ Therefore, 48 CFR part 237 is amended as follows:

■ 1. The authority citation for 48 CFR part 237 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 237—SERVICE CONTRACTING

■ 2. Section 237.102–70 is amended by revising paragraph (d)(3) to read as follows:

237.102–70 Prohibition on contracting for firefighting or security-guard functions.

* * * * *

(d) * * *

(3) Contract performance will not extend beyond December 1, 2005. Section 324 of Public Law 108–375 permits an extension of the period for contract performance through September 30, 2006, if DoD submits a report and plan to Congress on the use of this authority. See PGI 237.102–70(d)(3) for information on the reporting requirement.

[FR Doc. 05–5631 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126333–5040–02; I.D. 031805A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the 2005 total allowable catch (TAC) of pollock for Statistical Area 620 of the GOA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 20, 2005, through 1200 hrs, A.l.t., August 25, 2005.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The B season allowance of the 2005 TAC of pollock in Statistical Area 620 of the GOA is 13,820 metric tons (mt) as established by the 2005 and 2006 harvest specifications for groundfish of the GOA (70 FR 8958, February 24, 2005). In accordance with § 679.20(a)(5)(iii)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), hereby decreases the B season pollock allowance by 1,076 mt, the amount the A season allowance of the pollock TAC in Statistical Area 620 was exceeded. The revised B season allowance of the pollock TAC in Statistical Area 620 is therefore 12,744 mt (13,820 mt minus 1,076 mt).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the B season allowance of the 2005 TAC of pollock in Statistical Area 620 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 12,544 mt, and is setting aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of pollock in Statistical Area 620 of the GOA.

The AA also finds good cause to waive the 30 day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 18, 2005.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 05–5743 Filed 3–18–05; 1:27 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 70, No. 55
Wednesday, March 23, 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

Commodity Credit Corporation

Natural Resources Conservation Service

7 CFR Part 1466

Environmental Quality Incentive Program

AGENCY: Commodity Credit Corporation and the Natural Resources Conservation Service, USDA.

ACTION: Request for public comments.

SUMMARY: Under the regulations of the Commodity Credit Corporation for the Environmental Quality Incentives Program (EQIP), the Natural Resources Conservation Service (NRCS) will review and update national priorities for implementation based upon information gained from state and national listening sessions and response to this document. This document requests the public to provide input to NRCS about which resource concerns should be given national priority in the implementation of EQIP for FY 2006 and thereafter.

DATES: Comments must be received in writing by June 5, 2005. A national listening session will be on May 5, 2005, 1 to 2 p.m., Media Center, Room 107A, Whitten Building, 14th & Independence Avenue, SW., Washington, DC. The national listening session will be chaired by Bruce I. Knight, Chief, NRCS.

ADDRESSES: Send written comments by mail to the Financial Assistance Programs Division, Natural Resources Conservation Service, EQIP Comments, Room 5231 South Office Building, 14th & Independence Avenue, SW., Washington, DC 20250 or by e-mail to *david.webster@usda.gov*; Subject: EQIP Comments. This request for comments may also be accessed via the Internet through the NRCS homepage, at *http://www.nrcs.usda.gov*, and by selecting ''Farm Bill 2002''. All comments that are submitted, including names and addresses when provided, are placed in the record and are available for public inspection.

FOR FURTHER INFORMATION CONTACT: David Webster, EQIP Specialist, Financial Assistance Programs Division, NRCS, Room 5231 South Office Building, 14th & Independence Avenue, SW., Washington, DC 20250; telephone: (202) 720–5742; fax: (202) 720–4265; submit e-mail to: *david.webster@usda.gov*, Attention: Environmental Quality Incentive Program comments.

SUPPLEMENTARY INFORMATION:

General Information About the Environmental Quality Incentive Program

The Farm Security and Rural Investment Act of 2002 (the 2002 Act) (Pub. L. 107–171, May 13, 2002) re-authorized and amended EQIP, 16 U.S.C. 3840 *et seq.* NRCS is seeking public comment to help the agency review and assess the national priorities for EQIP.

Background

Through EQIP, NRCS assists farmers and ranchers who face threats to soil, water, air, and related natural resources on their land. Eligible lands for EQIP assistance include grazing lands, wetlands, private non-industrial forestland, and wildlife habitat lands. Participation in the program is voluntary. Under EQIP, NRCS provides assistance in a manner that promotes agricultural production and environmental quality as compatible goals, optimizes environmental benefits, and helps farmers and ranchers meet Federal, State, and local environmental requirements. NRCS offers the program throughout the Nation using the services of NRCS personnel and technical service providers.

NRCS' approach to optimize environmental benefits integrates consideration of national priorities in four key program components: (1) The allocation of financial resources to States; (2) the allocation of financial resources within States; (3) the selection of conservation practices and the establishment of cost-share and incentive payment levels; and (4) the application ranking process.

With consideration and evaluation of the input obtained from this public notice and the public meetings, NRCS will update its national priorities to reflect our most pressing natural resource needs and emphasize off-site benefits to the environment. In the EQIP final rule, published May 30, 2003 (68 FR 32337), NRCS identified the following national priorities: (1) Reduction of non-point source pollution, such as nutrients, sediment, pesticides, or excess salinity in impaired watersheds consistent with Total Daily Maximum Loads (TMDL's), where available, as well as the reduction of groundwater contamination and the conservation of ground and surface water resources; (2) reduction of emissions, such as particulate matter, nitrogen oxides (NO_2), volatile organic compounds, and ozone precursors and depleters that contribute to air quality impairment violations of National Ambient Air Quality Standards; (3) reduction in soil erosion and sedimentation from unacceptable levels on agricultural land; and (4) promotion of at-risk species habitat conservation.

In establishing the promotion of at-risk species habitat conservation as a national priority, NRCS recognizes unique local situations have the potential to add to federally-listed and candidate species. NRCS supports activities that will reduce the need for additional regulation, but will monitor implementation of this aspect of the program to assure that primary focus is listed and candidate species.

NRCS has also identified national measures that can help EQIP achieve its national priorities and statutory requirements more efficiently. These measures include identifying and implementing conservation practices that: (1) Increase overall environmental benefits, for example by addressing multiple resource concerns, ensuring more durable environmental benefits and limiting adverse ancillary impacts; (2) encourage innovation; (3) support the statutory mandate to apply nationally 60 percent of available EQIP financial assistance to livestock-related conservation practices; and (4) employ appropriate tools to more comprehensively serve EQIP purposes, such as Comprehensive Nutrient Management Plans and Integrated Pest Management Plans.

In the allocation of EQIP financial resource to States, NRCS uses the national priorities as guidance in helping to determine the amount of funds received by NRCS State

Conservationists to use within their States. NRCS also retains a portion of EQIP funding to reward NRCS State operations that demonstrate a higher level of performance and address national priorities. Within States, the NRCS State Conservationists consider national priorities and measures as they allocate funds and determine priority resource concerns within their State. The NRCS State Conservationist, and the NRCS Designated Conservationists in consultation with the local work group, develops an application ranking that reflects both priority resource concerns within States and the national priorities and measures.

NRCS will continue to rely on locally-led conservation as an important cornerstone of EQIP. Using a locally-led process ensures consideration of the wide variability between and within States regarding resource issues, solutions, and limitations. Resource issues and concerns change because of shifts in population, climatic, or consumer habits; and Federal, State and local laws. Likewise, technical solutions evolve with the advent of new technology and the availability of new data on the effectiveness of practices.

As a result, EQIP implementation may vary across jurisdictional boundaries. For example, some States may use State-level based program delivery while others will use county or parish based or regional (multi-county) based delivery.

NRCS is, by this document, requesting the public to provide comment to which natural resource concerns should be given national priority in the implementation of EQIP. NRCS will utilize this input from the public, including affected stakeholders, and Federal agencies to make any revision as required to address emerging resource issues. Information and updates about the national priorities and measures will be provided to the NRCS State Conservationists through revisions to the Conservation Programs Manual, Part 515, Environmental Quality Incentives Program.

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

Bruce I. Knight,

Chief, Natural Resources Conservation Service, Vice President, Commodity Credit Corporation.

[FR Doc. 05–5556 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–16–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 712

Audit Requirement for Credit Union Service Organizations (CUSOs)

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: NCUA proposes to change its rule concerning credit union service organizations (CUSOs) to provide that a wholly owned CUSO need not obtain its own annual financial statement audit from a certified public accountant if it is included in the annual consolidated audit of the Federal credit union (FCU) that is its parent. The amendment will reduce regulatory burden and conform the regulation with agency practice, which since 1997 has been to view credit unions with wholly owned CUSOs in compliance with the rule if the parent FCU has obtained an annual financial statement audit on a consolidated basis.

DATES: Comments must be received on or before May 23, 2005.

ADDRESSES: You may submit comments by any of the following methods (Please send comments by one method only):

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web Site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *E-mail:* Address to *regcomments@ncua.gov*. Include ''[Your name] Comments on Proposed Rule 712, CUSO Audit Requirements,'' in the e-mail subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for e-mail.
- *Mail:* Address to Mary Rupp, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

FOR FURTHER INFORMATION CONTACT: Ross P. Kendall, Staff Attorney, Office of General Counsel, at the above address or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Proposed Changes

The NCUA Board proposes revising § 712.3(d) so that a CUSO that is wholly owned need not secure its own public accounting firm financial statement audit if it is included on a consolidated basis in the audit of the FCU itself. Currently, this section requires an FCU to obtain a written commitment from any CUSO in which it has made an investment or to which it has made a loan that the CUSO will secure an annual opinion audit of its financial statements, performed in accordance with generally accepted auditing standards by a licensed, certified public accountant. 12 CFR 712.3(d)(2).

The current rule is designed to assure that any CUSO with respect to which an FCU intends to make a loan or an investment maintains its books and records in a manner that will enable the FCU to obtain accurate financial information about its operations and financial condition. The rule also requires that a CUSO provide NCUA with access to any of its books and records. 12 CFR 712.3(d)(3). The proposed amendment recognizes that, where a CUSO is controlled by an FCU by virtue of its ownership of one hundred percent of its voting shares, generally accepted accounting principles (GAAP) call for the preparation of financial statements of both the FCU and the CUSO on a consolidated basis. Accordingly, where the FCU has a financial statement audit prepared on a consolidated basis, the proposed rule would excuse the CUSO from having to obtain a separate audit opinion. Implicit in the proposal is the recognition that NCUA has full access to the information by virtue of its oversight of the parent FCU.

Consolidated financial statements present the results of operations, financial position, and cash flows of a parent and its subsidiaries as if the group were a single enterprise. Under GAAP, consolidated financial statements generally include enterprises in which the parent has a controlling financial interest, usually, a majority voting interest. There is a presumption that consolidated statements are more meaningful than separate statements and are usually necessary for a fair presentation when one of the enterprises in a group directly or indirectly has a controlling financial interest in another.

The Board notes this proposed change is consistent with its ongoing efforts to reduce regulatory burden while preserving necessary guidelines to assure that FCUs operate in a safe and sound manner. As a matter of practice, NCUA staff has since 1997 considered wholly-owned CUSOs to be in compliance with the rule if the parent FCU has obtained an opinion audit on consolidated financial statements. *See* Preamble to Proposed Amendments to 12 CFR part 712, 62 FR 11779, 11783

(March 13, 1997). Although GAAP would permit a consolidated audit where one entity owns the majority of the voting shares of another, the Board believes the current proposal will ensure that prospective minority investors have access to maximum disclosure of potential risks to their investment. The Board welcomes comment on all aspects of the proposal.

The proposed rule also makes nonsubstantive, minor edits to the wording and punctuation of the audit provision.

Request for Comment

The NCUA Board is interested in receiving comments on the proposed amendments to part 712.

Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires NCUA to prepare an analysis to describe any significant economic impact any proposed regulation may have on a substantial number of small entities. NCUA considers credit unions having less than ten million dollars in assets to be small for purposes of RFA. Interpretive Ruling and Policy Statement (IRPS) 87–2 as amended by IRPS 03–2. The proposal relieves a CUSO that is wholly owned from having to secure a separate opinion audit of its books, if it is included in the annual consolidated opinion audit of the credit union that is its parent owner. The NCUA has determined and certifies that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that an RFA analysis is not required.

Paperwork Reduction Act

NCUA has determined that the proposed regulation does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This proposed rule, if adopted, will apply only to federally-chartered credit unions. It 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. NCUA has determined that this proposal does not constitute a policy that has federalism implications for purposes of the executive order.

The Treasury and General Government Appropriations Act, 1999—Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this proposed rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999, Pub. L. 105–277, 112 Stat. 2681 (1998).

Agency Regulatory Goal

NCUA's goal is to promulgate clear and understandable regulations that impose minimal regulatory burden. We request your comments on whether the proposed rule is understandable and minimally intrusive if implemented as proposed.

List of Subjects in 12 CFR Part 712

Administrative practices and procedure, Credit, Credit unions, Investments, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on March 17, 2005.

Mary F. Rupp,

Secretary of the Board.

Accordingly, NCUA proposes to amend 12 CFR part 712 as follows:

PART 712—CREDIT UNION SERVICE ORGANIZATIONS (CUSOs)

1. The authority citation for part 712 continues to read as follows:

Authority: 12 U.S.C. 1756, 1757(5)(D), and (7)(I), 1766, 1782, 1784, 1785 and 1786.

2. Revise § 712.3(d)(2) to read as follows:

§ 712.3 What are the characteristics of and what requirements apply to CUSOs?

* * * * *

(d) * * *

(2) Prepare quarterly financial statements and obtain an annual financial statement audit of its financial statements by a licensed certified public accountant in accordance with generally accepted auditing standards. A wholly owned CUSO is not required to obtain a separate annual financial statement audit if it is included in the annual consolidated financial statement audit of the credit union that is its parent; and

* * * * *

[FR Doc. 05–5677 Filed 3–22–05; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20441; Directorate Identifier 2003–CE–35–AD]

RIN 2120–AA64

Airworthiness Directives; BURKHART GROB LUFT—UND RAUMFAHRT GmbH & CO KG Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to revise Airworthiness Directive (AD) 2003–19–14 R1, which applies to certain BURKHART GROB LUFT—UND RAUMFAHRT GmbH & CO KG (GROB) Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO sailplanes. AD 2003–19–14 R1 requires you to modify the airspeed indicators, install flight speed reduction and aerobatic maneuver restrictions placards (as applicable), and revise the flight and maintenance manuals. AD 2003–19–14 R1 approves simple aerobatic maneuvers for Model G103A TWIN II ACRO sailplanes and provides an option for modifying the rear fuselage for Models G103A TWIN II ACRO and G103C TWIN III ACRO sailplanes to terminate the flight limitation restrictions for aerobatic maneuvers. This proposed AD retains all the actions from AD 2003–19–14 R1 for Models G103A TWIN II ACRO and G103C TWIN III ACRO and would reinstate certain operating limits for Model G103 TWIN ASTIR sailplanes. We are issuing this proposed AD to prevent damage to the fuselage during limit load flight, which could result in reduced structural integrity. This condition could lead to loss of control of the sailplane.

DATES: We must receive any comments on this proposed AD by April 20, 2005.

ADDRESSES: Use one of the following to submit comments 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:* 1–202–493–2251.
- *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.

To get the service information identified in this proposed AD, contact GROB Luft—und Raumfahrt, Lettenbachstrasse 9, D–86874 Tussenhausen-Mattsies, Germany; telephone: 011 49 8268 998139; facsimile: 011 49 8268 998200; e-mail: *productsupport@grob-aerospace.de.*

To view the comments to this proposed AD, go to *http://dms.dot.gov.* The docket number is FAA–2005–20441; Directorate Identifier 2003–CE–35–AD.

FOR FURTHER INFORMATION CONTACT: Gregory A. Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; facsimile: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES**. Include the docket number, ''FAA–2005–20441; Directorate Identifier 2003–CE–35–AD'' at the beginning of your 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 rulemaking. Using the search function of our docket web site, anyone can find and read the comments received into 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.). This is docket number FAA–2005–20441; Directorate Identifier 2003–CE–35–AD. 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.*

Are there any specific portions of this proposed AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Docket Information

Where can I go to view the docket information? You may view the AD 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. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES**. You may also view the AD docket on the Internet at *http://dms.dot.gov.* The comments will be available in the AD docket shortly after the DMS receives them.

Discussion

Has FAA taken any action to this point? Reports from the Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, that the safety margins established into the design of the fuselage may not be sufficient to sustain limit loads during certain maneuvers and during flight at certain speeds for Model G103 TWIN ASTIR, G103 TWIN II, G103A TWIN II ACRO, and G103C TWIN III ACRO sailplanes. This caused us to issue AD 2003–19–14, Amendment 39–13317 (68 FR 56152, September 30, 2003). AD 2003–19–14 required the following:

—Modifying the airspeed indicators;
—Installing placards restricting flight speeds, prohibiting aerobatic maneuvers, and restricting load limits; and
—Incorporating revisions to the flight and maintenance manuals.

AD 2003–19–14 was issued as an interim action until the manufacturer completed further investigations into the effects of certain flight conditions on the fuselage structure and the development of corrective procedures.

The manufacturer conducted further investigations and static strength tests to verify the safety margins of the fuselage on the affected sailplanes. This information prompted us to issue AD 2003–19–14 R1, Amendment 39–13676 (69 FR 34258, June 21, 2004). AD 2003–19–14 R1 requires the following:

For Model G103 TWIN ASTIR sailplanes:

—Retain all flight limitation restrictions in AD 2003–19–14.

For Model G103 TWIN II sailplanes:

—Reinstate the original flight speed limitations and maneuver operations and remove from the applicability section of AD 2003–19–14;

For Model G103A TWIN II ACRO (utility category) sailplanes:

—Reinstate the original flight speed limitations and maneuver operations; and
—Allow only basic aerobatic maneuvers (spins, lazy eights, chandelles, stall turns, steep turns, and positive loops).

For Model G103A TWIN II ACRO (aerobatic category) sailplanes:

—Reinstate the original flight speed limitations except for rough air (V_B) and maneuvering speeds (V_A); and
—Allow only basic aerobatic maneuvers (spins, lazy eights, chandelles, stall turns, steep turns, and positive loops).

For Model G103C TWIN III ACRO sailplanes:

—Increase airspeed limits specified in AD 2003–19–14 but maintain a reduction from the original limitations; and
—Retain restrictions in AD 2003–19–14 on all aerobatic flights, including simple maneuvers, and cloud flying.

The manufacturer also developed a modification for Models G103A TWIN II ACRO (aerobatic category) and G103C TWIN III ACRO sailplanes (aerobatic category). When this modification is incorporated, full acrobatic status is restored to these sailplanes.

What has happened since AD 2003–19–14 R1 to initiate this proposed action? The LBA recently notified FAA of the need to change AD 2003–19–14 R1. Based on analysis, the LBA reports that certain limits of operation for Model G103 TWIN ASTIR sailplanes may be reinstated.

Specifically, the maximum airspeed in calm air (V_{NE}) could be reinstated to 135 knots (155 mph/250 kmh) for Model G103 TWIN ASTIR sailplanes. Aerobatic flight is still prohibited; however, simple aerobatic flight (looping, steep turns, lazy eights, and chandelles) may be performed following the flight manual.

Is there service information that applies to this subject? GROB Luft—und Raumfahrt has issued Service Bulletin MSB 315–64/3, dated September 14, 2004.

What are the provisions of this service information? The service bulletin includes procedures for:

—Applying a red mark on the front and rear cockpit air speed indicator at 135 knots (155 mph/205 kmh);
—Replacing the front and rear cockpit limitations placard with one that

contains the new flight speed operating limitations;

—Prohibiting aerobatic flight, except for simple aerobatic flight (looping, steep turns, lazy eights, and chandelles) may be performed following the flight manual; and

—Revising the flight and maintenance manuals.

What action did the LBA take? The LBA classified this service bulletin as mandatory and issued German AD Number D–2003–231R3, dated November 9, 2004, to ensure the continued airworthiness of these sailplanes in Germany.

Did the LBA inform the United States under the bilateral airworthiness agreement? These GROB Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO sailplanes are manufactured in Germany and are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Under this bilateral airworthiness agreement, the LBA has kept us informed of the situation described above.

FAA's Determination and Requirements of This Proposed AD

What has FAA decided? We have examined the LBA's findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described previously is likely to exist or develop on other GROB Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO sailplanes of the same type design that are registered in the United States, we are proposing AD action to prevent damage to the fuselage during limit load flight, which could result in reduced structural integrity. This condition could lead to loss of control of the sailplane.

What would this proposed AD require? This proposed AD would revise AD 2003–19–14 R1 with a new AD that would:

(1) retain the actions required in AD 2003–19–14 R1 for Models G103A TWIN II ACRO and G103C TWIN III ACRO sailplanes; and

(2) reinstate certain operating limits by incorporating the actions in the previously-referenced service bulletin for Model G103 TWIN ASTIR sailplanes.

How does the revision to 14 CFR part 39 affect this proposed AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many sailplanes would this proposed AD impact? We estimate that this proposed AD affects 94 sailplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected sailplanes? We estimate the following costs to accomplish the proposed modifications to the airspeed indicators, flight limitations placards, and revising the flight and maintenance manuals:

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
1 work hour × $65 = $65	Not applicable	$65	$65 × 94 = $6,110

For G103A TWIN II ACRO (aerobatic category) sailplanes and G103C TWIN III ACRO (aerobatic category) sailplanes, we estimate the following costs to accomplish the proposed fuselage modification:

Labor cost	Parts cost	Total cost per sailplane
30 work hours × $65 = $1,950	$5,307	$7,257

What is the difference between the cost impact of this proposed AD and the cost impact of AD 2003–19–14 R1? There is no cost difference between this proposed AD and AD 2003–19–14 R1. This proposed AD is only revising certain operating limits for certain Model G103 TWIN ASTIR. This proposed AD does not require any additional actions than are currently required in AD 2003–19–14 R1.

Authority for This Rulemaking

What authority does FAA have for issuing this rulemaking action? 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 AD.

Regulatory Findings

Would this proposed AD impact various entities? 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.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed AD:

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. 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 proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include ''AD Docket FAA–2005–20441; Directorate Identifier 2003–CE–35–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, 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 removing Airworthiness Directive (AD) 2003–19–14 R1, Amendment 39–13676 (69 FR 34258, June 21, 2004), and by adding a new AD to read as follows:

Burkhart Grob Luft—Und Raumfahrt GmbH & Co KG: Docket No. FAA–2005–20441; Directorate Identifier 2003–CE–35–AD; Revises AD 2003–19–14 R1, Amendment 39–13676.

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by April 20, 2005.

What Other ADs Are Affected by This Action?

(b) This AD revises AD 2003–19–14 R1, Amendment 39–13676.

What Sailplanes Are Affected by This AD?

(c) This AD affects the following sailplane models and serial numbers that are certificated in any category:

Model	Serial Nos.
G103 TWIN ASTIR ...	All serial numbers.
G103A TWIN II ACRO (aerobatic category).	3544 through 34078 with suffix ''K''.
G103C TWIN III ACRO (aerobatic category).	34101 through 34203.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified in this AD are intended to prevent damage to the fuselage during limit load flight, which could result in reduced structural integrity. This condition could lead to loss of control of the sailplane.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) *For G103 TWIN ASTIR sailplanes, serial numbers 3000 through 3290:* (i) Re-set the airspeed indicator to the new placard limitations; (ii) Install the following placard:	Within the next 25 hours time-in-service (TIS) after the effective date of this AD, unless already done.	Following GROB Service Bulletin No. MSB315–64/3, dated September 14, 2004.

Maximum flying weight

Without Waterballast: 650 kg / 1435lbs

With Waterballast: 650 kg / 1435 lbs

Maximum airspeeds:		km/h	kts	mph
In calm air:	V_{NE}	250	135	155
In rough air:	V_B	170	92	106
Aerotow:	V_T	170	92	106
Winch or auto launch:	V_W	120	65	75
Airbrakes open:	V_{DF}	250	135	155
Maneuvering speed:	V_A	170	92	106

(iii) You may perform simple aerobatic flight (looping, steep turns, lazy eights, and chandelles) following the flight manual; and

(iv) Revise the flight and maintenance manuals.

(2) *For G103A TWIN II ACRO (acrobatic category) and G103C TWIN III ACRO (acrobatic category) sailplanes:* (i) Re-set the airspeed indicator to the new placard limitations; and (ii) Install the following placards on Model G103A TWIN II ACRO (aerobatic category) sailplanes:	Within the next 25 hours time-in-service (TIS) after August 12, 2004 (the effective date AD 2003–19–14 R1), unless already done.	Follow Grob Service Bulletin No. MSB315–65, dated September 15, 2003.

"Simple Aerobatic" maneuvers (spins, lazy eights, chandelles, stall turns, steep turns, and positive loops) are permitted.

Maximum flying weight				**580 kg / 1280 lbs**
Maximum airspeeds:		**km/h**	**kts**	**mph**
In calm air:	V_{NE}	250	135	155
In rough air:	V_B	170	92	106
Aerotow:	V_T	170	92	106
Winch or auto tow:	V_W	120	65	75
Airbrakes extended:	V_{FE}	250	135	155
Maneuvering speed:	V_A	170	92	106

(iii) Install the following placards on Model G103C TWIN II ACRO (aerobatic category) sailplanes:

All aerobatic maneuvers and cloud flying are prohibited

Maximum flying weight				**580 kg / 1280 lbs**
Maximum airspeeds:		**km/h**	**kts**	**mph**
In calm air:	V_{NE}	250	135	155
In rough air:	V_{RA}	170	92	106
Aerotow:	V_T	170	92	106
Winch or auto tow:	V_W	120	65	75
Airbrakes extended:	V_{FE}	250	135	155
Maneuvering speed:	V_A	170	92	106

(3) *For G103A TWIN II ACRO (acrobatic category) and G103C TWIN III ACRO (acrobatic category) sailplanes:* as an alternative to the flight restrictions in paragraph (e)(2) of this AD, you may install additional stringers in the rear fuselage section. Installing additional stringers terminates the flight restrictions in paragraph (e)(2) of this AD.	At any time after August 12, 2004 (the effective date AD 2003–19–14 R1).	Follow Grob Service Bulletin No. OSB 315–66, dated October 16, 2003, and Work Instruction for OSB 315–66, dated October 16, 2003.
(4) *For G103A TWIN II ACRO (acrobatic category) and G103C TWIN III ACRO (acrobatic category) sailplanes:* only if you installed the additional stringers specified in paragraph (e)(3) of this AD, do the following: (i) Remove the placard prohibiting all aerobatic maneuvers; (ii) Install the following flight limitation placard on Model G103A TWIN II ACRO (aerobatic category) sailplanes:	Prior to further flight after doing the actions in paragraph (e)(3) of this AD.	Allow Grob Service Bulletin No. OSB 315–66, dated October 16, 2003

Maximum flying weight			580 kg / 1280 lbs	
Maximum airspeeds:		**km/h**	**kts**	**mph**
In calm air:	V_{NE}	250	135	155
In rough air:	V_{RA}	180	97	112
Aerotow:	V_T	170	92	106
Winch or auto tow:	V_W	120	65	75
Airbrakes extended:	V_{FE}	250	135	155
Maneuvering speed:	V_A	180	97	112

(iii) Install the following placards on Model G103C TWIN II ACRO (aerobatic category) sailplanes:

Maximum flying weight			600 kg / 1323 lbs	
Maximum airspeeds:		**km/h**	**kts**	**mph**
In calm air:	V_{NE}	280	151	174
In rough air:	V_B	200	108	124
Aerotow:	V_T	185	100	115
Winch or auto tow:	V_W	140	76	87
Airbrakes extended:	V_{FE}	280	151	174
Maneuvering speed:	V_A	185	100	115

Note: The placard information in this AD is different than the information in the applicable service bulletins. This AD takes precedence over the service bulletins. You should update your placards to reflect the information presented in this AD.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Gregory A. Davison, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4130; facsimile: (816) 329–4090.

Is There Other Information That Relates to This Subject?

(g) German AD D–2003–231R3, dated November 9, 2004, also addresses the subject of this AD.

May I Get Copies of the Documents Referenced in This AD?

(h) To get copies of the documents referenced in this AD, contact GROB Luft- und Raumfahrt, Lettenbachstrasse 9, D–86874 Tussenhausen-Mattsies, Germany; telephone: 011 49 8268 998139; facsimile: 011 49 8268 998200; e-mail: *productsupport@grob-aerospace.de.* To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, S.W., Nassif Building, Room PL–401, Washington, DC, or on the Internet at *http://dms.dot.gov.* This is docket number FAA–2005–20441; Directorate ID 2003–CE–35–AD.

Issued in Kansas City, Missouri, on March 15, 2005.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5693 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20691; Directorate Identifier 2004–NM–249–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 and –300 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 757–200 and –300 series airplanes. This proposed AD would require inspecting for the part number, the serial number, and the mark ''RETESTED'' on the reaction link of the main landing gear (MLG), and replacing the reaction link of the MLG with a retested reaction link if necessary. This proposed AD is prompted by a report of faulty welds in

certain reaction links. We are proposing this AD to prevent failure of the reaction link, collapse of the MLG, and consequently, loss of control on the ground and possible damage to the airplane.

DATES: We must receive comments on this proposed AD by May 9, 2005.

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

DOT Docket Weba 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.
- By 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.

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

You can examine the contents of this 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–2005–20691; the directorate identifier for this docket is 2004–NM–249–AD.

FOR FURTHER INFORMATION CONTACT: Dennis Stremick, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6450; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20691; Directorate Identifier 2004–NM–249–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 submitted 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 that 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 can review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov.*

Examining the Docket

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 DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

We have received a report indicating that a reaction link for a Boeing Model 757 series airplane's main landing gear (MLG) fractured when proof-testing of the welds took place. The fracture occurred at one of two welds in the reaction link. Due to the weld fracture, other parts from the same weld lot were proof-tested at a higher load. During the second test, a second weld fracture occurred, indicating the potential for poor quality welds to pass the production proof load specified in the drawing.

Metallurgical examination revealed contamination at the weld surface. The vendor has since identified a total of 41 suspect reaction links. All of the suspect reaction links have passed the production proof load, which is approximately 1.3 times limit load. However, all of the reaction links welded prior to correcting the contamination problem must be removed and retested to validate compliance with ultimate load requirements. The faulty welds, if not corrected, could result in failure of the reaction link, collapse of the MLG, and consequently, loss of control on the ground and possible damage to the airplane.

Relevant Service Information

We have reviewed Boeing Service Bulletins 757–32–0155, dated September 30, 2004; and 757–32–0156, dated September 30, 2004. The service bulletins describe procedures for inspecting for the part number, the serial number, and the mark ''RETESTED'' on the reaction link of the MLG, and replacing the reaction link of the MLG with a retested reaction link if necessary. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as described in ''Difference Between this Proposed AD and the Service Bulletins.'' The proposed AD would also require sending the inspection results to the Manager, Seattle Aircraft Certification Office, FAA.

Difference Between This Proposed AD and the Service Bulletins

Although the Accomplishment Instructions of the service bulletins do not specify an inspection report, this proposed AD would require submitting an inspection report to the FAA if the inspection finds reaction links that are required to be replaced. We need further information on the extent of the quality control (QC) problem. When the unsafe condition addressed by an AD is likely due to a manufacturer's QC problem, a reporting requirement is instrumental in ensuring that we can gather as much information as possible regarding the extent and nature of the QC problem or breakdown, especially in cases where such data may not be available through other established means. This information is necessary to ensure that we can apply knowledge and lessons learned from these inspections to future MLG actions.

Costs of Compliance

There are about 25 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 23 airplanes of U.S. registry. The proposed inspection would 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

proposed AD for U.S. operators is $1,495, or $65 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 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. 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 proposed 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, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 (AD):

Boeing: Docket No. FAA–2005–20691; Directorate Identifier 2004–NM–249–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by May 9, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 757–200 and –300 series airplanes, certificated in any category; as identified in the Effectivity of Boeing Service Bulletin 757–32–0155 and 757–32–0156, both dated September 30, 2004, as applicable.

Unsafe Condition

(d) This AD was prompted by a report of faulty welds in certain reaction links on main landing gears (MLG). We are issuing this AD to prevent failure of the reaction link, collapse of the MLG, and consequently, loss of control on the ground 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.

Inspection and Corrective Action

(f) Within 12 months after the effective date of this AD, inspect for the part number (P/N), the serial number (S/N), and the presence of the mark ''RETESTED'' on the reaction link of the MLG in accordance with the Accomplishment Instructions of Boeing Service Bulletin 757–32–0155 or 757–32–0156, both dated September 30, 2004, as applicable.

(1) If the P/N and S/N do not match any P/N and S/N listed in Appendix A of the applicable service bulletin, or if the reaction link is marked ''RETESTED,'' no further action is required by this paragraph.

(2) If the P/N and S/N match those listed in Appendix A of the applicable service bulletin, and the reaction link is not marked ''RETESTED,'' before further flight, replace the reaction link with a retested reaction link in accordance with the Accomplishment Instructions of the service bulletin and perform the requirement of paragraph (g) of this AD at the time specified in paragraph (g).

Inspection Report

(g) For any reaction link with a P/N and S/N listed in the service bulletin that is or is not marked ''RETESTED'': Within 30 days after accomplishing the inspection required by paragraph (f) of this AD or within 30 days after the effective date of this AD, whichever occurs later, submit a report of any positive inspection results (P/N and S/N of the reaction link match those listed in the Boeing Service Bulletins) to the Manager, Seattle Aircraft Certification Office (ACO), FAA, 1601 Lind Avenue, SW., Renton, Washington. Include the P/N and S/N of the affected reaction link, and the S/N of the airplane on which the reaction link was found, in the report. Information collection requirements contained in this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

Parts Installation

(h) As of the effective date of this AD, no person may install a reaction link with a P/N and S/N listed in the service bulletin that is not marked ''RETESTED,'' on any airplane.

Alternative Methods of Compliance (AMOCs)

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

Issued in Renton, Washington, on March 14, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5694 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20690; Directorate Identifier 2003–NM–230–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–200C and 747–200F Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 747–200C and 747–200F series airplanes. This proposed AD would require one-time inspections for cracks and material loss in the fuselage skin above the stringer (STR) 23 lap splice, between Body Station (BS) 282 and BS 298, and repair if necessary. This proposed AD is prompted by a report of a crack above the STR 23 lap splice on one airplane. We are proposing this AD to detect and

correct cracks or material loss in the fuselage skin, and consequent reduced structural integrity of the skin panel, which could result in rapid depressurization of the airplane.

DATES: We must receive comments on this proposed AD by May 9, 2005.

ADDRESSES: Use one of the following addresses to submit comments 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.
- By 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.

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

You can examine the contents of this 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–2005–20690; the directorate identifier for this docket is 2003–NM–230–AD.

FOR FURTHER INFORMATION CONTACT: Nick Kusz, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6432; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20690; Directorate Identifier 2003–NM–230–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 submitted 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 that 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 can review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov.*

Examining the Docket

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 DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

We have received a report of a 3-inch skin crack on a Boeing Model 747–200F series airplane. The crack was located immediately above the Stringer (STR) 23 lap splice, between Body Station (BS) 282 and BS 298. The crack started in an area of the skin that had been inadvertently damaged during manufacture when an internal skin doubler was trimmed by grinding. The crack propagated by fatigue from the reworked area. This condition, if not corrected, could result in cracks in the fuselage skin, and consequent reduced structural integrity of the skin panel, which could cause rapid depressurization of the airplane.

The subject area on Boeing Model 747–200C series airplanes that are equipped with a nose cargo door is almost identical to that on Boeing Model 747–200F series airplanes that are equipped with a nose cargo door. Therefore, Boeing Model 747–200C series airplanes may be subject to the same unsafe condition.

Relevant Service Information

We have reviewed Boeing Special Attention Service Bulletin 747–53–2493, dated July 3, 2003. The service bulletin describes procedures for doing a one-time external detailed visual inspection for cracks, and a one-time low frequency eddy current inspection for material loss. The area to be inspected is 3.2 inches to 4.3 inches above the lower edge of the upper skin at STR 23L and STR 23R, from BS 282 to BS 298. If cracks are found, or if the skin is less than 0.056 inch thick, the service bulletin describes procedures for repair. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. Therefore, we are proposing this AD, which accomplishes the actions specified in the service information described previously, except as discussed under ''Difference Between the Proposed AD and the Service Bulletin.''

Difference Between the Proposed AD and the Service Bulletin

The ''Effectivity'' paragraph in Boeing Special Attention Service Bulletin 747–53–2493, dated July 3, 2003, states that the service bulletin applies to all Boeing Model 747–200C and all Boeing Model 747–200F series airplanes. However, there was an unintended omission in the service bulletin. This proposed AD would apply only to Boeing Model 747–200C and Boeing Model 747–200F series airplanes that are equipped with a nose cargo door. This difference has been coordinated with the manufacturer.

Clarification of Inspection Language

The service bulletin refers to a detailed visual inspection. However, this proposed AD refers to this inspection as a ''detailed inspection.'' Note 1 of this proposed AD defines a detailed inspection.

Costs of Compliance

There are about 77 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action	Work hour	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Inspections	6	$65	None	$390	20	$7,800

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. 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 proposed 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, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 (AD):

Boeing: Docket No. FAA–2005–20690; Directorate Identifier 2003–NM–230–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by May 9, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–200C and 747–200F series airplanes, equipped with a nose cargo door, certificated in any category; as identified in paragraph 1.A.1 of Boeing Special Attention Service Bulletin 747–53–2493, dated July 3, 2003.

Unsafe Condition

(d) This AD was prompted by a report of a crack above the stringer (STR) 23 lap splice on a 747–200F series airplane. We are issuing this AD to detect and correct cracks or material loss in the fuselage skin, and consequent reduced structural integrity of the skin panel, which could result in rapid depressurization 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.

Inspections and Repair

(f) Before the accumulation of 15,000 total flight cycles, or within 1,200 flight cycles after the effective date of this AD, whichever occurs later: Do a detailed inspection for cracking, and a low frequency eddy current inspection for material loss, in the fuselage skin. Repair any crack or material loss prior to further flight. Do all actions in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–53–2493, dated July 3, 2003.

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.''

Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, Seattle Aircraft Certification Office (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 Delegation Option Authorization 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.

Issued in Renton, Washington, on March 14, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5695 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20692; Directorate Identifier 2004–NM–229–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for

certain Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes. This proposed AD would require doing a one-time high-frequency eddy current inspection and repetitive detailed inspections for cracks in the frame web of main entry door number 1; and repairing the door frame web if necessary. This proposed AD would also provide for optional terminating action for the repetitive inspections. This proposed AD is prompted by reports of cracking at the upper aft corner of the cutout for main entry door number 1 in the station 488 frame web. We are proposing this AD to detect and correct cracks in the frame web. These cracks could cause the frame to break and lead to rapid decompression of the airplane.

DATES: We must receive comments on this proposed AD by May 9, 2005.

ADDRESSES: Use one of the following addresses to submit comments 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.
- *By 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.

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

You can examine the contents of this 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–2005–20692; the directorate identifier for this docket is 2004–NM–229–AD.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES.** Include ''Docket No. FAA–2005–20692; Directorate Identifier 2004–NM–229–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 submitted 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 that website, 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 can review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov.*

Examining the Docket

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 DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

We have received reports indicating that operators have found several cracks in the station 488 frame web at the upper aft corner of the cutout for main entry door number 1 on at least three Boeing Model 747–200B series airplanes. Cracks were found in the web common to the door stop number 9 fastener holes on one of the airplanes, and at the tooling hole in the web above stringer 17 on two other airplanes. The manufacturer found similar cracks on a Model 747–100SR fatigue test airplane and determined the cracks were caused by fatigue due to cabin pressurization cyclic loading. This condition, if not detected and corrected in a timely manner, could cause the frame to break and lead to rapid decompression of the airplane.

Similar Models

The main entry door frame webs on certain Model 747–100, 747–100B, 747–100B SUD, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes are similar to those on the affected Model 747–200B series airplanes. Therefore, all of these models may be subject to the same unsafe condition.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747–53A2508, dated August 19, 2004. The service bulletin describes procedures for doing a one-time high-frequency eddy current (HFEC) inspection for cracks in the forward side of the station 488 door frame web at the tooling hole above stringer 17 and around door stop number 9; for doing repetitive detailed inspections for cracks in the forward side of the station 488 door frame web between door stop number 8 and the upper door sill; and for repairing the door frame web if necessary. Repairing the door frame web would eliminate the need for repetitive detailed inspections.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under ''Difference Between the Proposed AD and Referenced Service Bulletin.''

Difference Between the Proposed AD and Referenced Service Bulletin

The service bulletin specifies that you may contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require you to repair those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Delegation Option Authorization Organization whom we have authorized to make those findings.

Clarification of References to Additional Service Information

Boeing Alert Service Bulletin 747–53A2508 also identifies Boeing Service Bulletin 747–53–2349 (cited in AD 2002–10–10, amendment 39–12756 (67 FR 36081, dated May 23, 2002)), and Boeing Alert Service Bulletin 747–53A2265 (cited in AD 91–11–01, amendment 39–6997 (56 FR 22306, dated May 15, 1991)), as alternative sources of information for accomplishing the repetitive detailed inspections specified in this proposed AD.

Boeing Alert Service Bulletin 747–53A2508 refers to Boeing Service Bulletin 747–53–2272 as an alternative for accomplishing the open-hole HFEC inspection of the frame inner chord specified in this proposed AD. If the frame inner chord replacement required by AD 91–11–01 (which refers to Service Bulletin 747–53–2272 as a source of service information) is being done concurrently with the repair of the door frame web at station 488 specified in this proposed AD, the open-hole HFEC inspection specified in this proposed AD is unnecessary.

Costs of Compliance

There are about 274 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 140 airplanes of U.S. registry. The following table, using an estimated labor rate of $65 per work hour, provides the estimated costs for U.S. operators to comply with this proposed AD.

INSPECTION COSTS

Airplanes	Number of airplanes	Work hours	Cost per airplane	Fleet cost
Group 1 (left and right side HFEC inspection).	119	2	$130	$15,470.
Group 1 (left and right side detailed inspection).	119	2	$130, per inspection cycle	$15,470, per inspection cycle.
Group 2 (left side HFEC inspection)	16	1	$65	$4,400.
Group 2 (left side detailed inspection)	16	1	$65, per inspection cycle	$4,400, per inspection cycle.
Group 3 (left and right side HFEC inspection).	5	2	$130	$650.
Group 3 (left and right side detailed inspection).	5	2	$130, per inspection cycle	$650, 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 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. 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 proposed 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, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 (AD):

BOEING: Docket No. FAA–2005–20692; Directorate Identifier 2004–NM–229–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by May 9, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747–53A2508, dated August 19, 2004.

Unsafe Condition

(d) This AD was prompted by reports of cracking at the upper aft corner of the cutout for main entry door number 1 in the station 488 frame web. We are issuing this AD to detect and correct cracks in the frame web. These cracks could cause the frame to break and lead to 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 Inspections

(f) Before the accumulation of 16,000 total flight cycles, or within 1,000 flight cycles after the effective date of this AD, whichever occurs later, do a high frequency eddy current (HFEC) inspection and a detailed inspection of the station 488 frame web, by doing all of the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2508, dated August

19, 2004; except as provided by paragraph (h) or (j) of this AD.

Repetitive Inspections

(g) If no crack is found during the inspections required by paragraph (f) of this AD, repeat the detailed inspection required by paragraph (f) of this AD at the applicable time specified in paragraph (g)(1) or (g)(2) of this AD.

(1) For airplanes identified in the service bulletin as Groups 1 and 2: At intervals not to exceed 3,000 flight cycles.

(2) For airplanes identified in the service bulletin as Group 3: At intervals not to exceed 1,500 flight cycles.

Repairs

(h) If any crack in the main entry door frame web is found during any inspection required by this AD: Before further flight, repair in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2508, dated August 19, 2004. Where the service bulletin specifies to contact Boeing for appropriate action: Before further flight, repair the door frame web and any frame chord damage according to a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or according to data meeting the type 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.

Termination of Repeat Inspections

(i) For the repaired frame web only, accomplishing the door frame web repair required by paragraph (h) of this AD ends the repetitive inspections required by paragraph (g) of this AD.

Credit for Accomplishing HFEC Inspection Using Alternate Service Information

(j) If the frame inner chord replacement required by AD 91–11–01 (which identifies Service Bulletin 747–53–2272 as a source of service information) is accomplished concurrently with the repair of the station 488 door frame web specified by paragraph (h) of this AD, the HFEC inspection required paragraph (f) of this AD is not required.

Alternative Methods of Compliance (AMOCs)

(k)(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.

Issued in Renton, Washington, on March 14, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5696 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20688; Directorate Identifier 2004–NM–165–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757–200 and –300 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 757–200 and –300 series airplanes. This proposed AD would require replacing certain electrical panels with certain new panels. This proposed AD is prompted by a report of some loose wire terminations in the P50 panel that caused intermittent indications in the flight deck. We are proposing this AD to prevent intermittent indications in the flight deck, incorrect circuitry operation in the panels, and airplane system malfunctions that may adversely affect the alternate flaps, alternate gear extension, and fire extinguishing.

DATES: We must receive comments on this proposed AD by May 9, 2005.

ADDRESSES: Use one of the following addresses to submit comments 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.
- *By 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.

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

You can examine the contents of this 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–2005–20688; the directorate identifier for this docket is 2004–NM–165–AD.

FOR FURTHER INFORMATION CONTACT: Louie Natsiopoulos, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6478; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Docket Management System (DMS)

The FAA has implemented new procedures for maintaining AD dockets electronically. As of May 17, 2004, new AD actions are posted on DMS and assigned a docket number. We track each action and assign a corresponding directorate identifier. The DMS AD docket number is in the form ''Docket No. FAA–2005–99999.'' The Transport Airplane Directorate identifier is in the form ''Directorate Identifier 2004–NM–999–AD.'' Each DMS AD docket also lists the directorate identifier (''Old Docket Number'') as a cross-reference for searching purposes.

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES.** Include ''Docket No. FAA–2005–20688; Directorate Identifier 2004–NM–165–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 submitted 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 that website, 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 can review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov.*

We are reviewing the writing style we currently use in regulatory documents. We are interested in your comments on whether the style of this document is clear, and your suggestions to improve the clarity of our communications that affect you. You can get more information about plain language at *http://www.faa.gov/language* and *http://www.plainlanguage.gov.*

Examining the Docket

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 DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

We have received a report indicating that, during flight test operations of a Boeing Model 757–300 series airplane before its delivery, the P50 panel was found to have some loose wire terminations that caused intermittent indications in the flight deck. As a result, the P50 panel was replaced. Other panels thought to have the same condition were inspected and repaired as necessary. A subsequent investigation of the problem showed that the component supplier did not follow the correct crimping, assembly, and test procedures when the components were made. Some terminal block modules were found to contain pins that were not fully seated and locked. Also, some wire terminations were found not sufficiently crimped, which lets the wires be easily pulled form the pins. These incorrect procedures were done on the P1–1, P1–3, P3–1, P3–3, P50, P51, and P54 panels. Loose wire terminations or the incorrect assembly of contacts in the panels, if not corrected, could result in intermittent indications in the flight deck, incorrect circuitry operation in the panels, and airplane system malfunctions that may adversely affect the alternate flaps, alternate gear extension, and fire extinguishing .

The P1–1, P1–3, P3–1, P3–3, P50, P51, and P54 panels on certain Model 757–200 series airplanes are identical to those on the affected Model 757–300 series airplanes. Therefore, all of these models may be subject to the same unsafe condition.

Relevant Service Information

We have reviewed the service bulletins in the following table:

SERVICE BULLETINS

For Boeing Model—	Boeing Special Attention Service Bulletin—
757–200 series airplanes	757–24–0092, dated January 9, 2003.
757–300 series airplanes	757–24–0095, dated January 9, 2003.

The service bulletins describe procedures for replacing certain electrical panels with certain new panels. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

There are about 19 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 13 airplanes of U.S. registry. The proposed actions would take about 12 work hours per airplane, at an average labor rate of $65 per work hour. Required parts would cost about $252,834 per airplane. Based on these figures, the estimated cost of the proposed AD for U.S. operators is $3,296,982, or $253,614 per airplane. However, we have confirmed with the airplane manufacturer that warranty remedies may be available for all affected airplanes. The manufacturer may cover the cost of replacement parts and labor costs associated with this proposed AD, subject to warranty conditions. As a result, the costs attributable to the proposed AD may be less than stated above.

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. 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 proposed 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, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 (AD):

Boeing: Docket No. FAA–2005–20688; Directorate Identifier 2004–NM–165–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by May 9, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to airplanes listed in Table 1 of this AD, certificated in any category.

TABLE 1.—APPLICABILITY

Boeing Model—	As listed in Boeing Special Attention Service Bulletin—
(1) 757–200 series airplanes	757–24–0092, dated January 9, 2003.
(2) 757–300 series airplanes	757–24–0095, dated January 9, 2003.

Unsafe Condition

(d) This AD was prompted by a report of some loose wire terminations in the P50 panel that caused intermittent indications in the flight deck. We are issuing this AD to prevent intermittent indications in the flight deck, incorrect circuitry operation in the panels, and airplane system malfunctions that may adversely affect the alternate flaps, alternate gear extension, and fire extinguishing.

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.

Replacements

(f) Within 24 months after the effective date of this AD, replace the P1–1, P1–3, P3–1, P3–3, P50, P51, and P54 panels with new P1–1, P1–3, P3–1, P3–3, P50, P51, and P54 panels, in accordance with the Accomplishment Instructions of the applicable service bulletin listed in Table 1 of this AD.

Alternative Methods of Compliance (AMOCs)

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

Issued in Renton, Washington, on March 14, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5697 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20689; Directorate Identifier 2004–NM–197–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Boeing Model 757–200, –200PF, –200CB, and –300 series airplanes. This proposed AD would require, for certain airplanes, reworking the spar bonding path and reapplying sealant; and, for certain other airplanes, testing the electrical bond between the engine fuel feed hose and the wing front spar and, if applicable, reworking the spar bonding path and reapplying sealant. This proposed AD would also require, for all airplanes, an inspection to ensure the electrical bonding jumper is installed between the engine fuel feed hose and the adjacent wing station. This proposed AD is prompted by the results of fuel system reviews conducted by the manufacturer. We are proposing this AD to prevent arcing or sparking at the interface between the bulkhead fittings of the engine fuel feed tube and the front spar during a lightning strike, which could provide a possible ignition source for the fuel vapor inside the fuel tank and result in a fuel tank explosion.

DATES: We must receive comments on this proposed AD by May 9, 2005.

ADDRESSES: Use one of the following addresses to submit comments 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.
- *By 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.

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

You can examine the contents of this 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–2005–20689; the directorate identifier for this docket is 2004–NM–197–AD.

FOR FURTHER INFORMATION CONTACT: Tom Thorson, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6508; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

regarding this proposed AD. Send your comments to an address listed under **ADDRESSES.** Include ''Docket No. FAA–2005–20689; Directorate Identifier 2004–NM–197–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 submitted 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 that website, 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 can review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov.*

Examining the Docket

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 DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

We have examined the underlying safety issues involved in recent fuel tank explosions on several large transport airplanes, including the adequacy of existing regulations, the service history of airplanes subject to those regulations, and existing maintenance practices for fuel tank systems. As a result of those findings, we issued a regulation titled ''Transport Airplane Fuel Tank System Design Review, Flammability Reduction and Maintenance and Inspection Requirements'' (67 FR 23086, May 7, 2001). In addition to new airworthiness standards for transport airplanes and new maintenance requirements, this rule included Special Federal Aviation Regulation No. 88 (''SFAR 88,'' Amendment 21–78, and subsequent Amendments 21–82 and 21–83).

Among other actions, SFAR 88 requires certain type design (*i.e.*, type certificate (TC) and supplemental type certificate (STC)) holders to substantiate that their fuel tank systems can prevent ignition sources in the fuel tanks. This requirement applies to type design holders for large turbine-powered transport airplanes and for subsequent modifications to those airplanes. It requires them to perform design reviews and to develop design changes and maintenance procedures if their designs do not meet the new fuel tank safety standards. As explained in the preamble to the rule, we intended to adopt airworthiness directives to mandate any changes found necessary to address unsafe conditions identified as a result of these reviews.

In evaluating these design reviews, we have established four criteria intended to define the unsafe conditions associated with fuel tank systems that require corrective actions. The percentage of operating time during which fuel tanks are exposed to flammable conditions is one of these criteria. The other three criteria address the failure types under evaluation: single failures, single failures in combination with another latent condition(s), and in-service failure experience. For all four criteria, the evaluations included consideration of previous actions taken that may mitigate the need for further action.

We have determined that the actions identified in this proposed AD are necessary to reduce the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

In addition, we have received a report indicating that, during electrical bonding and grounding tests of Boeing Model 747 series airplane wing fuel tank penetrations, the bulkhead fittings of the engine fuel feed tube were found not to be electrically bonded to the front spar. The same condition is found on certain Model 707 series airplanes; on all Model 737–100, –200, –300, –400, and –500 series airplanes; on all Model 747 series airplanes; and on certain Model 757 and Model 767 series airplanes. We also received a report indicating that a lightning test showed a higher-than-expected electrical current in the engine fuel feed tubes inside the wing fuel tank on Model 747 series airplanes. This condition could also exist on certain Model 757 series airplanes.

If the bulkhead fittings of the engine fuel feed tubes are not electrically bonded, there is a potential for arcing or sparking at the interface between the bulkhead fittings of the engine fuel feed tube and the front spar during a lightning strike, which could provide a possible ignition source for the fuel vapor inside the fuel tank and result in a fuel tank explosion.

Related Rulemaking

On November 10, 2004, we issued notice of proposed rulemaking (NPRM) Docket No. FAA–2004–19680 (Directorate Identifier 2003–NM–215–AD), which is applicable to certain Boeing Model 767 series airplanes. That NPRM would require performing a test of the bonding resistance between the engine fuel feed tube fitting and the front spar, applying sealant on a hex nut inside the dry bay, and performing any applicable corrective actions. The actions specified by that NPRM are intended to prevent an ignition source from entering the fuel tank during a lightning strike event, which could cause a fuel tank explosion.

On July 15, 2004, we issued NPRM Docket No. FAA–2004–18759 (Directorate Identifier 2003–NM–280–AD), which is applicable to certain Boeing Model 707–100, –100B, –300, –300B (–320B Variant), –300C, and –E3A (Military) series airplanes; Model 720 and 720B series airplanes; Model 737–100, –200, –200C, –300, –400, and –500 series airplanes; and Model 747 series airplanes. That NPRM would require repetitive tests of the overwing fuel fill ports for certain wing tanks; an electrical bonding resistance test between the bulkhead fittings of the engine fuel feed tube and the front spar inside the fuel tank of the wings; other specified actions; and applicable corrective actions if necessary. The actions specified by that NPRM are intended to prevent arcing or sparking at the interface between the bulkhead fittings of the engine fuel feed tube and the front spar inside the fuel tank of the wings and between the overwing fuel fill ports and the airplane structure during a lightning strike. Such arcing or sparking could provide a possible ignition source for the fuel vapor inside the fuel tank and cause consequent fuel tank explosions.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletins 757–28A0076 (for Model 757–200, –200CB, and –200PF series airplanes); and 757–28A0077 (for Model 757–300 series airplanes); both dated August 27, 2004. The service bulletins describe procedures for testing

the electrical bond between the engine fuel feed hose and the wing front spar; reworking the bonding path between the end fitting of the fuel hose and the front spar; adding sealant to hose fittings and tube couplings, as applicable; and performing a general visual inspection and applicable corrective actions to ensure that an electrical bonding jumper is installed between the engine fuel feed hose and the adjacent wing station 285.65 rib in the left and right wing fuel tanks.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously, except as discussed under ''Difference Between the Proposed AD and Referenced Service Bulletins.''

Difference Between the Proposed AD and Referenced Service Bulletins

Although the referenced service bulletins would allow operator's equivalent procedures to be used for aircraft maintenance manuals (AMM) referenced in the service bulletins, this proposed AD would require you to use the referenced AMMs except as provided in paragraph (j) of this proposed AD.

Costs of Compliance

There are about 1,040 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 700 airplanes of U.S. registry. The average labor rate is estimated to be $65 per work hour. Parts would be supplied from operator stock. The following table provides the estimated costs for U.S. operators to comply with this proposed AD.

ESTIMATED COSTS

Action/airplanes affected	Work hours	Cost per airplane
Hose fitting and spar bonding rework and sealant application (Group 1 airplanes)	11	$715
Bonding test and sealant application (Group 2 airplanes that pass bonding test)	9	585
Bonding test, hose fitting and spar bonding rework and sealant application (Group 2 airplanes that fail bonding test)	13	845

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. 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 proposed 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, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 (AD):

Boeing: Docket No. FAA–2005–20689; Directorate Identifier 2004–NM–197–AD.

Comments Due Date

(a) The Federal Aviation Administration (FAA) must receive comments on this AD action by May 9, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 757–200, –200PF, and –200CB, series airplanes as listed in Boeing Alert Service Bulletin 757–28A0076, dated August 27, 2004; and Model 757–300 series airplanes as listed in Boeing Alert Service Bulletin 757–28A0077, dated August 27, 2004; certificated in any category.

Unsafe Condition

(d) This AD was prompted by the results of fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent arcing or sparking at the interface between the bulkhead fittings of the engine fuel feed tube and the front spar during a lightning strike, which could provide a possible ignition source for the fuel vapor inside the fuel tank and result in a fuel tank explosion.

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.

Service Bulletin References

(f) The term ''service bulletin(s),'' as used in this AD, means the Accomplishment Instructions of the following service bulletins, as applicable.

(1) For Model 757–200, –200CB, and –200PF series airplanes: Boeing Alert Service Bulletin 757–28A0076, dated August 27, 2004.

(2) For Model 757–300 series airplanes: Boeing Alert Service Bulletin 757–28A0077, dated August 27, 2004.

Hose Fitting and Spar Bonding Rework and Sealant Application

(g) For Group 1 airplanes as identified in the service bulletins: Within 48 months after the effective date of this AD, rework the spar bonding path between the end fitting of the fuel feed hose and the front spar, and apply sealant to the hose fitting on the forward and aft side of the front spar and to the fitting and tube coupling on both sides of the dry bay wall, in accordance with the service bulletins.

Bonding Resistance Test

(h) For Group 2 airplanes as identified in the service bulletins: Within 48 months after the effective date of this AD, do a bonding resistance test between the fuel feed hose and the front spars of the left and right wings, in accordance with the service bulletins.

(1) If the test meets required resistance limits, before further flight, apply sealant to the end fitting of the fuel feed hose on the aft side of the front spar and to the fitting and tube coupling on both sides of the dry bay wall, in accordance with the service bulletins.

(2) If the test does not meet required resistance limits, before further flight, remove any existing sealant at the front spar; rework the spar bonding path between the end fitting of the fuel feed hose and the front spar to meet bonding resistance test requirements; and apply sealant to the end fitting of the fuel feed hose on the forward and aft sides of the front spar, and to the fitting and tube coupling on both sides of the dry bay wall, in accordance with the service bulletins.

Inspection of Electrical Bonding Jumper

(i) For all airplanes as identified in the service bulletins: Within 48 months after the effective date of this AD, perform a general visual inspection and applicable corrective actions to ensure that an electrical bonding jumper is installed between the engine fuel feed hose and the adjacent wing station 285.65 rib in the left and right wing fuel tanks, in accordance with the service bulletins.

Exception to Accomplishment Instructions in Service Bulletins

(j) Although Boeing Alert Service Bulletin 757–28A0076, and Boeing Alert Service Bulletin 757–28A0077, both dated August 27, 2004, permit operator's equivalent procedures (OEP), this AD would require you to use the referenced AMMs, except that operators may use their own FAA-approved OEPs to drain the left and right engine fuel tubes, to drain and ventilate the fuel tanks, and for entering the fuel tanks.

Alternative Methods of Compliance (AMOCs)

(k) The Manager, Seattle 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.

Issued in Renton, Washington, on March 14, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5698 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–20687; Directorate Identifier 2004–NM–171–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Airbus Model A319, A320, and A321 series airplanes. This proposed AD would require modifying the floor proximity emergency escape path marking system. This proposed AD is prompted by information that there is not adequate floor path lighting and marking for safe evacuation of the airplane in the event of an emergency. We are proposing this AD to prevent inadequate lighting and marking of the escape path, which could delay or impede the flight crew and passengers when exiting the airplane during an emergency landing.

DATES: We must receive comments on this proposed AD by April 22, 2005.

ADDRESSES: Use one of the following addresses to submit comments 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.
- *By 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.

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

You can examine the contents of this 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–2005–20687; the directorate identifier for this docket is 2004–NM–171–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:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2005–20687; Directorate Identifier 2004–NM–171–AD'' at the beginning 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 submitted 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 our docket 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 can review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you can visit *http://dms.dot.gov.*

Examining the Docket

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 DOT street address stated in the **ADDRESSES**

section. Comments will be available in the AD docket shortly after the DMS receives them.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified us that an unsafe condition may exist on certain Airbus Model A319, A320, and A321 series airplanes. The DGAC advises that the existing system design of the BRUCE emergency power supply units (EPSU) of the floor proximity emergency escape path marking system (FPEEPMS) installed on these airplanes does not provide adequate floor path lighting and marking for safe evacuation of the airplane in the event of an emergency.

Investigation revealed that the system does not comply with the certification requirements specified in section 121.310(c)(3) of the Federal Aviation Regulations (14 CFR 121.310), which includes the floor proximity emergency escape path marking requirements in section 25.812(L)(1), since none of the connected components of the FPEEPMS, including the exit identifiers, will illuminate in the event of an emergency landing if there is a vertical separation of the fuselage forward of exit door number 1. These conditions, if not corrected, could impede or delay the flight crew and passengers when exiting the airplane during an emergency landing.

Relevant Service Information

Airbus has issued Service Bulletin A320–33–1041, dated December 11, 2003. The service bulletin describes procedures for modifying the FPEEPMS. The modification includes removing the BRUCE and DIEHL EPSUs of the FPEEPMS; modifying the wiring; installing placards; and installing new, improved DIEHL EPSUs. Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition. The DGAC mandated the service information and issued French airworthiness directive F–2004–121 R1, dated October 13, 2004, to ensure the continued airworthiness of these airplanes in France.

FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. We have examined the DGAC's findings, evaluated all pertinent information, and determined that we need to issue an AD for products of this type design that are certificated for operation in the United States.

Therefore, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

This proposed AD would affect about 236 airplanes of U.S. registry. The proposed actions would take about 20 work hours per airplane, at an average labor rate of $65 per work hour. Required parts would cost about $280 per airplane. Based on these figures, the estimated cost of the proposed replacement for U.S. operators is $372,880, or $1,580 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 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. 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 proposed 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, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA 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 (AD):

Airbus: Docket No. FAA–2005–20687; Directorate Identifier 2004–NM–171–AD.

Comments Due Date

(a) The Federal Aviation Administration must receive comments on this AD action by April 22, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A319, A320, and A321 series airplanes; certificated in any category; in which the floor proximity emergency escape path marking system (FPEEPMS) is equipped with BRUCE emergency power supply units (EPSUs) having BRUCE part number (P/N) 100865 or DIEHL P/Ns 3214–51, –52, –54, or –55.

Unsafe Condition

(d) This AD was prompted by information that there is not adequate floor path lighting and marking for safe evacuation of the airplane in the event of an emergency. We are issuing this AD to prevent inadequate lighting and marking of the escape path, which could delay or impede the flight crew and passengers when exiting the airplane during an emergency 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.

Replacement

(f) Within 17 months after the effective date of this AD: Modify the FPEEPMS by doing all the actions specified in the

Accomplishment Instructions of Airbus Service Bulletin A320–33–1041, dated December 11, 2003.

Alternative Methods of Compliance (AMOCs)

(g) 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

(h) French airworthiness directive F–2004–121 R1, dated October 13, 2004, also addresses the subject of this AD.

Issued in Renton, Washington, on March 9, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5699 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–NM–306–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes; and Model DC–9–81 (MD–81) and DC–9–82 (MD–82) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws a notice of proposed rulemaking (NPRM) that proposed superseding an existing airworthiness directive (AD), applicable to certain McDonnell Douglas transport category airplanes. That action would have required inspection for proper installation, damage, or abrasion of the power feeder cables and trough installations; proper installation of caterpillar grommets in the lightening holes; and repair if necessary. The proposed rule also would have required modification of the power feeder cable installation and added airplanes to the applicability of the existing AD. Since the issuance of the NPRM, the FAA has received new data indicating that the applicability and required actions of the existing AD adequately address the unsafe condition that is identified in the existing AD. Accordingly, the proposed AD is withdrawn.

FOR FURTHER INFORMATION CONTACT: Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5344; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to supersede an existing airworthiness directive (AD), applicable to certain McDonnell Douglas transport category airplanes, was published in the **Federal Register** as a Notice of Proposed Rulemaking (NPRM) on September 19, 2003 (68 FR 54864). The proposed rule would have required inspection for proper installation, damage, or abrasion of the power feeder cables and trough installations; proper installation of caterpillar grommets in the lightening holes; and repair if necessary. The proposed rule also would have required modification of the power feeder cable installation and added airplanes to the applicability of existing AD 85–25–06, amendment 39–5177 (50 FR 49833, December 5, 1985). That action was prompted by reports of chafing and/or abrasion of the power feeder cables and six instances of shorted power feeder cables. The proposed actions were intended to prevent a possible loss of electrical bus power, which could result in a potential fire ignition source and consequent fire in the cabin.

Actions That Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, we have had clarification from the manufacturer that no additional airplanes have been identified that may be affected by the unsafe condition described above, other than those specified in McDonnell Douglas DC–9 Service Bulletin 24–78, dated April 9, 1985. That service bulletin was specified in AD 85–25–06 as the appropriate source of service information for that AD.

FAA's Conclusions

Upon further consideration, the FAA has determined that, since DC–9 Service Bulletin 27–78, dated April 9, 1985, is the service information cited in AD 85–25–06 and no additional airplanes have been identified that may be affected by the unsafe condition, it is unnecessary to supersede that AD. Accordingly, the proposed rule is hereby withdrawn.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another action in the future, nor does it commit the agency to any course of action in the future.

Regulatory Impact

Since this action only withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 2002–NM–306–AD, published in the **Federal Register** on September 19, 2003 (68 FR 54864), is withdrawn.

Issued in Renton, Washington, on March 14, 2005.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5700 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19473; Directorate Identifier 2004–CE–35–AD]

RIN 2120–AA64

Airworthiness Directives; GROB–WERKE Model G120A Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain GROB–WERKE Model G120A airplanes. This proposed AD would require you to replace the main landing gear (MLG) up-lock hook assembly. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. We are issuing this proposed AD to prevent the MLG from becoming jammed and not extending, which could result in loss of control of the airplane during landing.

DATES: We must receive any comments on this proposed AD by May 10, 2005.

ADDRESSES: Use one of the following to submit comments 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 20590–0001.

• *Fax:* 1–202–493–2251.

• *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.

To get the service information identified in this proposed AD, contact GROB–WERKE, Burkart Grob e.K., Unternehmenbereich Luft-und Raumfahrt, Lettenbachstrasse 9, 86874 Tussenhausen-Mattsies, Germany; telephone: 011 49 8268 998 105; facsimile: 011 49 8268 998 200.

To view the comments to this proposed AD, go to *http://dms.dot.gov*. This is docket number FAA–2004–19473.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, ACE–112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816–329–4146; facsimile: 816–329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES.** Include the docket number, ''FAA–2004–19473; Directorate Identifier 2004–CE–35–AD'' at the beginning of your 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 rulemaking. Using the search function of our docket Web site, anyone can find and read the comments received into 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.). This is docket number FAA–2004–19473. 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*.

Are there any specific portions of this proposed AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Docket Information

Where can I go to view the docket information? You may view the AD 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. (eastern standard time), Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5227) is located on the plaza level of the Department of Transportation NASSIF Building at the street address stated in **ADDRESSES.** You may also view the AD docket on the Internet at *http://dms.dot.gov*. The comments will be available in the AD docket shortly after the DMS receives them.

Discussion

What events have caused this proposed AD? The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified FAA that an unsafe condition may exist on certain GROB–WERKE Model G120A airplanes. The LBA reports that the up-lock/main landing gear roller combination may become jammed because of contamination (*i.e.*, dirt or dust) or minor misalignments of the assembly.

What is the potential impact if FAA took no action? This condition, if not corrected, could cause the MLG to become jammed and to not extend, which could result in loss of control of the airplane during landing.

Is there service information that applies to this subject? GROB–WERKE has issued Service Bulletin No. MSB1121–052/2, dated February 14, 2005.

What are the provisions of this service information? The service bulletin includes procedures for:

—Removing the MLG up-lock hook assembly; and

—Installing the new MLG up-lock hook assembly.

What action did the LBA take? The LBA classified this service bulletin as mandatory and issued German AD Number D–2004–299R1, dated November 9, 2004, to ensure the continued airworthiness of these airplanes in Germany.

Did the LBA inform the United States under the bilateral airworthiness agreement? These GROB–WERKE Model G120A airplanes are manufactured in Germany and are type-certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Under this bilateral airworthiness agreement, the LBA has kept us informed of the situation described above.

FAA's Determination and Requirements of This Proposed AD

What has FAA decided? We have examined the LBA's findings, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since the unsafe condition described previously is likely to exist or develop on other GROB–WERKE Model G120A airplanes of the same type design that are registered in the United States, we are proposing AD action to prevent the MLG from becoming jammed and not extending, which could result in loss of control of the airplane during landing.

What would this proposed AD require? This proposed AD would require you to incorporate the actions in the previously-referenced service bulletin.

How does the revision to 14 CFR part 39 affect this proposed AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 6 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? GROB–WERKE will provide warranty credit for labor and parts.

Regulatory Findings

Would this proposed AD impact various entities? 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.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed AD:

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. 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 proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES.** Include ''AD Docket FAA–2004–19473; Directorate Identifier 2004–CE–35–AD'' in your request.

This proposed rulemaking is promulgated under the authority in Subtitle VII, Part A, Subpart III, Section 44701, General requirements. Under that section, the FAA is charged with prescribing minimum standards required in the interest of safety for the design of aircraft. This proposed regulation is within the scope of that authority since it corrects an unsafe condition in the design of the aircraft caused by the MLG from becoming jammed and not extending.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, 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 (AD):

GROB–WERKE: Docket No. FAA–2004–19473; Directorate Identifier 2004–CE–35–AD

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by May 10, 2005.

What Other ADs Are Affected by This Action?

(b) None.

What Airplanes Are Affected by This AD?

(c) This AD affects the following airplane models and serial numbers that are certificated in any category: Model G120A, as of serial number 85001.

What Is the Unsafe Condition Presented in This AD?

(d) This AD is the result of a report that the main landing gear (MLG) may not extend because of contamination or misalignment of the assembly. The actions specified in this AD are intended to prevent the MLG from becoming jammed and not extending, which could result in loss of control of the airplane during landing.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) Remove MGL lock-up hook assembly and replace with the new MLG lock-up hook assembly.	Within 100 hours time-in-service after the effective date of this AD, unless GROB–WERKE Service Bulletin No. MSB1121–052, dated September 15, 2004, is already incorporated.	Follow GROB–WERKE Service Bulletin No. MSB1121–052/2, dated February 14, 2005.
(2) Inspect the MLG for proper operation and adjust as needed.	Prior to further flight after the installation of the new MLG lock-up hook assembly.	Follow GROB–WERKE Service Bulletin No. MSB1121–052/2, dated February 14, 2005.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Standards Office, Small Airplane Directorate, FAA. For information on any already approved alternative methods of compliance, contact Karl Schletzbaum, Aerospace Engineer, ACE–112, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: 816–329–4146; facsimile: 816–329–4090.

Is There Other Information That Relates to This Subject?

(g) Luftfahrt-Bundesamt Airworthiness Directive No.D–2004–299R1, dated November 9, 2004; GROB–WERKE Service Bulletin No. 1121–052/2, dated February 14, 2005; and GROB–WERKE Service Bulletin No. 1121–052, dated September 15, 2004, also address the subject of this AD.

May I Get Copies of the Documents Referenced in This AD?

(h) To get copies of the documents referenced in this AD, contact GROB–WERKE, Burkart Grob e.K., Unternehmenbereich Luft-und Raumfahrt, Lettenbachstrasse 9, 86874 Tussenhausen-Mattsies, Germany; telephone: 011 49 8268 998 105; facsimile: 011 49 8268 998 200. To view the AD docket, go to the Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC, or on the Internet at *http://dms.dot.gov.* This is docket number FAA–2004–19473.

Issued in Kansas City, Missouri, on March 17, 2005.

Sandra J. Campbell,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 05–5707 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2005–20572; Airspace Docket No. 05–ACE–9]

Proposed Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Valentine, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to create a Class E2 surface area at Valentine, NE. It also proposes to modify the Class E5 airspace at Valentine, NE.

DATES: Comments for inclusion in the Rules Docket must be received on or before May 2, 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 docket number FAA–2005–20572/ Airspace Docket No. 05–ACE–9, at the beginning of your comments. You may also submit comments on the Internet at *http://dms.dot.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in 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 on the plaza level of the Department of Transportation NASSIF Building at the above address.

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:

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 and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2005–20572/Airspace Docket No. 05–ACE–9.'' The postcard will be date/time stamped and returned to the commenter.

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 Superintendent of Document's Web page at *http://www.access.gpo.gov/nara*.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This notice proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace designated as a surface area for an airport at Valentine, NE. The FAA has modified some existing instrument approach procedures (IAPs) and developed area navigation (RNAV) global positioning system (GPS) IAPs to serve Miller Field, Valentine, NE. Controlled airspace extending upward from the surface of the earth is needed to contain aircraft executing these IAPs. Weather observations would be provided by an Automatic Surface Observing System (ASOS) and communications would be direct with Denver Air Route Traffic Control Center.

This notice also proposes to revise the Class E airspace area extending upward from 700 feet above the surface at Valentine, NE. An examination of this Class E airspace area for Valentine, NE revealed noncompliance with FAA directives. This proposal would correct identified discrepancies by eliminating the northwest extension to the airspace area, decreasing the width of the southeast extension from 2.6 miles to 2.5 miles each side of the 149° bearing from the Valentine nondirectional radio beacon (NDB), decreasing the length of the southeast extension in from 7.9 miles from the airport to 7 miles from the NDB, defining airspace of appropriate dimensions to protect aircraft departing and executing instrument approach procedures to Miller Field and bringing the airspace area into compliance with FAA directives. Both areas would be depicted on appropriate aeronautical charts.

Class E airspace areas designated as surface areas are published in Paragraph 6002 of FAA Order 7400.9M, dated August 30, 2004, and effective September 16, 2004, which is incorporated by reference in 14 CFR 71.1. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of the same Order. The Class E airspace designations listed in this document would be published subsequently in the Order.

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. It, therefore, (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, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This proposed rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority since it would contain aircraft executing instrument approach procedures to Miller Field.

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, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; 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 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 6002 Class E Airspace Designated as Surface Areas

* * * * *

ACE NE E2 Valentine, NE

Valentine, Miller Field, NE
(Lat. 42°51′28″ N., long. 100°32′51″ W.)
Valentine NDB
(Lat. 42°51′42″ N., long. 100°32′59″ W.)

Within a 4-mile radius of Miller Field and within 2.5 miles each side of the 149° bearing from the Valentine NDB extending from the 4-mile radius of the airport to 7 miles southeast of the NDB.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ACE NE E5 Valentine, NE

Valentine, Miller Field, NE
(Lat. 42°51′42″ N., long. 100°32′59″ W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Miller Field and within 2.5 miles each side of the 149° bearing from the Valentine NDB extending from the 6.5-mile radius of the airport to 7 miles southeast of the NDB.

* * * * *

Issued in Kansas City, MO, on March 10, 2005.

Anthony D. Roetzel,

Acting Area Director, Western Flight Services Operations.

[FR Doc. 05–5763 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 498

RIN 0960–AG08

Civil Monetary Penalties, Assessments and Recommended Exclusions

AGENCY: Office of the Inspector General (OIG), Social Security Administration.

ACTION: Proposed rules.

SUMMARY: In accordance with legislative changes, we propose to add new rules that would amend current procedures for the Social Security Administration's civil monetary penalty cases. These proposed rules would amend the current rules by holding representative payees liable for the wrongful conversion of Social Security benefits and by adding a provision for withholding disclosure of material statements to the Social Security Administration. These proposed rules would also amend the current rules by prohibiting offers that charge fees for products or services otherwise provided free of charge by the Social Security Administration, unless sufficient notice is provided, and by adding to the list of enumerated terms that could be used as part of misleading advertisements. These revisions reflect provisions of the Social Security Protection Act of 2004.

These proposed rules would also reflect the addition of title VIII, Special Benefits for Certain World War II Veterans, to the Social Security Act, to subject individuals to the possible imposition of a civil monetary penalty and assessment for a violation of this title. These revisions reflect provisions of the Foster Care Independence Act of 1999.

DATES: To be sure that your comments are considered, we must receive them no later than May 23, 2005.

ADDRESSES: You may give us your comments by: Using our Internet site facility, (*i.e.*, Social Security Online) at *http://policy.ssa.gov/pnpublic.nsf/LawsRegs* or the Federal eRulemaking portal at *http://www.regulations.gov;* telefax to (410) 966–2830; or letter to the Inspector General of the Social Security Administration c/o Commissioner of Social Security, P.O. Box 17703, Baltimore, Maryland 21235–7703. You may also deliver them to the Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401 between 8 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site at *http://policy.ssa.gov/pnpublic.nsf/LawsRegs* or you may inspect them on regular business days by making arrangements with the contact person shown in this preamble.

Electronic Version

The electronic version of this document is available on the date of publication in the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html.* It is also available on the internet site for SSA, (*i.e.* Social Security Online) at *http://policy.ssa.gov/pnpublic.nsf/LawsRegs.*

FOR FURTHER INFORMATION CONTACT: Kathy A. Buller, Chief Counsel to the Inspector General, Social Security Administration, Office of the Inspector General, Room 4–M–1 Operations, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–2827 or TTY (410) 966–5609.

SUPPLEMENTARY INFORMATION:

Background

The Social Security Administration (SSA) was established as an independent agency effective March 31, 1995, under Public Law 103–296, the Social Security Independence and Program Improvements Act of 1994 (SSIPIA). The SSIPIA also created an independent Office of the Inspector General (OIG), to which the Commissioner of Social Security (Commissioner) delegated certain authority under the civil monetary penalty (CMP) provisions on June 28, 1995.

On November 27, 1995, the OIG published a final rule at 60 FR 58225 establishing a new part 498 in title 20 of the Code of Federal Regulations. This part serves as a repository for SSA's existing CMP regulations which implemented section 1140 of the Social Security Act (the Act). These regulations were previously located at 42 CFR part 1003.

In addition, the OIG published a final rule on April 24, 1996 at 61 FR 18078 to implement SSA's new CMP authority provided under section 206(b) of the SSIPIA, which added section 1129 to the Act, effective October 1, 1994. This authority allows for the imposition of penalties and assessments against any individual, organization, agency or other entity that makes or causes to be made a false or misleading statement or representation of a material fact for use in determining initial or continuing rights to Old-Age, Survivors, and Disability Insurance or supplemental security income benefit payments if the person knew or should have known that such statement or representation was false, misleading or omitted a material fact.

Changes Required by Public Law 106–169

Section 251(a) of Public Law 106–169, the Foster Care Independence Act of 1999, enacted December 14, 1999, added title VIII, Special Benefits for Certain World War II veterans, to the Social Security Act. Section 251(b)(6) of Public Law 106–169 amended section 1129 to include reference to title VIII.

Changes Required by Public Law 108–203

Sections 111, 201, 204, and 207 of Public Law 108–203, the Social Security Protection Act of 2004, enacted March 2, 2004, amended sections 1129 and 1140 of the Social Security Act (42 U.S.C. 1320a–8 and 1320b–10).

Section 1129 Amendments

The two amendments to section 1129 broaden the scope of the civil monetary penalty program by adding new categories for penalties (1) against representative payees with respect to wrongful conversions, and (2) against individuals who withhold the

disclosure of material facts to the Social Security Administration.

The first amendment to section 1129 extends the civil monetary penalty provisions to representative payees of individuals entitled to benefits. The proposed rule would implement this amendment by subjecting representative payees who wrongfully convert a payment of benefits intended for another Social Security beneficiary to a penalty of up to $5,000 for each such wrongful conversion. Our proposed rule would apply to individuals, organizations, agencies, or other entities who receive benefits on behalf of another individual, for the purpose of distributing the benefits with the beneficiary's best interests in mind. Previously, representative payees could elude civil monetary penalties under section 1129 for such wrongful actions, as section 1129 did not extend to representative payees who improperly converted lawfully issued payments intended for another beneficiary.

The second amendment under section 1129 extends the civil monetary penalty provisions to individuals who withhold disclosure of material facts used in the determination of eligibility of benefit amounts under title II, title VIII or title XVI of the Social Security Act from SSA.

Our proposed rule would implement this amendment by providing for civil monetary penalties and assessments to be imposed for the failure to come forward and notify SSA of changed circumstances that affect eligibility or benefit amounts when the individual knew or should have known that the withheld fact was material and that the failure to come forward was misleading.

This amendment extends the coverage of section 1129. Previously, under section 1129, the OIG was only able to impose a civil monetary penalty and assessment against individuals who made false statements or representations or omitted a material fact on a SSA form or to a SSA employee. Therefore, a civil monetary penalty and assessment could not be imposed against an individual who should have known to, but did not, come forward to notify the SSA of changed circumstances that affected that individual's or another individual's eligibility or benefit amount. This amendment is intended to cover situations that include (but are not limited to) the following: (1) When an individual, who has a joint bank account with a beneficiary, knows or should have known that SSA directly deposits the beneficiary's Social Security checks in the joint account; upon death of the beneficiary, the individual fails to disclose the death of the beneficiary to SSA in order to continue to receive and use the deceased beneficiary's Social Security checks; and (2) when an individual receives benefits under one Social Security number, but is working under a second Social Security number.

This proposed rule would allow the OIG to impose a penalty of up to $5,000, and an assessment in lieu of damages, for each individual payment of Social Security benefits received while withholding disclosure of such material fact.

The Senate Committee Report, 108–176, accompanying Public Law 108–203, states in its analysis of section 201, under the subheading *Reason for Change,* at page 13–14, that this amendment is not intended to apply against individuals whose failure to come forward was not for the purpose of improperly obtaining or continuing to receive benefits.

This amendment is effective for violations occurring after the date on which the Commissioner of Social Security implements the centralized computer file described in section 202 of Public Law 108–203.

This amendment strengthens the deterrence factor of section 1129 by enabling the OIG to pursue civil monetary penalties and assessments against individuals who withhold disclosure of material facts in order to receive benefits to which they may not be entitled. The OIG will continue to use its discretion to impose reasonable penalties on a case-by-case basis by applying the five enumerated factors employed in other section 1129 cases, as set out at 20 CFR 498.106(a).

Section 1140 Amendments

Section 1140 prohibits individuals and groups from using specific terms related to Social Security in an advertisement or other format that could be interpreted or construed as conveying the impression that the advertisement is approved, endorsed, or authorized by the Social Security Administration. Section 1140 is aimed at protecting consumers, especially senior citizens who rely on SSA and are some of our most vulnerable stakeholders, from being victimized by misleading advertisers or direct marketers who improperly use Social Security symbols or emblems in order to suggest they have some connection with or authorization from SSA.

The first amendment to section 1140 authorizes the Commissioner to impose a penalty against certain individuals or groups who offer to assist an individual in obtaining products or services for a fee that the Social Security Administration provides free of charge. If the individual or group charges a fee for such product or service, the solicitation/mailing for services must include a written notice stating the product or service is available from the Social Security Administration free of charge. Section 204 of Public Law 108–203 authorizes the Commissioner to set the standards for the notice with respect to content, placement and legibility. Pursuant to this authority, our proposed rule would require clear and prominent display of the notice. By drawing the attention of the reader, the notice would help protect consumers. The goal of this regulation would be to prevent solicitations/mailings that embed such notices among other text, or place the notice in small type face in an attempt to hide the fact that the products or services are provided free of charge by SSA.

In addition, the amendment provides exceptions for persons serving as a claimant representative in connection with a claim arising under title II, title VIII or title XVI and for persons assisting individuals in a plan with the goal of supporting themselves without Social Security disability benefits.

The second amendment to section 1140 adds certain words and phases to the statute and prohibits the use of these words and phrases in a misleading manner. Specifically, the amendment expands section 1140 to include words associated with ''Death Benefits Update,'' ''Federal Benefit Information,'' ''Funeral Expenses,'' or ''Final Supplemental Program.'' These words and phrases have been used by solicitors/marketers to give the false impression that their solicitations/mailings are connected to or authorized by the SSA.

Explanation of Proposed Regulations

We are proposing the following changes in our regulations to reflect the amendments to the Act made by section 251 of Public Law 106–169 and sections 111, 201, 204, and 207 of Public Law 108–203.

A. Basis and Purpose

We propose to amend §§ 498.100 and 498.102 to include:

(1) Individuals who fail to come forward to disclose to SSA a material fact, which they knew or should have known was material and who knew or should have known that such withholding disclosure of a material fact was misleading, for purposes of determining eligibility for, or the amount of, Social Security benefits under titles II, VIII, or XVI of the Act; and

(2) Representative payees who convert payments received under titles II, VIII, or XVI of the Act, to a use that the representative payee knew or should have known was other than for the use and benefit of the beneficiary, as new bases for imposing a civil monetary penalty and assessment under section 1129.

We also propose to amend § 498.102 to include:

(1) In the list of words prohibited to be used in a manner that such person knew or should have known would convey the false impression that the solicitation/mailing was approved, endorsed, or authorized by the SSA or that the sender had some connection with or authorization from the SSA, the following: (a) Death Benefits Update; (b) Federal Benefit Information; (c) Funeral Expenses; or (d) Final Supplemental Program to the previously existing list of ''Social Security,'' ''Social Security Administration,'' ''Social Security Account,'' ''Social Security System,'' ''Supplemental Security Income Program,'' ''SSA,'' ''SSI'' or any combination of those words; and

(2) The failure to provide written notice in a solicitation/mailing offering to assist an individual in obtaining products or services that the mailer knew or should have known were provided free of charge by the SSA pursuant to the standards set out in § 498.102(d), as new bases for imposing a civil monetary penalty and assessment under section 1140.

B. Definitions

We propose to amend the definition of ''material fact'' in § 498.101 to include title VIII of the Social Security Act, to reflect the inclusion of this title in section 1129 by Public Law 106–169.

We also propose to insert a definition for ''Otherwise withhold disclosure'' to mean the failure to come forward to notify the SSA of a material fact, when such person knew or should have known that the withheld fact was material and that such withholding was misleading for purposes of determining eligibility or Social Security benefit amount for that person or another person.

C. Amount of Penalty and Assessment

We propose to amend §§ 498.103 and 498.104 to authorize the imposition of a civil monetary penalty and assessment against: (1) Individuals who fail to come forward to disclose to SSA a material fact, which they knew or should have known was material and who knew or should have known that such withholding disclosure of a material fact was misleading, for purposes of determining eligibility for, or the amount of, Social Security benefits under titles II, VIII, or XVI of the Act; (2) representative payees who convert payments received under titles II, VIII, or XVI of the Act to a use that the representative payee knew or should have known was other than for the use and benefit of the beneficiary; (3) individuals who use in a solicitation/mailing the phrases ''Death Benefits Update,'' ''Federal Benefit Information,'' ''Funeral Expenses,'' or ''Final Supplemental Program'' in a manner that such person knew or should have known would convey the false impression that the solicitation/mailing was approved, endorsed, or authorized by the SSA or that the sender had some connection with or authorization from the SSA; and, (4) entities that fail to provide written notice in a solicitation/mailing offering to assist an individual in obtaining products or services that the mailer knew or should have known were provided free of charge by the SSA, pursuant to the standards set out in § 498.102(d).

D. Determination and Notice of Proposed Determination

We are proposing to amend §§ 498.106 and 498.109 to reflect the amendments to §§ 498.102, 498.103, and 498.104.

E. Collateral Estoppel and Collection of Penalty and Assessment

We are proposing to amend §§ 498.114 and 498.128 to reflect the expansion of the scope of section 1129 by Public Law 108–203, to include more than false statements or omissions from false statements in connection with an individual's eligibility for, or amount of, Social Security benefits and the addition of title VIII by Public Law 106–169.

Clarity of These Regulations

Executive Order 12866, as amended by Executive Order 13258, requires each agency to write all rules in plain language. In addition to your substantive comments on these rules, we invite your comments in how to make these rules easier to understand. For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?
- Do the rules contain technical language or jargon that is unclear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists or diagrams?
- What else could we do to make the rules easier to understand?

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed rules meet the requirements for a significant regulatory action under Executive Order 12866, as amended by Executive Order 13258. Thus, they are subject to OMB review.

Regulatory Flexibility Act

We have determined that no regulatory impact analysis is required for these proposed regulations. While the penalties and assessments which the OIG could impose as a result of sections 1129 and 1140 of the Act might have a slight impact on small entities, we do not anticipate that a substantial number of small entities will be significantly affected by these proposed rules. Based on our determination, the Inspector General certifies that these proposed regulations would not have a significant impact on a substantial number of small entities. These proposed rules are modifications to the existing sections 1129 and 1140 of the Act and do not substantially alter the effect on small entities. Therefore we have not prepared a regulatory flexibility analysis.

Paperwork Reduction Act

These proposed regulations impose no new reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.003, Social Security—Survivors Insurance; 96.006, Supplemental Security Income; 96.020, Special Benefits for Certain World War II Veterans)

List of Subjects in 20 CFR Part 498

Civil monetary penalties for material false statements, withholding disclosures, misuse of symbols and misleading advertising.

Dated: December 9, 2004.

Patrick P. O'Carroll,

Inspector General, Social Security Administration.

For the reasons set out in the preamble, we propose to amend part 498 of chapter III of title 20 of the Code of Federal Regulations as follows:

PART 498—CIVIL MONETARY PENALTIES, ASSESSMENTS AND RECOMMENDED EXCLUSIONS

1. The authority citation for part 498 continues to read as follows:

Authority: Secs. 702(a)(5), 1129 and 1140 of the Social Security Act (42 U.S.C. 902(a)(5), 1320a–8 and 1320b–10).

2. Amend § 498.100 by redesignating paragraph (b)(2) as paragraph (b)(3) and adding a new paragraph (b)(2) to read as follows:

§ 498.100 Basis and purpose.

* * * * *

(b) * * *

(2) Convert payments received under title II, VIII, or XVI, while acting in the capacity of a representative payee, to a use that such person knew or should have known was other than for the use and benefit of the beneficiary; or

* * * * *

3. Amend § 498.101 by adding to the definition for ''Material fact,'' the words ''title VIII or'' before the words ''title XVI'' and by adding the new definition for ''Otherwise withhold disclosure'' in alphabetical order to read as follows:

§ 498.101 Definitions.

* * * * *

Otherwise withhold disclosure means the failure to come forward to notify the SSA of a material fact, when such person knew or should have known that the withheld fact was material and that such withholding was misleading for purposes of determining eligibility or Social Security benefit amount for that person or another person.

* * * * *

4. Revise § 498.102 to read as follows:

§ 498.102 Basis for civil monetary penalties and assessments.

(a) The Office of the Inspector General may impose a penalty and assessment, as applicable, against any person who it determines in accordance with this part—

(1) Has made, or caused to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or amount of:

(i) Monthly insurance benefits under title II of the Social Security Act; or

(ii) Benefits or payments under title VIII or XVI of the Social Security Act; and

(2)(i) Knew, or should have known, that the statement or representation was false or misleading, or

(ii) Made such statement with knowing disregard for the truth; or

(3) Omitted from a statement or representation, or otherwise withheld disclosure of a material fact for use in determining any initial or continuing right to or amount of benefits or payments, which the person knew or should have known was material for such use and that such omission or withholding was false or misleading.

(b) The Office of the Inspector General may impose a penalty and assessment, as applicable, against any representative payee who receives a payment under title II, VIII, or XVI for the use and benefit of another individual, and who converts such payment, or any part thereof, to a use that such representative payee knew or should have known was other than for the use and benefit of such other individual.

(c) The Office of the Inspector General may impose a penalty against any person whom it determines in accordance with this part has made use of certain Social Security program words, letters, symbols, or emblems in such a manner that the person knew or should have known would convey, or in a manner which reasonably could be interpreted or construed as conveying, the false impression that an advertisement or other item was authorized, approved, or endorsed by the Social Security Administration, or that such person had some connection with, or authorization from, the Social Security Administration.

(1) Civil monetary penalties may be imposed for misuse, as set forth in paragraph (c) of this section, of—

(i) The words ''Social Security,'' ''Social Security Account,'' ''Social Security Administration,'' ''Social Security System,'' ''Supplemental Security Income Program,'' ''Death Benefits Update,'' ''Federal Benefit Information,'' ''Funeral Expenses,'' ''Final Supplemental Program,'' or any combination or variation of such words; or

(ii) The letters ''SSA,'' or ''SSI,'' or any other combination or variation of such letters; or

(iii) A symbol or emblem of the Social Security Administration (including the design of, or a reasonable facsimile of the design of, the Social Security card, the check used for payment of benefits under title II, or envelopes or other stationery used by the Social Security Administration), or any other combination or variation of such symbols or emblems.

(2) Civil monetary penalties will not be imposed against any agency or instrumentality of a State, or political subdivision of a State, that makes use of any words, letters, symbols or emblems, of the Social Security Administration or instrumentality of the State or political subdivision.

(d) The Office of the Inspector General may impose a penalty against any person who offers, for a fee, to assist an individual in obtaining products or services that the person knew or should have known that the Social Security Administration provided free of charge, unless:

(1) The person provides sufficient notice that the product or service is available free of charge, before the service is provided to the individual, and:

(i) In printed solicitations or advertisements, such notice is clearly and prominently placed and written in a font that is distinguishable from the rest of the text;

(ii) In a broadcast or telecast such notice must be clearly communicated so as not to be construed as misleading or deceptive.

(2) Paragraph (d) of this section shall not apply to offers—

(i) To serve as a claimant representative in connection with a claim arising under title II, title VIII, or title XVI; or

(ii) To prepare, or assist in the preparation of, an individual's plan for achieving self-support under title XVI.

(e) The use of a disclaimer of affiliation with the United States Government, the Social Security Administration or its programs, or any other agency or instrumentality of the United States Government, will not be considered as a defense in determining a violation of section 1140 of the Social Security Act.

5. Revise § 498.103 to read as follows:

§ 498.103 Amount of penalty.

(a) Under § 498.102(a), the Office of the Inspector General may impose a penalty of not more than $5,000 for each false statement or representation, omission, or receipt of payment or benefit while withholding disclosure of a material fact.

(b) Under § 498.102(b), the Office of the Inspector General may impose a penalty of not more than $5,000 against a representative payee for each time the representative payee wrongfully converts a payment or benefit intended for the use and benefit of another individual under title II, title VIII, or title XVI.

(c) Under §§ 498.102(c) and (d), the Office of the Inspector General may impose a penalty of not more than $5,000 for each violation resulting from the misuse of Social Security Administration program words, letters, symbols, or emblems, or resulting from insufficient notice in printed media regarding products or services provided free of charge by the Social Security

Administration. If such misuse or insufficient notice relates to a broadcast or telecast, the Office of the Inspector General may impose a penalty of not more than $25,000 for each violation.

(d) For purposes of paragraph (c) of this section, a violation is defined as—

(1) In the case of a mailed solicitation or advertisement, each separate piece of mail which contains one or more program words, letters, symbols, or emblems or insufficient notice related to a determination under § 498.102(c); and

(2) In the case of a broadcast or telecast, each airing of a single commercial or solicitation related to a determination under § 498.102(c).

6. Revise § 498.104 to read as follows:

§ 498.104 Amount of assessment.

A person subject to a penalty determined under § 498.102(a) and (b) may be subject, in addition, to an assessment of not more than twice the amount of benefits or payments paid as a result of the statement, representation, omission, withheld disclosure of a material fact, or conversion which was the basis for the penalty. An assessment is in lieu of damages sustained by the United States because of such statement, representation, omission, withheld disclosure, or conversion, as referred to in § 498.102(a) and (b).

7. Amend § 498.106 by revising paragraphs (a) introductory text, (a)(1), and (b) introductory text to read as follows:

§ 498.106 Determinations regarding the amount or scope of penalties and assessments.

(a) In determining the amount or scope of any penalty and assessment, as applicable, in accordance with §§ 498.103(a) and (b) and 498.104, the Office of the Inspector General will take into account:

(1) The nature of the statements, representations, or actions referred to in § 498.102(a) and (b) and the circumstances under which they occurred;

* * * * *

(b) In determining the amount of any penalty in accordance with § 498.103(c), the Office of the Inspector General will take into account—

* * * * *

8. Amend § 498.109 by revising paragraph (a)(2) to read as follows:

§ 498.109 Notice of proposed determination.

(a) * * *

(2) A description of the false statements, representations, or other actions (as described in § 498.102(a) and (b)), and incidents, as applicable, with respect to which the penalty and assessment, as applicable, are proposed;

* * * * *

9. Amend § 498.114 by revising paragraph (a) to read as follows:

§ 498.114 Collateral estoppel.

* * * * *

(a) Is against a person who has been convicted (whether upon a verdict after trial or upon a plea of guilty or *nolo contendere*) of a Federal or State crime; and

* * * * *

10. Amend § 498.128 by revising paragraphs (b), (c)(1), and (d)(1) to read as follows:

§ 498.128 Collection of penalty and assessment.

* * * * *

(b) In cases brought under section 1129 of the Social Security Act, a penalty and assessment, as applicable, imposed under this part may be compromised by the Commissioner or his or her designee and may be recovered in a civil action brought in the United States District Court for the district where the violation occurred, or where the respondent resides.

(c) * * *

(1) Violation referred to in § 498.102(c) and (d) occurred; or

* * * * *

(d) * * *

(1) Monthly title II, title VIII, or title XVI payments, notwithstanding section 207 of the Social Security Act as made applicable to title XVI by section 1631(d)(1) of the Social Security Act;

* * * * *

[FR Doc. 05–5717 Filed 3–22–05; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC99

Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS); Data Release and Definitions

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking would revise certain existing definitions, add a first production notice requirement, and make some administrative changes. MMS recently redesigned and renamed some of its forms to aid submission and streamline data. MMS also discovered inconsistent practices in first production reporting, which is a prime parameter in determining inspection and testing schedules for safety system devices. This proposed rulemaking would correspond to recently revised forms, provide clarity and explanation of definitions and forms, and correct form submittal with first production notices. It would also clarify the basis upon which the Regional Director invokes the requirement for an archaeological survey on a lease area.

DATES: We will consider all comments received by June 21, 2005. We will begin reviewing comments then and may not fully consider comments we receive after June 21, 2005.

ADDRESSES: You may submit comments on the rulemaking by any of the following methods listed below. Please use 1010–AC99 as an identifier in your message. See also Public Comment Procedures under Procedural Matters.

MMS's Public Connect on-line commenting system, *https://ocsconnect.mms.gov.* Follow the instructions on the Web site for submitting comments.

Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions on the Web site for submitting comments.

E-mail MMS at *rules.comments@mms.gov.* Identify the Regulation Identifier Number (RIN) in the subject line.

Fax: 703–787–1093. Identify the RIN.

Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team (RPT). Please reference ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), 30 CFR 250 Subpart A, General-Data Release and Definitions.'' in your comments.

You may also send comments on the information collection aspects of this rule directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, OMB Attention: Desk Officer for the Department of the Interior via OMB e-mail (*OIRA_DOCKET@omb.eop.gov*) or by fax (202) 395–6566; identify with 1010–AC99. Please also send a copy to MMS.

FOR FURTHER INFORMATION CONTACT: Kumkum Ray, Rules Processing Team, Regulations and Standards Branch, (703) 787–1600.

SUPPLEMENTARY INFORMATION: MMS proposes to make the following

amendments to its regulations in Title 30 CFR Part 250:

1. Amend the definition of the term ''Person'' in § 250.105 to include joint ventures as an example of an association.

2. Amend the definition of the term ''You'' at § 250.105 to include the words ''designated operator.'' Under § 250.143, a designated operator is authorized to act on behalf of, and to fulfill the obligations of, a lessee under the Outer Continental Shelf Lands Act, the lease, and the regulations in Part 250. Therefore, a designated operator is an entity that must comply with applicable requirements, and hence is a part of the regulated community covered by the word ''You.''

3. Clarify in § 250.194(a) the basis upon which the Regional Director invokes the requirement for an archaeological survey on a lease area. Because it cannot be determined whether it is ''likely'' that an archaeological resource exists on a specific lease area until the archaeological survey has first been conducted, the wording would be changed to state, ''if the Regional Director has reason to believe that an archaeological resource may exist.'' The ''reason to believe'' is established by a technical analysis of existing archaeological, geological, and other pertinent environmental data. To more closely reflect the wording of the new Subpart B regulations, and to clarify that the archaeological report accompanies, but is not part of, the Exploration Plan (EP) or Development and Production Plan (DPP), we propose to modify the second part of this sentence to state that ''* * * the Regional Director will request in writing that your EP or DPP be accompanied by an archaeological report.''

4. Redesignate §§ 250.195 and 250.196 as §§ 250.196 and 250.197, respectively, and add a new § 250.195 requiring the lessee or operator to notify MMS when a well has actually begun producing. When the lessee or operator files a form MMS–125 (OMB Approval No. 1010–0046), End of Operations Report (formerly Well Summary Report), the well status is often shown as ''shut in'' since production facilities are not ready. Therefore, a ''first production notice'' often will be the only indication MMS receives that a well has actually begun producing. Such a notice is not currently required by our regulations, but has become standard practice. MMS is proposing to add this requirement because this information has become one of the prime parameters in determining inspection and testing schedules for safety system devices.

5. Reorganize the forms data release table in the proposed redesignated § 250.197(a), and add entries for the new forms MMS–123S, Supplemental APD Information Sheet; MMS–137, OCS Plan Information; MMS–133, Well Activity Report; and MMS–140, Bottomhole Pressure Survey Report. The Office of Management and Budget (OMB) has approved the use of these new forms, all of which contain proprietary data. MMS also proposes deleting the entry for form MMS–128, Semiannual Well Test Report, because no proprietary information is reported on this form. The reorganization of the table does not change the current data release timeframe for any of the other forms included in the table.

It should be noted that MMS very recently redesigned and renamed some of its forms. This is part of a separate process to provide a future option for electronic submission and streamlining of the data collected on MMS forms. In addition to any actual data element changes we made to the forms, we completely renumbered all of the data elements on most of the forms. The form and item numbers shown in the table at proposed

§ 250.197(a) correspond to the revised forms. You may obtain copies of the forms listed in the table from any of the OCS regional offices or at the Web site: *http://www.gomr.mms.gov/homepg/mmsforms/frmindx.html*

6. Revise § 250.197(b)(8) to clarify existing requirements by including release times for certain data and information submitted on well operations, and adding special provisions for the release of directional surveys.

7. Insert a new form MMS–144, Rig Movement in the table at existing § 250.199.

8. Remove the definitions of ''I, me, or you'' and ''Person'' at § 250.1402, because the definitions for these terms are found at § 250.105.

Procedural Matters

Public Comment Procedure

All submissions received must include the agency name and docket number or Regulation Identifier Number (RIN) for this rulemaking. Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Regulatory Planning and Review (Executive Order (E.O.) 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866. This proposed rule:

1. Would not have an annual economic effect of $100 million or more on the economy. It would not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. A cost-benefit and economic analysis is not required because:

a. The proposed changes to the definitions and data release tables would have no financial impact on the oil and gas industry.

b. The proposed requirements would minimally increase the paperwork burden for submitting first production notices under newly proposed § 250.195. At an average cost of $50 per hour, the increase of approximately 250 hours each year would result in an hour burden impact of $12,500. (Refer to the Paperwork Reduction Act section later in the preamble.)

2. Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. It would not affect how lessees or operators interact with other agencies.

3. Would not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. It would have no effect on the rights of the recipients of entitlements, grants, user fees, or loan programs.

4. Does not raise novel legal or policy issues.

Regulatory Flexibility (RF) Act

The Department of Interior (DOI) certifies that this proposed rule would not have a significant economic effect on a substantial number of small entities under the RF Act (5 U.S.C. 601 *et seq.*). It would apply to all lessees operating on the OCS. Small lessees would fall under the Small Business Administration's (SBA) North American

Industry Classification System Codes 211111, which includes companies that extract crude petroleum and natural gas. Under this code, a small company is one with fewer than 500 employees. Based on these criteria, MMS estimates that about 70 percent of these companies are considered small. The proposed requirements would minimally increase the paperwork burden for submitting first production notices under newly proposed § 250.195. At an average cost of $50 per hour, the increase of approximately 250 hours each year would result in an hour burden impact of $12,500. (Refer to the Paperwork Reduction Act section later in the preamble.) Thus, based on 130 lessees/operators, the average increase would be $100, for both large and small entities. Since 70 percent of the companies are small businesses, the total paperwork burden for small companies would be approximately 175 man hours, representing an annual hour cost burden of $8,750.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free at (888) 734–3247. You may comment to the SBA without fear of retaliation. Disciplinary action for retaliation by an MMS employee may include suspension or termination from employment with the DOI.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This proposed rule is not a major rule under the SBREFA (5 U.S.C. 804(2)). This proposed rule:

1. Would not have an annual effect on the economy of $100 million or more. As described above, we estimate an annual increase of $100 per respondent. These costs will not cause an annual effect on the economy of $100 million.

2. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. The minor increase in cost would not change the way the oil and gas industry conducts business, nor would it affect regional oil and gas prices. Therefore, it would not cause major cost increases for consumers, the oil and gas industry, or any government agencies.

3. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of United States (U.S.)-based enterprises to compete with foreign-based enterprises. All lessees and drilling contractors, regardless of nationality, would have to comply with the requirements of this proposed rule, so it would not affect competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Paperwork Reduction Act (PRA) of 1995

The proposed rule would require a new information collection (IC), and an IC request (form OMB 83–I) has been submitted to OMB for review and approval under section 3507(d) of the PRA. The title of the collection of information is ''30 CFR 250, Subpart A, General, Data Release and Definitions.'' The PRA provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves the collection of information and assigns a control number, you are not required to respond.

Respondents include approximately 130 Federal OCS oil and gas lessees. The frequency of reporting and recordkeeping is generally on occasion. Responses are mandatory. The IC does not include questions of a sensitive nature. MMS will protect information considered proprietary according to 30 CFR § 250.196, ''Data and information to be made available to the public,'' 30 CFR Part 252, ''OCS Oil and Gas Information Program,'' and the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR Part 2).

The proposed rule addresses several reports and forms required by current regulations. All the burdens for the individual reports and forms have been approved by OMB and assigned OMB control numbers according to their associated subparts.

Proposed § 250.195 would require the lessee or operator to notify MMS when a well has actually begun producing. When the lessee or operator files a form MMS–125, End of Operations Report (formerly the Well Summary Report), the well status is often shown as ''shut in'' since production facilities are not ready. Currently there is no regulatory requirement for lessees or operators to formally notify MMS of ''first production,'' although most companies already notify MMS when a well begins to produce. This practice serves to alert both MMS and the operator of the requirements pertaining to the inspection, installation, and maintenance of safety systems. We estimate 250 annual notifications would be submitted, requiring about 1 hour each to prepare and submit.

The proposed rule would increase the total paperwork hour burden of the 30 CFR Part 250, Subpart A, regulations by 250 hours. Based on a cost factor of $50 per hour, the hour burden of the new paperwork requirements would be $12,500. When this rulemaking becomes effective, MMS will consolidate the 250 burden hours with the primary information collection for 30 CFR 250, Subpart A (OMB control number 1010–0114, expiration date October 31, 2007).

As part of our continuing effort to reduce paperwork and respondent burdens, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden in the proposed rule.

1. We specifically solicit comments on the following questions:

a. Is the proposed collection of information necessary for MMS to properly perform its functions, and will it be useful?

b. Are the estimates of the burden hours of the proposed collection reasonable?

c. Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

d. Is there a way to minimize the information collection burden on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology?

2. In addition, the PRA requires agencies to estimate the total annual reporting and recordkeeping ''non-hour'' cost burden resulting from the collection of information. We have not identified any non-hour cost burden and solicit your comments on this item. For reporting and recordkeeping only, your response should split the cost estimate into two components: (a) the total capital and startup cost component and (b) the annual operation, maintenance, and purchase of services component. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Generally, your estimates should not include equipment or services purchased before October 1, 1995; to comply with requirements not

associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practice.

If you wish to comment on the hour burdens in response to this notice, you may send your comments to OMB, with a copy to MMS (see the **ADDRESSES** section of this notice). OMB is required to make its decision on the information collection aspects of this proposed rule between 30 to 60 days after publication in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it by April 22, 2005. This does not affect the deadline for the public to comment to MMS on the proposed regulations.

Federalism (E.O. 13132)

According to E.O. 13132, this proposed rule does not have Federalism implications. This proposed rule would not substantially and directly affect the relationship between Federal and State Governments. This proposed rule would clarify and require information from lessees/operators on the OCS, which is outside State jurisdiction. States have no role in this activity with or without this proposed rule, and this proposed rule would not impose costs on States or localities.

Takings Implication Assessment (E.O. 12630)

According to E.O. 12630, the proposed rule does not have significant Takings Implications. A Takings Implication Assessment is not required. The rulemaking is not a governmental action capable of interfering with constitutionally protected property rights.

Civil Justice Reform (E.O. 12988)

According to E.O. 12988, the Office of the Solicitor has determined that this proposed rule would not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the Order.

National Environmental Policy Act

The rule does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement is not required.

Unfunded Mandates Reform Act (UMRA) of 1995 (E.O. 12866)

This proposed rule would not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. It does not have any Federal mandates, nor a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, this proposed rule would not have tribal implications that impose substantial direct compliance costs on Indian tribal governments.

List of Subjects in 30 CFR Part 250

Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Outer continental shelf, Penalties, Pipelines, Public lands-mineral resources, Public lands-rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: February 16, 2005.

Chad Calvert,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service proposes to amend 30 CFR Part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

2. In § 250.105, revise the definitions of the terms, ''Person'' and ''You,'' to read as follows:

§ 250.105 Definitions.

* * * * *

Person includes, in addition to a natural person, an association (including partnerships, joint ventures, and trusts), a State, a political subdivision of a State, or a private, public, or municipal corporation.

* * * * *

You means a lessee, the owner or holder of operating rights, a designated operator or agent of the lessee(s), a pipeline right-of-way holder, or a State lessee granted a right-of-use and easement.

* * * * *

3. In § 250.194 revise the introductory text of paragraph (a) to read as follows:

§ 250.194 What archaeological reports and surveys must I submit?

(a) If the Regional Director has reason to believe that an archaeological resource may exist in the lease area, the Regional Director will request in writing that your EP or DPP be accompanied by an archaeological report. If the archaeological report suggests that an archaeological resource may be present, you must either:

* * * * *

§§ 250.195 and 250.196 [Redisignated]

4. Redesignate § 250.195 and § 250.196 as § 250.196 and § 250.197 respectively.

5. Add new § 250.195 to read as follows:

§ 250.195 What notification does MMS require on the production status of wells?

You must notify the appropriate MMS District Manager when you successfully complete or recomplete a well for production as follows:

(a) Make the notification on the date you place the well in a production status. You may provide the notification orally if confirmed in writing by telefax or by e-mail.

(b) Include the following information in your notification:

(1) Operator name;

(2) Well number, lease number, area, and block;

(3) Date you place the well on production (indicate whether or not this is first production on the lease);

(4) Type of production; and

(5) Depth (measured depth) of production interval.

6. In newly redesignated § 250.197 the following changes are made:

A. Revise the introductory text and paragraph (a) to read as set forth below.

B. Revise paragraph (8) in the table in paragraph (b) to read as set forth below.

§ 250.197 Data and information to be made available to the public.

MMS will protect data and information you submit under this part. MMS will make certain data and information available to the public without the consent of the lessee. The tables in paragraphs (a) and (b) of this section specify when MMS will make data available to the public without the consent of the lessee, and describe the data and information that MMS will make available.

(a) All data and information you submit on MMS forms will be made available to the public upon submission except as specified in the following table:

On form. . .	Data and information not immediately available are . . .	Excepted data will be made available . . .
(1) MMS–123, Application for Permit to Drill	Items 13, 14, 20, 21, and 22	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(2) MMS–123S, Supplemental APD Information Sheet.	Items 4, 13, 14, 15 and 20	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(3) MMS–124, Application for Permit to Modify	Item 22	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(4) MMS–125, End of Operations Report	Items 12, 13, 17, 18, 23, 24 through 29, and 33 through 38.	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier. However, items 33 through 38 will not be released when the well goes on production unless the period of time in the table in paragraph (b) has expired.
(5) MMS–126, Well Potential Test Report	Item 101	2 years after you submit it.
(6) MMS–127, Sensitive Reservoir Information Report.	Items 124 through 168	2 years after the effective date of the Sensitive Reservoir Information Report.
(7) MMS–133 Well Activity Report	Item 10 Fields [WELLBORE, START DATE, TD DATE, OP STATUS, END DATE, MD, TVD AND MW PPG] Item 11 Fields [WELLBORE START DATE, TD DATE, PLUGBACK DATE, FINAL MD, AND FINAL TVD]. and Items 12 through 15.	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(8) MMS–137, OCS Plan Information	Items providing the bottomhole location, true vertical depth, and measured depth of wells.	When the well goes on production or according to the table in paragraph (b) of this section, whichever is earlier.
(9) MMS–140, Bottomhole Pressure Survey Report.	All items	2 years after the date of the survey.

(b) * * *

If . . .	MMS will release . . .	At this time . . .	Special provisions
* * * * * * *			
(8) Data or information is submitted on well operations.	Descriptions of downhole locations, operations, and equipment.	When the well goes on production or geological data is released according to §§ 250.197(b)(6) and (b)(7), whichever is earlier.	Directional survey data may be released earlier to the owner of an adjacent lease according to Subpart D of this part.
* * * * * * *			

7. Amend the table at § 250.199(e), by adding paragraph (26) to read as follows:

§ 250.199 Paperwork Reduction Act statements—information collection.

(e) * * *

* * * * *

30 CFR 250 subpart/title (OMB control number)	Reasons for collecting information and how used
* * * * * * *	
(26) Form MMS–144, Rig Movement (used in GOM region), Subparts D, E, F (1010–0150).	The rig notification requirement is essential for MMS inspection scheduling and to verify that the equipment being used complies with approved permits.

§ 250.1402 [Amended]

8. In § 250.1402, remove the definitions of ''I, me, or you'' and ''Person.''

[FR Doc. 05–5678 Filed 3–22–05; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[CGD08–05–015]

RIN 1625–AA00

Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 787

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone around a petroleum and gas production facility in Green Canyon 787 of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways, and placing a safety zone around this area would significantly reduce the threat of allisions, oil spills and releases of natural gas. This proposed rule prohibits all vessels from entering or remaining in the specified area around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander.

DATES: Comments and related material must reach the Coast Guard on or before May 23, 2005.

ADDRESSES: You may mail comments and related material to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70130, or comments and related material may be delivered to Room 1341 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–6271. Commander, Eighth Coast Guard District (m) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the location listed above during the noted time periods.

FOR FURTHER INFORMATION CONTACT: Lieutenant (LT) Kevin Lynn, Project Manager for Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70130, telephone (504) 589–6271.

SUPPLEMENTARY INFORMATION:

Requests for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD08–05–015], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting. However, you may submit a request for a meeting by writing to Commander, Eighth Coast Guard District (m) at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard proposes the establishment of a safety zone around the Atlantis Semi-Submersible facility, a petroleum and gas production facility in the Gulf of Mexico in Green Canyon 787 (GC 787), located at position 27°11′44″ N, 90°01′37″ W. This facility is expected to be on location beginning September 1, 2005.

This proposed safety zone is in the deepwater area of the Gulf of Mexico. For the purposes of this regulation it is considered to be in waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the area of the proposed safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area of the Gulf of Mexico also includes an extensive system of fairways. The fairway nearest the proposed safety zone is the South of Gulf Safety Fairway. Significant amounts of vessel traffic occur in or near the various fairways in the deepwater area.

British Petroleum Exploration and Production, Inc., hereafter referred to as BP, has requested that the Coast Guard establish a safety zone in the Gulf of Mexico around the Atlantis Semi-Submersible facility.

The request for the safety zone was made due to the high level of shipping activity around the facility and the associated safety concerns for both the onboard personnel and the environment. Information provided by BP to the Coast Guard indicates that the location, production level, and personnel levels on board the facility make it highly likely that any allision with the facility or its mooring system would result in a catastrophic event.

The Coast Guard has evaluated BP's information and concerns against Eighth Coast Guard District criteria developed to determine if an Outer Continental Shelf facility qualifies for a safety zone. Several factors were considered to determine the necessity of a safety zone for the Atlantis Semi-Submersible facility: (1) The facility is located approximately 36 nautical miles south of the South of Gulf Safety Fairway; (2) the facility will have a high daily production capacity of petroleum oil and gas per day; (3) the facility will be manned; and (4) the facility will be of the semi-submersible type.

We conclude that the risk of allision to the facility and the potential for loss of life and damage to the environment resulting from such an accident warrants the establishment of this proposed safety zone. The proposed rule would significantly reduce the threat of allisions, oil spills and natural gas releases and increase the safety of life, property, and the environment in the Gulf of Mexico. This proposed regulation is issued pursuant to 14 U.S.C. 85 and 43 U.S.C. 1333 as set out in the authority citation for 33 CFR part 147.

Discussion of Proposed Rule

The proposed safety zone would encompass the area within 500 meters (1640.4 feet) from each point on the Atlantis's structure outer edge. No vessel would be allowed to enter or remain in this proposed safety zone except the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full regulatory evaluation under the regulatory policies and procedures of DHS is unnecessary. The impacts on routine navigation are expected to be minimal because the proposed safety zone will not overlap any of the safety fairways within the Gulf of Mexico.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. Since the Atlantis Semi-Submersible will be located far offshore, few privately owned fishing vessels and recreational boats/yachts operate in the area and alternate routes are available for those vessels. Use of an alternate route may cause a vessel to incur a delay of 4 to 10 minutes in arriving at their destinations depending on how fast the vessel is traveling. Therefore, the Coast Guard expects the impact of this proposed rule on small entities to be minimal.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Kevin Lynn, Project Manager for Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70130, telephone (504) 589–6271.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such expenditure, we discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that Order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.''

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors

in this case that would limit the use of categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1 paragraph (34)(g), of the instruction, from further environmental documentation because this rule is not expected to result in any significant environmental impact as described in NEPA.

A draft ''Environmental Analysis Check List'' and a draft ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES.** Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

2. Add § 147.841 to read as follows:

§ 147.841 Atlantis Semi-Submersible safety zone.

(a) *Description.* Atlantis Semi-Submersible, Green Canyon 787 (GC 787), located at position 27°11′44″ N, 90°01′37″ W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: March 8, 2005.

R.F. Duncan,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 05–5765 Filed 3–22–05; 8:45 am]

BILLING CODE 4915–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[CGD08–05–012]

RIN 1625–AA00

Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 782

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone around a petroleum and gas production facility in Green Canyon 782 of the Outer Continental Shelf in the Gulf of Mexico. The facility needs to be protected from vessels operating outside the normal shipping channels and fairways, and placing a safety zone around this area would significantly reduce the threat of allisions, oil spills and releases of natural gas. This proposed rule prohibits all vessels from entering or remaining in the specified area around the facility's location except for the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander.

DATES: Comments and related material must reach the Coast Guard on or before May 23, 2005.

ADDRESSES: You may mail comments and related material to Commander, Eighth Coast Guard District (m), Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans LA, 70130, or comments and related material may be delivered to Room 1341 at the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589–6271. Commander, Eighth Coast Guard District (m) maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the location listed above during the noted time periods.

FOR FURTHER INFORMATION CONTACT: Lieutenant (LT) Kevin Lynn, Project Manager for Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70130, telephone (504) 589–6271.

SUPPLEMENTARY INFORMATION:

Requests for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD08–05–012], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting. However, you may submit a request for a meeting by writing to Commander, Eighth Coast Guard District (m) at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that a public meeting would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Coast Guard proposes the establishment of a safety zone around the Mad Dog Truss Spar Platform, a petroleum and gas production facility in the Gulf of Mexico: Mad Dog Truss Spar Platform, Green Canyon 782 (GC 782), located at position 27°11′18″ N, 91°05′12″ W.

This proposed safety zone is in the deepwater area of the Gulf of Mexico. For the purposes of this regulation it is considered to be in waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the area of the proposed safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area of the Gulf of Mexico also includes an extensive system of fairways. The fairway nearest the proposed safety zone is the Gulf Safety Fairway—Aransas Pass Safety Fairway to Southwest Pass Safety Fairway. Significant amounts of vessel traffic occur in or near the various fairways in the deepwater area.

British Petroleum Exploration and Production, Inc., hereafter referred to as BP, has requested that the Coast Guard establish a safety zone in the Gulf of Mexico around the Mad Dog Truss Spar Platform.

The request for the safety zone was made due to the potential for damage to the mooring system and the platform should vessel traffic approach too close to the Mad Dog platform's location. Information provided by BP to the Coast Guard indicates that the location, production level, and personnel levels on board the facility make it highly likely that any allision with the facility or its mooring system would result in a catastrophic event.

The Coast Guard has evaluated BP's information and concerns against Eighth Coast Guard District criteria developed to determine if an Outer Continental Shelf facility qualifies for a safety zone. Several factors were considered to determine the necessity of a safety zone for the Mad Dog Truss Spar Platform facility: (1) The facility is located approximately 45 nautical miles south of the Gulf Safety Fairway—Aransas Pass Safety Fairway to Southwest Pass Safety Fairway, (2) the facility will have a high daily production capacity of petroleum oil and gas per day; (3) the facility will be manned; and (4) the facility will be a truss spar platform.

We conclude that the risk of allision to the facility and the potential for loss of life and damage to the environment resulting from such an accident warrants the establishment of this proposed safety zone. The proposed rule would significantly reduce the threat of allisions, oil spills and natural gas releases and increase the safety of life, property, and the environment in the Gulf of Mexico. This proposed regulation is issued pursuant to 14 U.S.C. 85 and 43 U.S.C. 1333 as set out in the authority citation for 33 CFR part 147.

Discussion of Proposed Rule

The proposed safety zone would encompass the area within 500 meters (1640.4 feet) from each point on the Mad Dog's structure outer edge. No vessel would be allowed to enter or remain in this proposed safety zone except the following: an attending vessel; a vessel under 100 feet in length overall not engaged in towing; or a vessel authorized by the Eighth Coast Guard District Commander.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full regulatory evaluation under the regulatory policies and procedures of DHS is unnecessary. The impacts on routine navigation are expected to be minimal because the proposed safety zone will not overlap any of the safety fairways within the Gulf of Mexico.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. Since the Mad Dog Truss Spar Platform is located far offshore, few privately owned fishing vessels and recreational boats/yachts operate in the area and alternate routes are available for those vessels. Use of an alternate route may cause a vessel to incur a delay of 4 to 10 minutes in arriving at their destinations depending on how fast the vessel is traveling. Therefore, the Coast Guard expects the impact of this proposed rule on small entities to be minimal.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact LT Kevin Lynn, Project Manager for Eighth Coast Guard District Commander, Hale Boggs Federal Bldg., 500 Poydras Street, New Orleans, LA 70130, telephone (504) 589–6271.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such expenditure, we discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that Order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1 paragraph (34)(g), of the instruction, from further environmental documentation because this rule is not expected to result in any significant environmental impact as described in NEPA.

A draft ''Environmental Analysis Check List'' and a draft ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES.** Comments on this section will be considered before we make the final decision on whether the rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

2. Add § 147.839 to read as follows:

§ 147.839 Mad Dog Truss Spar Platform Safety Zone.

(a) *Description.* Mad Dog Truss Spar Platform, Green Canyon 782 (GC 782), located at position 27°11′18 ″ N, 91°05′12″ W. The area within 500 meters (1640.4 feet) from each point on the structure's outer edge is a safety zone. These coordinates are based upon [NAD 83].

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District.

Dated: March 8, 2005.

R.F. Duncan,

Rear Admiral, U.S. Coast Guard, Commander, Eight Coast Guard District.

[FR Doc. 05–5766 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 136–086; FRL–7888–5]

Revisions to the Arizona State Implementation Plan, Maricopa County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Maricopa County portion of the Arizona State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from polystyrene foam molding operations. We are proposing to approve Maricopa County Rule 358 to regulate these emission sources for purposes of reasonably available control technology under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by April 22, 2005.

ADDRESSES: Send comments to Andy Steckel, Rulemaking Office Chief (AIR–4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901 or e-mail to *steckel.andrew@epa.gov,* or submit comments at *http://www.regulations.gov.*

You can inspect copies of the submitted SIP revisions, EPA's technical support documents (TSDs), and public comments at our Region IX office during normal business hours by appointment.

You may also see copies of the submitted SIP revisions by appointment at the following locations: Arizona Department of Environmental Quality, Air Quality Division, 1100 West Washington Street, Phoenix, AZ, 85007; and, Maricopa County, Air Quality Department, 1001 North Central Avenue, Phoenix, AZ, 85004–1942.

A copy of the rule may also be available via the Internet at *http://www.maricopa.gov/Aq/Rules/Workshops.asp.* Please be advised that this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, EPA Region IX, (415) 947–4111, *wamsley.jerry@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

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I. The State's Submittal

A. What Rule Did the State Submit?

Table 1 lists the rule addressed by this proposal with the date that it will be considered for adoption by Maricopa County. We anticipate that the Arizona Departmental of Environmental Quality (ADEQ) will submit the adopted rule and its companion documents soon after April 22, 2005.

TABLE 1.—SUBMITTED RULES

Local agency	Rule	Rule title	To be adopted	submitted
Maricopa County	358	Polystyrene Foam Operations	04/22/05	

On February 22, 2005, ADEQ requested EPA to parallel process our review of Rule 358 concurrently with Maricopa County's rule adoption process. We have agreed to parallel process Rule 358 using our authority under 40 CFR Part 51, Appendix V. Arizona's parallel processing request and proposed SIP revision request consist of a SIP Completeness Checklist with the following documents as appendices: A Maricopa County SIP Completeness and Enforceability Checklist; Notice of Proposed Rulemaking, Maricopa County Air Pollution Control Regulations, Rule 358 —Polystyrene Foam Operations, published February 11, 2005 in the Arizona Administrative Register, Volume 1, Issue 7, pages 703–714; ''Schedule for Final Adoption, Rule 358 —Polystyrene Foam Operations''; and, ''RACT Analysis for Rule 358 —Polystyrene Foam Operations'', Draft January 28, 2005, Maricopa County, Planning and Analysis Section, Air Quality Department, Phoenix, Arizona.

According to the ''Schedule for Final Adoption'' provided by Maricopa County, the administrative hearing and oral proceeding is scheduled for March 17, 2005, all public comments concerning the proposed rulemaking are due March 18, 2005, and the Maricopa County Board of Supervisors will meet on April 20, 2005 to consider Rule 358 for adoption.

After reviewing the ADEQ's February 22, 2005 parallel processing submittal against the completeness criteria at 40 CFR, Part 51, Appendix V, 2.3.1., we find that the ADEQ's parallel processing submittal is complete. These criteria are used specifically for parallel processing submittals. Once we have received ADEQ's supplemental submittal after Rule 358 has been adopted by Maricopa County, we will determine whether or not the submittal is complete according to the general completeness criteria in 40 CFR Part 51 Appendix V, 2.0. This completeness finding will be made as part of our subsequent final action on this proposal.

B. Are There Other Versions of This Rule?

There is no previous version of Rule 358 in the SIP and the rule has not been previously adopted and amended.

C. What Is the Purpose of the Submitted Rule?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Maricopa County Rule 358—Polystyrene Foam Operations, is a rule designed to reduce VOC emissions at sites processing and molding raw polystyrene beads into blocks, shapes, and containers, such as cups and bowls. Rule 358 incorporates emissions standards on the basis of pounds per hundred weight of raw beads processed. Manufacturers will demonstrate compliance with these emission standards through annual compliance tests overseen by Maricopa County. These annual compliance tests provide the basis for facility permits and determining daily compliance with the emission standards. Manufacturers may use any combination of lower VOC content raw beads, manufacturing process changes, VOC emission collection systems, and VOC destruction devices to meet the rule's emission standards. The Technical Support Document (TSD) has more information about this rule.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rule?

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (*see* section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(1) and 193). Maricopa Country regulates a 1-hour ozone nonattainment area (*see* 40 CFR 81), so Rule 358 must fulfill RACT.

Guidance and policy documents that we used to help evaluate enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
4. ''Control of VOC Emissions From Polystyrene Foam Manufacturing,'' USEPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC, September 1990, EPA–450/3–90–020.

B. Does the Rule Meet the Evaluation Criteria?

We believe Rule 358 is consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. While we propose to approve Maricopa County's RACT determination, our approval does not represent a national RACT determination.

EPA has defined RACT as the, ''lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility'' (44 FR 53762, September 17, 1979). Maricopa County has the primary obligation to analyze the source category and determine RACT controls applicable to their jurisdiction and sources. In turn, EPA has authority either to approve, or to disapprove the state determination. EPA has reviewed Maricopa County's RACT determination using our published RACT criteria as applied to polystyrene foam molding operations within Maricopa County, only.

Our action on Rule 358 will not define a presumptive national RACT standard for polystyrene foam molding operations, nor will it create any precedent concerning BACT or LAER

for these sources. The RACT standard differs from the standard applicable to BACT, the ''best available control technology'' defined at section 169(3) of the Act. See also 40 CFR 52.21(b)(12). The RACT standard is also less stringent than LAER, the lowest achievable emission rate, which is defined at section 171(3) of the Act. Thus, a New Source Review determination for a source subject to Rule 358 could require a control technology or an emission rate which is more stringent that the floor created by Rule 358.

The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rule

The TSD describes additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rules.

D. Public Comment and Final Action

Because EPA believes Rule 358 fulfills all relevant requirements, we are proposing to fully approve it as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period that would cause us to reconsider our proposed approval, we intend to publish a final approval action that will incorporate these rules into the federally enforceable SIP.

Also, because our proposed action is based on a parallel processing submittal, the adopted and submitted version of Rule 358 must be similar in meaning and content to the February 11, 2005 version of the rule published in the Arizona Administrative Register submitted for parallel processing. Should there be substantial and meaningful differences between the two submitted rules, we will publish a new proposal based on the most recent adopted and submitted version of Rule 358.

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule 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 rule proposes to approve 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 (Pub. L. 104–4).

This proposed rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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. This proposed 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.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: March 8, 2005.

Jane Diamond,

Acting Regional Administrator.

[FR Doc. 05–5718 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–2004–0421; FRL–7701–4]

Alachlor, Carbaryl, Diazinon, Disulfoton, Pirimiphos-methyl, and Vinclozolin; Proposed Tolerance Revocations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to revoke specific tolerances for residues of the herbicide alachlor, insecticides carbaryl, diazinon, disulfoton, and pirimiphos-methyl, and fungicide vinclozolin. Some of these specific tolerances correspond to commodities either no longer considered to be significant livestock feed items or which have registration restrictions against feeding to livestock. Other tolerances are associated with food registrations that EPA canceled or for which the Agency deleted food uses following requests for voluntary cancellation or use deletion by the registrants. EPA expects to determine whether any individuals or groups want to support these tolerances. The regulatory actions proposed in this document contribute toward the Agency's tolerance reassessment requirements of the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996. By law, EPA is required by August 2006 to reassess the tolerances in existence on August 2, 1996. The regulatory actions proposed in this document pertain to the proposed revocation of 15 tolerances and tolerance exemptions of which 9 would be counted as tolerance reassessments toward the August, 2006 review deadline.

DATES: Comments must be received on or before May 23, 2005.

ADDRESSES: Submit your comments, identified by docket identification (ID) number OPP–2004–0421, by one of the following methods:

- *Federal Rulemaking Portal*: *http://www.regulations.gov/*. Follow the on-line instructions for submitting comments.
- *Agency Website*: *http://www.epa.gov/edocket/*. EDOCKET, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.
- *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID number OPP–2004–0421.
- *Mail*. Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: docket ID number OPP–2004–0421.
- *Hand Delivery*. Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number OPP–2004–0421. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions. Direct your comments to docket ID number OPP–2004–0421. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.epa.gov/edocket/*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through EDOCKET, regulations.gov, or e-mail. The EPA EDOCKET and the regulations.gov websites are ''anonymous access'' systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through EDOCKET or regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. 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. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit EDOCKET on-line or see the **Federal Register** of May 31, 2002 (67 FR 38102) (FRL–7181–7).

Docket. All documents in the docket are listed in the EDOCKET index at *http://www.epa.gov/edocket/*. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in EDOCKET or in hard copy at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Joseph Nevola, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460–0001; telephone number: (703) 308–8037; e-mail address: *nevola.joseph@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in Unit IA. 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 Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET *(http://www.epa.gov/edocket/)*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at *http://www.gpoaccess.gov/ecfr/*.

C. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through EDOCKET, regulations.gov, or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the rulemaking by docket ID number and other identifying information (subject heading, **Federal Register** date, and page number).

ii. *Follow directions*. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at

your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns, and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

D. What Can I do if I Wish the Agency to Maintain a Tolerance that the Agency Proposes to Revoke?

This proposed rule provides a comment period of 60 days for any person to state an interest in retaining a tolerance proposed for revocation. If EPA receives a comment within the 60-day period to that effect, EPA will not proceed to revoke the tolerance immediately. However, EPA will take steps to ensure the submission of any needed supporting data and will issue an order in the **Federal Register** under FFDCA section 408(f) if needed. The order would specify data needed and the time frames for its submission, and would require that within 90–days some person or persons notify EPA that they will submit the data. If the data are not submitted as required in the order, EPA will take appropriate action under FFDCA.

EPA issues a final rule after considering comments that are submitted in response to this proposed rule. In addition to submitting comments in response to this proposal, you may also submit an objection at the time of the final rule. If you fail to file an objection to the final rule within the time period specified, you will have waived the right to raise any issues resolved in the final rule. After the specified time, issues resolved in the final rule cannot be raised again in any subsequent proceedings.

II. Background

A. What Action is the Agency Taking?

EPA is proposing to revoke certain tolerances for residues of the herbicide alachlor, insecticides carbaryl, diazinon, disulfoton, and pirimiphos-methyl, and the fungicide vinclozolin because the specific tolerances correspond to commodities which are either no longer considered to be significant livestock feed items or which have restrictions against feeding to livestock, or to uses no longer current or registered under FIFRA in the United States. It is EPA's general practice to propose revocation of those tolerances for residues of pesticide active ingredients on crop uses for which there are no active registrations under FIFRA, unless any person in comments on the proposal indicates a need for the tolerance to cover residues in or on imported commodities or domestic commodities legally treated.

1. *Alachlor.* Active registrations for use of the herbicide alachlor have restrictions against feeding peanut forage; peanut, hay; soybean, forage; and soybean, hay to livestock. Also, peanut forage is no longer considered a significant livestock feed item. The restrictions against the feeding of alachlor treated soybean forage and hay for all alachlor products occurred with the June 22, 1994 cancellation of two registrations which had lacked the restriction. These cancellations had followed publication of a notice in the **Federal Register** of March 17, 1994 (59 FR 12599) (FRL–4764–1) which announced EPA's receipt of requests to voluntarily cancel certain registrations. The restrictions against the feeding of alachlor treated peanut forage and hay for all alachlor products have been on labels since 1993.

The tolerances for peanut forage, peanut hay, soybean forage, and soybean hay were recommended by the Agency for revocation in the 1998 Alachlor RED. A printed copy of the Alachlor RED may be obtained from EPA's National Service Center for Environmental Publications (EPA/NSCEP), P.O. Box 42419, Cincinnati, OH 45242–2419, telephone 1–800–490–9198; fax 1–513–489–8695; internet at *http://www.epa.gov/ncepihom/* and from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, telephone 1–800–553–6847 or (703) 605–6000; internet at*http://www.ntis.gov/*. An electronic copy of the Alachlor RED is available on the internet at *http://www.epa.gov/pesticides/reregistration/status.htm*.

Therefore, because there is no longer a need for them, EPA is proposing to revoke the tolerances in 40 CFR 180.249 for residues of alachlor and its metabolites on peanut, forage; peanut, hay; soybean, forage; and soybean, hay.

2. *Carbaryl.* Because flax straw is no longer a regulated feed item (no longer considered a raw agricultural commodity (RAC) of flax), the tolerance is no longer needed. Therefore, EPA is proposing to revoke the tolerance in 40 CFR 180.169(a)(1) for residues of carbaryl, including its hydrolysis product 1-naphthol, calculated as 1-naphthyl *N*-methylcarbamate, in or on flax, straw.

Because bean forage and bean hay are no longer considered significant livestock feed items, the tolerances are no longer needed. Therefore, EPA is proposing to revoke the tolerances in 40 CFR 180.169(a)(1) for residues of carbaryl, including its hydrolysis product 1-naphthol, calculated as l-naphthyl *N*-methylcarbamate, in or on bean, forage and bean, hay.

Because pineapple bran is no longer a regulated feed item (no longer considered a RAC of pineapple), the tolerance is no longer needed. Therefore, EPA is proposing to revoke the tolerance in 40 CFR 180.169(a)(4) for residues of carbaryl in or on pineapple bran. Note, the separate tolerance on pineapple is maintained.

3. *Diazinon.* There have been no registered uses of diazinon on coffee beans and dandelions since 1995 and 1991, respectively. Therefore, EPA is proposing to revoke the tolerances in 40 CFR 180.153(a)(1) for residues of the insecticide diazinon (*O*,*O*-diethyl *O*-[6-methyl-2-(1-methylethyl)-4-pyrimidinyl]phosphorothioate) in or on coffee bean and dandelion, leaves.

4. *Disulfoton.* There have been no registered uses of disulfoton on hops since 1991. Therefore, EPA is proposing to revoke the tolerance in 40 CFR 180.183(a) for the combined residues of the insecticide *O*,*O*-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on hop, dried cones.

5. *Pirimiphos-methyl.* There have been no registered uses of pirimiphos-methyl on kiwifruits for at least 10–years. Therefore, EPA is proposing to revoke the tolerance in 40 CFR 180.409(a)(1) for the combined residues of the insecticide pirimiphos-methyl, *O*-[2- diethylamino-6-methyl-4-pyrimidinyl) *O*,*O*-dimethyl phosphorothioate, the metabolite *O*-[2-ethylamino-6-methyl-pyrimidin-4-yl) *O*,*O*-dimethyl phosphorothioate and, in free and conjugated form, the metabolites 2-diethylamino-6-methyl-pyrimidin-4-ol), 2-ethylamino-6-methyl-pyrimidin-4-ol, and 2-amino-6-methyl-pyrimidin-4-ol in or on kiwifruit.

In 2001, EPA published an Interim Reregistration Eligibility Decision (IRED) for pirimiphos-methyl and made a determination that pirimiphos-methyl residues of concern do not concentrate in wheat flour. Because the tolerance is no longer needed, EPA is proposing to revoke the tolerance in 40 CFR 180.409(a)(2) for residues of pirimiphos-methyl and its metabolites in or on wheat flour as a result of application to stored wheat grain.

A printed copy of the pirimiphos-methyl IRED may be obtained from EPA's National Service Center for Environmental Publications (EPA/NSCEP), P.O. Box 42419, Cincinnati,

OH 45242–2419, telephone 1–800–490–9198; fax 1–513–489–8695; internet at *http://www.epa.gov/ncepihom/* and from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, telephone 1–800–553–6847 or (703) 605–6000; internet at *http://www.ntis.gov/*. An electronic copy of the pirimiphos-methyl IRED is available on the internet at *http://www.epa.gov/pesticides/reregistration/status.htm.*

6. *Vinclozolin.* In the **Federal Register** notice of August 22, 2001 (66 FR 44134) (FRL–6795–7), EPA announced use cancellations for certain vinclozolin registrations, including uses of the fungicide vinclozolin on onions and raspberries with a last date for legal use as December 15, 2001. EPA believes that there has been sufficient time for treated commodities to have cleared the channels of trade. Therefore, EPA is proposing to revoke the tolerances in 40 CFR 180.380(a) for the combined residues of the fungicide vinclozolin and its metabolites containing the 3,5-dichloroaniline moiety in or on onion, dry bulb and raspberry.

B. What is the Agency's Authority for Taking this Action?

A ''tolerance'' represents the maximum level for residues of pesticide chemicals legally allowed in or on RACs and processed foods. Section 408 of FFDCA, 21 U.S.C. 301 et seq., as amended by the FQPA of 1996, Public Law 104–70, authorizes the establishment of tolerances, exemptions from tolerance requirements, modifications in tolerances, and revocation of tolerances for residues of pesticide chemicals in or on RACs and processed foods (21 U.S.C. 346(a)). Without a tolerance or exemption, food containing pesticide residues is considered to be unsafe and therefore ''adulterated'' under section 402(a) of the FFDCA. Such food may not be distributed in interstate commerce (21 U.S.C. 331(a) and 342(a)). For a food-use pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under the FFDCA, but also must be registered under FIFRA (7 U.S.C. et seq.). Food-use pesticides not registered in the United States must have tolerances in order for commodities treated with those pesticides to be imported into the United States.

EPA's general practice is to propose revocation of tolerances for residues of pesticide active ingredients on crops for which FIFRA registrations no longer exist and on which the pesticide may therefore, no longer be used in the United States. EPA has historically been concerned that retention of tolerances that are not necessary to cover residues in or on legally treated foods may encourage misuse of pesticides within the United States. Nonetheless, EPA will establish and maintain tolerances even when corresponding domestic uses are canceled if the tolerances, which EPA refers to as ''import tolerances,'' are necessary to allow importation into the United States of food containing such pesticide residues. However, where there are no imported commodities that require these import tolerances, the Agency believes it is appropriate to revoke tolerances for unregistered pesticides in order to prevent potential misuse.

Furthermore, as a general matter, the Agency believes that retention of import tolerances not needed to cover any imported food may result in unnecessary restriction on trade of pesticides and foods. Under section 408 of the FFDCA, a tolerance may only be established or maintained if EPA determines that the tolerance is safe based on a number of factors, including an assessment of the aggregate exposure to the pesticide and an assessment of the cumulative effects of such pesticide and other substances that have a common mechanism of toxicity. In doing so, EPA must consider potential contributions to such exposure from all tolerances. If the cumulative risk is such that the tolerances in aggregate are not safe, then every one of these tolerances is potentially vulnerable to revocation. Furthermore, if unneeded tolerances are included in the aggregate and cumulative risk assessments, the estimated exposure to the pesticide would be inflated. Consequently, it may be more difficult for others to obtain needed tolerances or to register needed new uses. To avoid potential trade restrictions, the Agency is proposing to revoke tolerances for residues on crops uses for which FIFRA registrations no longer exist, unless someone expresses a need for such tolerances. Through this proposed rule, the Agency is inviting individuals who need these import tolerances to identify themselves and the tolerances that are needed to cover imported commodities.

Parties interested in retention of the tolerances should be aware that additional data may be needed to support retention. These parties should be aware that, under FFDCA section 408(f), if the Agency determines that additional information is reasonably required to support the continuation of a tolerance, EPA may require that parties interested in maintaining the tolerances provide the necessary information. If the requisite information is not submitted, EPA may issue an order revoking the tolerance at issue.

C. When do These Actions Become Effective?

EPA is proposing that revocation of these tolerances become effective on the date of publication of the final rule in the **Federal Register** because their associated uses have been canceled for several years. The Agency believes that treated commodities have had sufficient time for passage through the channels of trade. However, if EPA is presented with other information and that information is verified, the Agency will consider extending the expiration date of the tolerance. If you have comments regarding existing stocks and whether the effective date allows sufficient time for treated commodities to clear the channels of trade, please submit comments as described under **SUPPLEMENTARY INFORMATION**.

Any commodities listed in this proposal treated with the pesticides subject to this proposal, and in the channels of trade following the tolerance revocations, shall be subject to FFDCA section 408(1)(5), as established by FQPA. Under this section, any residues of these pesticides in or on such food shall not render the food adulterated so long as it is shown to the satisfaction of the Food and Drug Administration that: (1) The residue is present as the result of an application or use of the pesticide at a time and in a manner that was lawful under FIFRA, and (2) the residue does not exceed the level that was authorized at the time of the application or use to be present on the food under a tolerance or exemption from tolerance. Evidence to show that food was lawfully treated may include records that verify the dates that the pesticide was applied to such food.

D. What Is the Contribution to Tolerance Reassessment?

By law, EPA is required by August 2006 to reassess the tolerances in existence on August 2, 1996. As of February 14, 2005, EPA has reassessed over 7,140 tolerances. This document proposes to revoke a total of 15 tolerances of which 9 would be counted as tolerance reassessments toward the August, 2006 review deadline of FFDCA section 408(q), as amended by FQPA in 1996.

III. Are The Proposed Actions Consistent with International Obligations?

The tolerance revocations in this proposal are not discriminatory and are designed to ensure that both domestically-produced and imported

foods meet the food safety standards established by the FFDCA. The same food safety standards apply to domestically produced and imported foods.

EPA is working to ensure that the United States tolerance reassessment program under FQPA does not disrupt international trade. EPA considers Codex Maximum Residue Limits (MRLs) in setting U.S. tolerances and in reassessing them. MRLs are established by the Codex Committee on Pesticide Residues, a committee within the Codex Alimentarius Commission, an international organization formed to promote the coordination of international food standards. It is EPA's policy to harmonize U.S. tolerances with Codex MRLs to the extent possible, provided that the MRLs achieve the level of protection required under FFDCA. EPA's effort to harmonize with Codex MRLs is summarized in the tolerance reassessment section of individual Reregistration Eligibility Decision documents. EPA has developed guidance concerning submissions for import tolerance support of June 1, 2000 (65 FR 35069) (FRL–6559–3). This guidance will be made available to interested persons. Electronic copies are available on the internet at *http://www.epa.gov/*. On the Home Page select ''Laws, Regulations, and Dockets,'' then select ''Regulations and Proposed Rules'' and then look up the entry for this document under ''**Federal Register**--Environmental Documents.'' You can also go directly to the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

IV. Statutory and Executive Order Reviews

In this proposed rule, EPA is proposing to revoke specific tolerances established under FFDCA section 408. The Office of Management and Budget (OMB) has exempted this type of action (i.e., tolerance revocation for which extraordinary circumstances do not exist) from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this proposed rule has been exempted from review under Executive Order 12866 due to its lack of significance, this proposed rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This proposed rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any other Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency previously assessed whether revocations of tolerances might significantly impact a substantial number of small entities and concluded that, as a general matter, these actions do not impose a significant economic impact on a substantial number of small entities. This analysis was published on December 17, 1997 (62 FR 66020), and was provided to the Chief Counsel for Advocacy of the Small Business Administration. Taking into account this analysis, and available information concerning the pesticides listed in this rule, the Agency hereby certifies that this proposed action will not have a significant negative economic impact on a substantial number of small entities. Specifically, as per the 1997 notice, EPA has reviewed its available data on imports and foreign pesticide usage and concludes that there is a reasonable international supply of food not treated with canceled pesticides. Furthermore, for the pesticide named in this proposed rule, the Agency knows of no extraordinary circumstances that exist as to the present proposal that would change the EPA's previous analysis. Any comments about the Agency's determination should be submitted to the EPA along with comments on the proposal, and will be addressed prior to issuing a final rule. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.''''Policies that have federalism implications'' is defined in the Executive Order to include regulations 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.'' This proposed rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this proposed rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This proposed rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 8, 2005.

Anne E. Lindsay,

Acting Director, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

§ 180.153 [Amended]

2. Section § 180.153 is amended by removing the entries for coffee bean and dandelion, leaves from the table under paragraph (a)(1).

§ 180.169 [Amended]

3. Section § 180.169 is amended by removing the entries for bean, forage; bean, hay; and flax, straw from the table under paragraph (a)(1) and the entry for pineapple bran from the table under paragraph (a)(4).

§ 180.183 [Amended]

4. Section § 180.183 is amended by removing the entry for hop, dried cones from the table under paragraph (a).

§ 180.249 [Amended]

5. Section § 180.249 is amended by removing the entries for peanut, forage; peanut, hay; soybean, forage; and soybean, hay from the table under the paragraph.

§ 180.380 [Amended]

6. Section § 180.380 is amended by removing the entries for onion, dry bulb and raspberry from the table under paragraph (a).

§ 180.409 [Amended]

7. Section § 180.409 is amended by removing the entry for kiwifruit from the table under paragraph (a)(1) and removing paragraph (a)(2).

[FR Doc. 05–5724 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–7888–2]

North Carolina: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: North Carolina 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 North Carolina. 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 22, 2005.

ADDRESSES: Send written comments to Thornell Cheeks, North Carolina Authorization Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–3104; (404) 562–8479. You may also e-mail your comments to *Cheeks.Thornell@epa.gov* or submit your comments at *http://www.regulation.gov*. Copies of the applications submitted by North Carolina can be examined during normal business hours at the following locations: EPA Region IV Library, Atlanta Federal Center, Library, 61 Forsyth Street, SW., Atlanta, Georgia 30303; phone number:(404) 562–8190, or the North Carolina Department of Environment, Health and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 29201, (919) 733–2178.

FOR FURTHER INFORMATION CONTACT: Thornell Cheeks, North Carolina Authorization Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, GA, 30303–3104; (404) 562–8479.

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

Dated: March 10, 2005.

A. Stanley Meiburg,

Deputy Regional Administrator, Region 4.

[FR Doc. 05–5721 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

48 CFR Part 207 and Appendix D to Chapter 2

[DFARS Case 2003–D071]

Defense Federal Acquisition Regulation Supplement; Component Breakout

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to remove procedures for breaking out components of end items for future acquisitions. These procedures will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information. The proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before May 23, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D071, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil.* Include DFARS Case 2003–D071 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Mr. Euclides Barrera, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Mr. Euclides Barrera, (703) 602–0296.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the

acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dp/dars/transf.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed rule removes DFARS Appendix D, Component Breakout. Appendix D contains DoD procedures for breakout of components of end items for future acquisitions. This text will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.* A policy statement on component breakout is added at DFARS 207.105(b)(2)(ii)(70).

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the text in DFARS Appendix D, Component Breakout, relates primarily to DoD responsibilities for review of items for component breakout. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D071.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 207

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR Part 207 and Appendix D to Chapter 2 as follows:

1. The authority citation for 48 CFR Part 207 and Appendix D to subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 207—ACQUISITION PLANNING

2. Section 207.105 is amended by adding paragraph (b)(2)(ii)(70) to read as follows:

207.105 Contents of written acquisition plans.

* * * * *

(b) * * *

(2)(ii)(70) *Component breakout.* It is DoD policy to break out components of weapons systems or other major end items under certain circumstances. Follow the procedures at PGI 207.105(b)(2)(ii)(70) for component breakout.

* * * * *

Appendix D to Chapter 2 [Removed and Reserved]

3. Appendix D to Chapter 2 is removed and reserved.

[FR Doc. 05–5627 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 215

[DFARS Case 2003–D077]

Defense Federal Acquisition Regulation Supplement; Contracting by Negotiation

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to contracting by negotiation. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before May 23, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D077, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Defense Acquisition Regulations Web site: http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- *E-mail: dfars@osd.mil.* Include DFARS Case 2003–D077 in the subject line of the message.
- *Fax:* (703) 602–0350.
- *Mail:* Defense Acquisition Regulations Council, Attn: Ms. Michele Peterson, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- *Hand Delivery/Courier:* Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, (703) 602–0311.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

- Delete unnecessary text at DFARS 215.000, 215.204–1, 215.304(c)(ii), and 215.305(b).
- Delete text at DFARS 215.204–2 regarding line item identification requirements for contracts containing both fixed-price and cost-reimbursement line items. This text was proposed for addition to DFARS subpart 204.71, in the proposed rule published at 69 FR 35564 on June 25, 2004, under DFARS Case 2003–D009.
- Delete text at DFARS 215.303 and 215.304 containing procedures for

preparation of source selection plans and examples of source selection evaluation factors. This text will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi*.

• Update references to the clauses at FAR 52.219–8 and 52.219–9, to reflect the current clause titles.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes no significant change to DoD contracting policy. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D077.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 215

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR part 215 as follows:

1. The authority citation for 48 CFR part 215 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 215—CONTRACTING BY NEGOTIATION

215.000 [Removed]

2. Section 215.000 is removed.

Subpart 215.2—[Removed]

3. Subpart 215.2 is removed.

4. Sections 215.303 through 215.305 are revised to read as follows:

215.303 Responsibilities.

(b)(2) For high-dollar value and other acquisitions, as prescribed by agency procedures, the source selection authority shall approve a source selection plan before the solicitation is issued. Follow the procedures at PGI 215.303(b)(2) for preparation of the source selection plan.

215.304 Evaluation factors and significant subfactors.

(c)(i) In acquisitions that require use of the clause at FAR 52.219–9, Small Business Subcontracting Plan, other than those based on the lowest price technically acceptable source selection process (see FAR 15.101–2), the extent of participation of small businesses and historically black colleges or universities and minority institutions in performance of the contract shall be addressed in source selection. The contracting officer shall evaluate the extent to which offerors identify and commit to small business and historically black college or university and minority institution performance of the contract, whether as a joint venture, teaming arrangement, or subcontractor.

(A) See PGI 215.304(c)(i)(A) for examples of evaluation factors.

(B) Proposals addressing the extent of small business and historically black college or university and minority institution performance may be separate from subcontracting plans submitted pursuant to the clause at FAR 52.219–9 and should be structured to allow for consideration of offers from small businesses.

(C) When an evaluation assesses the extent that small businesses and historically black colleges or universities and minority institutions are specifically identified in proposals, the small businesses and historically black colleges or universities and minority institutions considered in the evaluation shall be listed in any subcontracting plan submitted pursuant to FAR 52.219–9 to facilitate compliance with 252.219–7003(g).

215.305 Proposal evaluation.

(a)(2) *Past performance evaluation.* When a past performance evaluation is required by FAR 15.304, and the solicitation includes the clause at FAR 52.219–8, Utilization of Small Business Concerns, the evaluation factors shall include the past performance of offerors in complying with requirements of that clause. When a past performance evaluation is required by FAR 15.304, and the solicitation includes the clause at FAR 52.219–9, Small Business Subcontracting Plan, the evaluation factors shall include the past performance of offerors in complying with requirements of that clause.

[FR Doc. 05–5628 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 2003–D008]

Defense Federal Acquisition Regulation Supplement; Foreign Acquisition

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to the acquisition of supplies and services from foreign sources. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before May 23, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D008, using any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

• *Defense Acquisition Regulations Web Site: http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. Follow the instructions for submitting comments.

• *E-mail: dfars@osd.mil*. Include DFARS Case 2003–D008 in the subject line of the message.

• *Fax:* (703) 602–0350.

• *Mail:* Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

• *Hand Delivery/Courier:* Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0328.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the

efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm*.

This proposed rule is a result of the DFARS Transformation Initiative. The proposed changes include—

- Deletion of redundant or unnecessary text at DFARS 225.000, 225.171, 225.871–1(b), 225.7301(a)(1) through (3), and 225.7306.
- Deletion of text at DFARS 225.001, 225.504, 225.802, 225.870–1(d), 225.870–5, 225.870–7, 225.871–5, 225.872–4, 225.872–5(b) and (c), 225.872–6(c), 225.873–2, 225.902, 225.903, 225.7301(c) and (d), and 225.7302 containing internal DoD procedures, guidance, or information. This text will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi*.
- Clarification of DFARS text as follows:
- 225.401–70—Addition of a statutory reference.
- 225.408—Clarification that the exception from FAR 25.408(a)(4) for overseas acquisitions applies only to the requirement for submission of offers in U.S. dollars.
- 225.701—Expansion of cross-reference to restrictions on contracting with firms owned or controlled by foreign governments that support terrorism (from 209.104–1(g)(i) to 209.104–1(g)).
- 225.802–70—Addition of a reference to the Army in Europe Regulation 715–9, for procedures for work performed in Germany.
- 225.871–6—Clarification that property that is jointly acquired by the members of a NATO cooperative project may be disposed of in accordance with the terms of the cooperative project agreement, without regard to any laws of the United States applicable to the disposal of property owned by the United States.
- 225.7003—Clarification that the waiver procedures in 225.7003 apply only if specifically authorized by reference elsewhere in subpart 225.70.
- 225.7303–2(a)(3) and 225.7307—Addition of cross-references.
- 225.7501(a)(2)(iii)—Deletion of a reference to DoD Directive, 4120.3, Defense Standardization and Specification Program, which was cancelled in 1991.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes no significant change to DoD contracting policy. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003-D008.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR parts 225 and 252 as follows:

1. The authority citation for 48 CFR parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

225.000 [Removed]

2. Section 225.000 is removed.

3. Section 225.001 is revised to read as follows:

225.001 General.

For guidance on evaluating offers of foreign end products, see PGI 225.001.

225.171 [Removed]

4. Section 225.171 is removed.

5. Section 225.401–70 is amended in the introductory text by revising the last sentence to read as follows:

225.401–70 Products subject to trade agreements.

* * * However, 225.003 expands the definition of Caribbean Basin country end products to include petroleum and any product derived from petroleum, in accordance with Section 8094 of Public Law 103–139.

6. Section 225.408 is revised to read as follows:

225.408 Procedures.

(a)(4) The requirements of FAR 25.408(a)(4), on submission of offers in U.S. dollars, do not apply to overseas acquisitions or to Defense Energy Support Center post, camp, or station overseas requirements.

7. Section 225.504 is revised to read as follows:

225.504 Evaluation examples.

For examples that illustrate the evaluation procedures in 225.502(c)(ii), see PGI 225.504.

8. Section 225.701 is revised to read as follows:

225.701 Restrictions.

See 209.104–1(g) for restrictions on contracting with firms owned or controlled by foreign governments.

9. Section 225.802 is revised to read as follows:

225.802 Procedures.

(b) Information on memoranda of understanding and other international agreements is available at PGI 225.802(b).

10. Section 225.802–70 is amended by adding paragraph (c) to read as follows:

225.802–70 Contracts for performance outside the United States and Canada.

* * * * *

(c) For work performed in Germany, eligibility for logistics support and base privileges of contractor employees is governed by U.S.-German bilateral agreements. Follow the procedures in Army in Europe Regulation 715–9, available at *http://www.chrma.hqusareur.army.mil/docper.*

11. Section 225.870–1 is amended by revising paragraph (d) and removing paragraph (e). The revised text reads as follows:

225.870–1 General.

* * * * *

(d) For additional information on production rights, data, and information; services provided by Canadian Commercial Corporation; audit; and inspection, see PGI 225.870–1(d).

12. Section 225.870–5 is revised to read as follows:

225.870–5 Contract administration.

Follow the contract administration procedures at PGI 225.870–5.

13. Section 225.870–7 is revised to read as follows:

225.870–7 Acceptance of Canadian supplies.

For information on the acceptance of Canadian supplies, see PGI 225.870–7.

14. Section 225.871 is revised to read as follows:

225.871 North Atlantic Treaty Organization (NATO) cooperative projects.

15. Section 225.871–1 is revised to read as follows:

225.871–1 Scope.

This section implements 22 U.S.C. 2767 and 10 U.S.C. 2350b.

16. Section 225.871–5 is amended by revising paragraph (b) and removing paragraph (c). The revised text reads as follows:

225.871–5 Directed subcontracting.

* * * * *

(b) In some instances, it may not be feasible to name specific subcontractors at the time the agreement is concluded. However, the agreement shall clearly state the general provisions for work sharing at the prime and subcontract level. For additional information on cooperative project agreements, see PGI 225.871–5.

17. Section 225.871–6 is revised to read as follows:

225.871–6 Disposal of property.

Dispose of property that is jointly acquired by the members of a cooperative project under the procedures established in the agreement or in a manner consistent with the terms of the agreement, without regard to any laws of the United States applicable to the disposal of property owned by the United States.

18. Section 225.872–4 is revised to read as follows:

225.872–4 Individual determinations.

If the offer of an end product from a qualifying country source listed in 225.872–1(b), as evaluated, is low or otherwise eligible for award, prepare a determination and findings exempting the acquisition from the Buy American Act and the Balance of Payments Program as inconsistent with the public interest, unless another exception such as the Trade Agreements Act applies. Follow the procedures at PGI 225.872–4.

19. Section 225.872–5 is amended by revising paragraphs (b) and (c) and by removing paragraph (d). The revised text reads as follows:

225.872–5 Contract administration.

* * * * *

(b) Follow the contract administration procedures at PGI 225.872–5(b).

(c) Information on quality assurance delegations to foreign governments is in subpart 246.4, Government Contract Quality Assurance.

20. Section 225.872–6 is amended by revising paragraph (c) to read as follows:

225.872–6 Audit.

* * * * *

(c) Handle requests for audits in qualifying countries in accordance with 215.404–2(c), but follow the additional procedures at PGI 225.872–6(c).

21. Section 225.873–2 is revised to read as follows:

225.873–2 Procedures.

When an offeror or a contractor identifies a levy included in an offered or contract price, follow the procedures at PGI 225.873–2.

22. Sections 225.902 and 225.903 are revised to read as follows:

225.902 Procedures.

Follow the entry and release procedures at PGI 225.902.

225.903 Exempted supplies.

(b)(i) For an explanation of the term ''supplies,'' see PGI 225.903(b)(i).

(ii) The duty-free certificate shall be printed, stamped, or typed on the face of, or attached to, Customs Form 7501. A duly designated officer or civilian official of the appropriate department or agency shall execute the certificate in the format provided at PGI 225.903(a)(ii).

23. Section 225.7003 is amended in paragraph (a) by revising the introductory text to read as follows:

225.7003 Waiver of restrictions of 10 U.S.C. 2534.

(a) The waiver procedures of this section apply only if specifically authorized by reference elsewhere in this subpart. The restrictions on certain foreign purchases under 10 U.S.C. 2534(a) may be waived as follows:

* * * * *

24. Sections 225.7301 and 225.7302 are revised to read as follows:

225.7301 General.

(a) The U.S. Government sells defense articles and services to foreign governments or international organizations through FMS agreements. The agreement is documented in a Letter of Offer and Acceptance (LOA) (see DoD 5105.38–M, Security Assistance Management Manual).

(b) Conduct FMS acquisitions under the same acquisition and contract management procedures used for other defense acquisitions.

(c) Follow the additional procedures at PGI 225.7301(c) for preparation of solicitations and contracts that include FMS requirements.

225.7302 Guidance.

For guidance on the role of the contracting officer in FMS programs that will require an acquisition, see PGI 225.7302.

25. Section 225.7303–2 is amended in paragraph (a)(3) by revising the introductory text to read as follows:

225.7303–2 Cost of doing business with a foreign government or an international organization.

(a) * * *

(3) Offset costs (also see 225.7307).

* * * * *

225.7303–4 [Amended]

26. Section 225.7303–4 is amended in paragraph (b)(1) by revising the last parenthetical to read ''(see 225.7307(a))'.

225.7306 [Removed]

27. Section 225.7306 is removed.

225.7307 and 225.7308 [Redesignated]

28. Sections 225.7307 and 225.7308 are redesignated as sections 225.7306 and 225.7307, respectively.

29. Newly designated section 225.7306 is revised to read as follows:

225.7306 Offset arrangements.

In accordance with the Presidential policy statement of April 16, 1990, DoD does not encourage, enter into, or commit U.S. firms to FMS offset arrangements. The decision whether to engage in offsets, and the responsibility for negotiating and implementing offset arrangements, resides with the companies involved. (Also see 225.7303–2(a)(3)).

30. Section 225.7501 is amended by revising paragraph (a)(2)(iii) to read as follows:

225.7501 Policy.

* * * * *

(a) * * *

(2) * * *

(iii) A spare part for foreign-manufactured vehicles, equipment, machinery, or systems, provided the acquisition is restricted to the original manufacturer or its supplier;

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.225–7027 and 252.225–7028 [Amended]

31. Sections 252.225–7027 and 252.225–7028 are amended in the introductory text by removing ''225.7308'' and adding in its place ''225.7307''.

[FR Doc. 05–5625 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 2004–D034]

Defense Federal Acquisition Regulation Supplement; Restrictions on Totally Enclosed Lifeboat Survival Systems

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to remove text addressing restrictions on the acquisition of totally enclosed lifeboat survival systems. The text proposed for removal is based on fiscal year 1994 and 1995 appropriations act provisions that are no longer considered applicable, or is based on statutory provisions that apply only to the Navy.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before May 23, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2004-D034, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web Site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil*. Include DFARS Case 2004-D034 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0328.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule removes DFARS 225.7008, Restrictions on totally enclosed lifeboat survival systems, and the corresponding contract clause at DFARS 252.225–7039. These restrictions implement Section 8124 of the Fiscal Year 1994 DoD Appropriations Act (Public Law 103–139), Section 8093 of the Fiscal Year 1995 DoD Appropriations Act (Public Law 103–335), and 10 U.S.C. 2534. Both appropriations act provisions state that none of the funds appropriated in ''this or any other Act'' could be used for the purchase of a totally enclosed lifeboat and associated davits and winches, if less than 50 percent of the entire system's components are manufactured in the United States, and if less than 50 percent of the labor in the manufacture and assembly of the entire system is performed in the United States.

There is a presumption that any provision in an annual appropriations act is effective only for that fiscal year, unless permanency is clearly indicated by words of futurity, or the provision is of a general nature, bearing no relation to the object of the appropriations. At the time of implementation of the restrictions on acquisition of totally enclosed lifeboat systems in the DFARS, DoD interpreted the phrase ''this or any other Act'' to impart futurity to the restrictions on acquisition of totally enclosed lifeboat systems. DoD has reevaluated this interpretation and has determined that the appropriations act provisions upon which the DFARS coverage is based were not permanent legislation. This position is supported by review of case law, including a U.S. Comptroller General decision of September 16, 1987, B–228838, in which the General Accounting Office held that language such as ''this or any other Act'' does not indicate futurity.

10 U.S.C. 2534(a) restricts the acquisition of totally enclosed lifeboats that are components of naval vessels. Since this restriction impacts only the Navy, and 10 U.S.C. 2534(h) specifies that DoD may not use contract clauses or certifications, but must use management and oversight techniques, to implement this restriction, DFARS coverage for implementation of this restriction is considered unnecessary.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the domestic source restrictions of 10 U.S.C. 2534 still apply to the acquisition of totally enclosed lifeboats that are components of naval vessels. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2004-D034.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR Parts 225 and 252 as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

§§ 225.7008 through 225.7008–4 [Removed and Reserved]

2. Sections 225.7008 through 225.7008–4 are removed and reserved.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

§ 252.225–7039 [Removed and Reserved]

3. Section 252.225–7039 is removed and reserved.

[FR Doc. 05–5632 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

48 CFR Part 243

[DFARS Case 2003–D024]

Defense Federal Acquisition Regulation Supplement; Contract Modifications

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to update text pertaining to contract modifications. This proposed rule is a result of a transformation initiative undertaken by DoD to dramatically change the purpose and content of the DFARS.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before May 23, 2005, to be considered in the formation of the final rule.

ADDRESSES: You may submit comments, identified by DFARS Case 2003–D024, using any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Defense Acquisition Regulations Web site: *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* Follow the instructions for submitting comments.
- E-mail: *dfars@osd.mil.* Include DFARS Case 2003–D024 in the subject line of the message.
- Fax: (703) 602–0350.
- Mail: Defense Acquisition Regulations Council, Attn: Ms. Michele Peterson, OUSD(AT&L)DPAP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.
- Hand Delivery/Courier: Defense Acquisition Regulations Council, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

All comments received will be posted to *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Michele Peterson, (703) 602–0311.

SUPPLEMENTARY INFORMATION:

A. Background

DFARS Transformation is a major DoD initiative to dramatically change the purpose and content of the DFARS. The objective is to improve the efficiency and effectiveness of the acquisition process, while allowing the acquisition workforce the flexibility to innovate. The transformed DFARS will contain only requirements of law, DoD-wide policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal operating procedures of DoD or a significant cost or administrative impact on contractors or offerors. Additional information on the DFARS Transformation initiative is available at *http://www.acq.osd.mil/dpap/dfars/transf.htm.*

This proposed rule is a result of the DFARS Transformation initiative. The proposed changes—

- Delete unnecessary text at DFARS 243.102, 243.105(a)(ii), 243.107, and 243.204–71.
- Delete obsolete text at DFARS 243.105(a)(i).
- Update text at DFARS 243.107–70 for consistency with the requirements of the clause at DFARS 252.249–7002, Notification of Anticipated Contract Termination or Reduction.
- Clarify procedures at DFARS 243.204–70 for determining if a request for equitable contract adjustment meets the dollar threshold for requiring contractor certification.
- Delete text at DFARS 243.170, 243.171, and 243.204 containing procedures for identification of foreign military sales requirements, for obligation or deobligation of contract funds, and for review and definitization of contract change orders. This text will be relocated to the new DFARS companion resource, Procedures, Guidance, and Information (PGI), available at *http://www.acq.osd.mil/dpap/dars/pgi.*

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule makes no significant change to DoD contracting policy. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2003–D024.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 243

Government procurement.

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

Therefore, DoD proposes to amend 48 CFR part 243 as follows:

1. The authority citation for 48 CFR part 243 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 243—CONTRACT MODIFICATIONS

243.102, 243.105, and 243.107 [Removed]

2. Sections 243.102, 243.105, and 243.107 are removed.

3. Section 243.107–70 is amended by revising the second sentence to read as follows:

243.107–70 Notification of substantial impact on employment.

* * * The clause prescribed at 249.7003(c) requires that the contractor notify its employees, its subcontractors, and State and local officials when a contract modification will have a substantial impact on employment.

4. Sections 243.170 and 243.171 are revised to read as follows:

243.170 Identification of foreign military sale (FMS) requirements.

Follow the procedures at PGI 243.170 for identifying contract modifications that add FMS requirements.

243.171 Obligation or deobligation of funds.

Follow the procedures at PGI 243.171 when obligating or deobligating funds.

5. Section 243.204 is revised to read as follows:

243.204 Administration.

Follow the procedures at PGI 243.204 for review and definitization of change orders.

6. Section 243.204–70 is amended by revising paragraph (b) to read as follows:

243.204–70 Certification of requests for equitable adjustment.

* * * * *

(b) To determine if the dollar threshold for requiring certification is met, add together the absolute value of each cost increase and each cost decrease. See PGI 243.204–70(b) for an example.

* * * * *

243.204–71 [Removed]

7. Section 243.204–71 is removed.

[FR Doc. 05–5624 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No.050317076–5076–01; I.D. 030405C]

RIN 0648–AT01

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments; notice of public hearings.

SUMMARY: NMFS proposes initial 2005 fishing year specifications for the Atlantic bluefin tuna (BFT) fishery to set BFT quotas for each of the established domestic fishing categories and to set General category effort controls. This action is necessary to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS will hold public hearings to receive comments on these proposed actions.

DATES: Written comments must be received on or before April 18, 2005.

The public hearing dates are:

1. April 8, 2005, from 3 p.m. to 4:30 p.m. in Gloucester, MA.

2. April 11, 2005, from 7 p.m. to 8:30 p.m. in Morehead City, NC.

ADDRESSES: Comments may be submitted through any of the following methods:

- Email: *05BFTSPECS@noaa.gov*.
- Federal e-Rulemaking Portal: *http://www.regulations.gov*.
- Mail: Dianne Stephan, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, One Blackburn Dr., Gloucester, MA 01930.
- Fax: 978–281–9340.

The public hearing locations are:

1. Northeast Regional Office, NMFS, 1 Blackburn Drive, Gloucester, MA 01930.

2. Crystal Coast Civic Center, 3500 Arendell Street, Morehead City, NC 28557.

Supporting documents including the environmental assessment, initial Regulatory Flexibility Act analysis, and regulatory impact review are available by sending your request to Dianne Stephan, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, One Blackburn Dr., Gloucester, MA 01930; fax: 978–281–9340.

FOR FURTHER INFORMATION CONTACT: Dianne Stephan at (978) 281–9260.

SUPPLEMENTARY INFORMATION: Atlantic tunas are managed under the dual authority of the Magnuson-Stevens Act and ATCA. ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations, as may be necessary and appropriate, to implement ICCAT recommendations. The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Background

On May 28, 1998, NMFS published in the **Federal Register** (64 FR 29090) final regulations, effective July 1, 1999, implementing the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (1999 FMP).

In November 2002, ICCAT recommended a Total Allowable Catch (TAC) of BFT for the United States in the western Atlantic management area of 1,489.6 metric tons (mt), effective beginning in 2003 and continuing in subsequent fishing years until revised by ICCAT. Also in the 2002 recommendation, ICCAT allocated 25 mt annually to account for incidental catch of BFT by pelagic longline fisheries directed on other species ''in the vicinity of the management boundary area.'' This area was defined in the 2003 BFT annual specification rulemaking process as the Northeast Distant statistical area (NED) (68 FR 56783, October 2, 2003). The TAC of 1,489.6 mt is inclusive of the annual 25 mt pelagic longline set-aside in the NED. The initial specifications within this proposed rule are published in accordance with the 1999 FMP and are necessary to implement the 2002 ICCAT quota recommendation, as required by ATCA, and to achieve domestic management objectives under the Magnuson-Stevens Act.

This proposed rule would: (1) establish initial quota specifications consistent with the BFT rebuilding program as set forth in the 1999 FMP by allocating the 2002 ICCAT-recommended quota for the 2005 fishing year (June 1, 2005—May 31, 2006); and (2) establish the General category effort controls, including time-period subquotas and restricted fishing days (RFDs), for the 2005 fishing season.

NMFS is also seeking public comment on options for achieving ICCAT's recommended four-year average 8 percent tolerance on harvest of school BFT. As a method for limiting fishing mortality on school size BFT, ICCAT adopted an annual 8 percent tolerance limit in 1991, and in the 1998 rebuilding plan modified the tolerance to be calculated as a four-year average. The 2005 fishing year is the third year in the current four year period. Landings of school BFT in 2003 were approximately 138 mt, which is approximately 9.3 percent of the base quota for that year, and preliminary figures for 2004 indicate that school landings were greater than 2003 school landings. Since landings of school BFT for the first half of the four year period have exceeded 8 percent, landings for the second half must be less than 8 percent to achieve an overall average of 8 percent or below. NMFS is considering options other than providing the full school subquota for the 2005 fishery, and requests public comment on potential options for achieving the 8 percent target, including the following: (1) defer any action until the final year of the four year period (2006); (2) reallocate all or a portion of the 2005 school subquota to the large school/small medium subquota for 2005; (3) maintain the default Angling category retention limit of one fish (in any recreational size class, i.e., school, large school/small medium) per vessel per day for the entire 2005 season; or (4) prohibit landing of school BFT in 2005 and carry over the subquota to 2006.

After consideration of public comment, NMFS will issue final initial quota specifications and effort controls and publish them in the **Federal Register**, along with NMFS' response to those comments. The specifications and effort controls may subsequently be adjusted during the course of the fishing year, consistent with the provisions of the 1999 FMP, and will be published in the **Federal Register**.

NMFS acknowledges that a number of other issues regarding the domestic management of BFT have been discussed during recent years. For instance, adjustment of domestic quota allocation percentages and General category time-period subquotas were raised as issues in a Petition for Rulemaking submitted by the North Carolina Division of Marine Fisheries

(see Notice of Receipt of Petition, 67 FR 69502, November 18, 2002). These issues were discussed at the 2003 HMS Advisory Panel (AP) meeting held in Silver Spring, MD, and most recently at public scoping meetings regarding the development of the consolidated HMS FMP. Other issues have been addressed in separate rulemakings. For instance, at the end of 2003, a final rule was published (68 FR 74504, December 24, 2003) that: (1) extended the General category season from December 31 to January 31, (2) established a Harpoon category end date of November 15 (or when the quota is reached, whichever comes first), (3) adjusted the Harpoon category tolerance limits for large medium BFT, and (4) adjusted the Purse Seine category opening date and large medium BFT tolerance limits. Additional issues may be addressed in the consolidated HMS FMP which is being developed during a current FMP amendment process (68 FR 40907, July 9, 2003) or in another future rulemaking.

NMFS has prepared a draft Environmental Assessment (EA), Regulatory Impact Review (RIR), and an Initial Regulatory Flexibility Analysis (IRFA) which present and analyze anticipated environmental, social, and economic impacts of several alternatives for each of the major issues contained in this proposed rule. The complete list of alternatives and their analysis is provided in the draft EA/RIR/IRFA, and is not repeated here in its entirety. A copy of the draft EA/RIR/IRFA prepared for this proposed rule is available from NMFS (see **ADDRESSES**).

Domestic Quota Allocation

The 1999 FMP and its implementing regulations established baseline percentage quota shares for the domestic fishing categories. These percentage shares were based on allocation procedures that NMFS developed over several years. The baseline percentage quota shares established in the 1999 FMP for fishing years beginning June 1, 1999, to the present are as follows: General category—47.1 percent; Harpoon category—3.9 percent; Purse Seine category—18.6 percent; Angling category—19.7 percent; Longline category—8.1 percent; Trap category—0.1 percent; and Reserve category—2.5 percent. The 2002 ICCAT-recommended U.S. BFT quota of 1,464.6 mt, not including the annual 25 mt set aside for pelagic longline vessels, would be allocated in accordance with these percentages. However, in addition to the 2002 ICCAT quota recommendation, quota allocations are adjusted based on overharvest or underharvest from prior fishing year's activity and on U.S. data on dead discards as they relate to the ICCAT dead discard allowance. Each of these adjustments is discussed below and then applied to the results of the above percentage shares to determine the 2005 fishing year proposed initial quota specifications.

The 2004 Underharvest/Overharvest

The current ICCAT BFT quota recommendation allows, and U.S. regulations require, the addition or subtraction, as appropriate, of any underharvest or overharvest in a fishing year to the following fishing year, provided that the total of the adjusted category quotas does not result in overharvest of the total annual BFT quota and remains consistent with all applicable ICCAT recommendations, including restrictions on landings of school BFT. Therefore, NMFS proposes to adjust the 2005 fishing year quota specifications for the BFT fishery to account for underharvest or overharvest in the 2004 fishing year.

Overall U.S. landings figures for the 2004 fishing year are still preliminary and may be updated before these 2005 fishing year specifications are finalized. Should adjustments to the final initial 2005 BFT quota specifications be required based on final 2004 BFT landing figures, NMFS will publish the adjustments in the **Federal Register**. For the 2004 fishing year, NMFS has preliminarily determined that General category landings were lower than the adjusted General category quota by approximately 16.0 mt; that Harpoon category landings were less than the adjusted Harpoon category quota by approximately 11.5 mt; that Longline category landings were less than the adjusted Longline category quota by approximately 85.3 mt; that Angling category landing estimates were in excess of the adjusted Angling category quota by approximately 59.4 mt; and that Purse Seine category landings were less than the adjusted Purse Seine category quota by approximately 257.6 mt. Regulations at 50 CFR 635.27(a)(9)(i) require that Purse Seine category underharvests or overharvests be subtracted from or added to each individual vessel's quota allocation, as appropriate. Based on the estimated amount of Reserve that NMFS maintains for the landing of BFT taken during ongoing scientific research projects and/or potential overharvests in certain categories, NMFS estimates that 298.3 mt of Reserve remains from the 2004 fishing year. This remaining Reserve quota will be used in part to address the Angling category overharvest and the rest divided between the General and Harpoon categories in proportion to the tonnage transferred out of these categories to the Reserve category in 2004, and in consideration of the number of permit holders participating in each of these respective fisheries, and the Reserve category. For categories with under or overharvests from the 2004 fishing year, these initial specifications will subtract the overharvest from, or add the underharvest to, the same quota category for the 2005 fishing year.

Dead Discards

As part of the BFT rebuilding program, ICCAT recommends an allowance for dead discards. The U.S. dead discard allowance is 68 mt. Dead discard estimates for 2004 are not yet available, so the estimate for the 2003 calendar year is used as a proxy to calculate the amount to be added to, or subtracted from, the U.S. BFT landings quota for 2005. The 2003 calendar year preliminary estimate of U.S. dead discards, as reported per the longline discards calculated from logbook tallies, adjusted as warranted when observer counts in quarterly/geographic stratum exceeded logbook reports, totaled 52.4 mt. Estimates of dead discards from other gear types and fishing sectors that do not use the pelagic longline vessel logbook are unavailable at this time, and thus, are not included in this calculation. As U.S. fishing activity is estimated to have resulted in fewer dead discards than its allowance, the ICCAT recommendation and U.S. regulations state that the United States may add one half of the difference between the amount of dead discards and the allowance (i.e., 68.0 mt − 52.4 mt = 15.6 mt, 15.6 mt/2 = 7.8 mt) to its total allowed landings for the following fishing year, to individual fishing categories, or to the Reserve category. NMFS proposes to allocate the 7.8 mt to the Reserve category quota to assist in covering potential overharvests and provide for inseason adjustments for the upcoming fishing year.

2005 Proposed Initial Quota Specifications

In accordance with the 2002 ICCAT quota recommendation, the ICCAT recommendation regarding the dead discard allowance, the HMS FMP percentage shares for each of the domestic categories, and regulations regarding annual adjustments at § 635.27(a)(9)(ii), NMFS proposes initial quota specifications for the 2005 fishing year as follows: General category—908.3 mt; Harpoon category—90.0 mt; Purse Seine category—530.0 mt; Angling category—288.6 mt; Longline category—

228.9 mt; and Trap category—3.8 mt. Additionally, 59.4 mt would be allocated to the Reserve category for inseason adjustments, including potentially providing for a late season General category fishery, or allocated to cover scientific research collection and potential overharvest in any category except the Purse Seine category.

Based on the above proposed initial specifications, the Angling category quota of 288.6 mt would be further subdivided as follows: School BFT—117.2 mt, with 45.1 mt to the northern area (north of 39°18′ N. latitude), 50.4 mt to the southern area (south of 39°18′ N. latitude), plus 21.7 mt held in reserve; large school/small medium BFT—164.8 mt, with 77.8 mt to the northern area and 87.0 mt to the southern area; and large medium/giant BFT—6.6 mt, with 2.2 mt to the northern area and 4.4 mt to the southern area.

The 2002 ICCAT recommendation includes an annual 25 mt set-aside quota to account for bycatch of BFT related to directed longline fisheries in the vicinity of the management area boundary and referred to as the NED hereafter. This set-aside quota is in addition to the overall incidental longline quota to be subdivided in accordance to the North/South allocation percentages mentioned below. Thus, the proposed Longline category quota of 228.9 mt would be subdivided as follows: 58.1 mt to pelagic longline vessels landing BFT north of 31° N. latitude and 106.1 mt to pelagic longline vessels landing BFT south of 31° N. latitude, and 64.7 mt (39.7 mt from 2004 + 25.0 mt for 2005) to account for bycatch of BFT related to directed pelagic longline fisheries in the NED. The bycatch allocation by ICCAT for pelagic longline vessels in the NED would be allocated to the Longline north subcategory. Accounting for landings under this additional quota would be maintained separately from other landings under the Longline north subcategory. Finally, regulations regarding BFT target catch requirements for pelagic longline vessels within the NED do not apply until the landings equal the available set-aside quota (§ 635.23(f)(3)). After the available quota has been landed, target catch requirements at § 635.23(f)(1) will then apply.

General Category Effort Controls

For the last several years, NMFS has implemented General category time-period subquotas to increase the likelihood that fishing would continue throughout the entire General category season. The subquotas are consistent with the objectives of the 1999 FMP and are designed to address concerns regarding the allocation of fishing opportunities, to assist with distribution and achievement of optimum yield, to allow for a late season fishery, and to improve market conditions and scientific monitoring.

The regulations implementing the 1999 FMP divide the annual General category quota into three time-period subquotas as follows: 60 percent for June-August, 30 percent for September, and 10 percent for October-January. These percentages would be applied to the adjusted 2005 coastwide quota for the General category of 908.3 mt, minus 10.0 mt reserved for the New York Bight set aside fishery. Therefore, of the available 898.3 mt coastwide quota, 539.0 mt would be available in the period beginning June 1 and ending August 31, 2005; 269.5 mt would be available in the period beginning September 1 and ending September 30, 2005; and 89.8 mt would be available in the period beginning October 1, 2005, and ending January 31, 2006.

In addition to time-period subquotas, NMFS also has implemented General category RFDs to extend the General category fishing season. The RFDs are designed to address the same issues addressed by time-period subquotas and provide additional fine scale inseason flexibility. For the 2005 fishing year, NMFS proposes a series of solid blocks of RFDs to extend the General category for as long as possible through the October through January time-period.

Therefore, NMFS proposes that persons aboard vessels permitted in the General category would be prohibited from fishing, including catch-and-release and tag-and-release, for BFT of all sizes on the following days: all Fridays, Saturdays, and Sundays from November 18, 2005, through January 31, 2006, and November 24, 2005, inclusive, while the fishery is open. These proposed RFDs would improve distribution of fishing opportunities during the late season without increasing BFT mortality.

Classification

This proposed rule is published under the authority of the Magnuson-Stevens Act and ATCA. The Assistant Administrator for Fisheries (AA) has preliminarily determined that the regulations contained in this proposed rule are necessary to implement the recommendations of ICCAT and to manage the domestic Atlantic HMS fisheries.

The purpose of this proposed action is to: (1) implement the 2002 ICCAT recommendation regarding the BFT quota, by proposing 2005 specifications for the BFT fishery that allocates the quota among domestic fishing categories, including 25 mt of BFT quota to the Longline category; and, (2) implement General category effort controls.

NMFS has prepared an IRFA to analyze the impacts on small entities of the alternatives for establishing 2005 fishing year BFT quotas for all domestic fishing categories and General category effort controls. The analysis for the IRFA assesses the impacts of the various alternatives on the vessels that participate in the BFT fisheries, all of which are considered small entities. In order to do this, NMFS has estimated the average impact that the alternative to establish the 2005 BFT quota for all domestic fishing categories would have on individual categories and the vessels within those categories.

As noted above, the 2002 ICCAT recommendation increased the BFT quota allocation to 1,489.6 mt, to be redistributed to the domestic fishing categories based on the allocation percentages established in the 1999 FMP, as well as a set-aside quota of 25 mt to account for incidental catch of BFT related to directed longline swordfish and BAYS fisheries in the NED. Both these quota modifications were established in the 2003 and 2004 specifications. In 2004, the annual gross revenues from the commercial BFT fishery were approximately $5.2 million. There are approximately 29,401 vessels that are permitted to land and sell BFT under four BFT quota categories (including charter/headboat vessels). The commercial categories and their 2004 gross revenues are General ($4,346,814), Harpoon ($317,104), Purse Seine ($231,791), and Longline ($305,180). The analysis for the IRFA assumes that each vessel within a category will have similar catch and gross revenues. While this may not be true, the analyses are sufficient to show the relative impact of the various preferred alternatives on vessels.

For the allocation of BFT quota among domestic fishing categories, NMFS analyzed a no action alternative and Alternative two (preferred alternative) which would implement the 2002 ICCAT recommendation. Alternative two included several options for reducing catch of school BFT to stay within the four-year 8 percent tolerance limit required by ICCAT. NMFS considered a third alternative that would have allocated the 2002 ICCAT recommendation in a manner other than that designated in the 1999 FMP that was meant to address issues regarding specific set-asides and allocations for

fishing groups that are not currently considered in the 1999 FMP. However, since the third alternative could have resulted in a de facto sub-period quota reallocation, an FMP amendment would be necessary for its implementation, and therefore it would not be practicable and was not further analyzed. NMFS has initiated the development of the consolidated HMS FMP (68 FR 40907, July 9, 2003) in a concurrent rulemaking, to consider sub-period quota allocations in the BFT fishery, among other things.

As noted above, alternative two would implement the 2002 ICCAT recommendation in accordance with the 1999 FMP and consistent with ATCA. Under ATCA, the United States is obligated to implement ICCAT-approved quota recommendations. The preferred alternative would apply this quota and have positive impacts for fishermen. The no action alternative would keep the quota at pre–2002 ICCAT recommendation levels (i.e., 77.6 mt less) and would not be consistent with the purpose and need for this action and the 1999 FMP. It would maintain economic impacts to the United States and to local economies at a distribution and scale similar to 2002 or recent prior years, but would deny fishermen additional fishing opportunities as recommended by the 2002 ICCAT recommendation and as mandated by ATCA.

Alternative two also includes several options for reducing catch of school bluefin tuna, including: (1) taking no action until 2006; (2) reallocating all or a portion of the 2005 school subquota to the large school/small medium subquota for 2005; (3) maintaining the default Angling category retention limit of one fish per vessel per day for the entire 2005 season; or (4) prohibiting landing of school BFT in 2005 and carrying over the subquota to 2006. Because of limited economic data regarding recreational HMS fisheries, economic impacts of the various options cannot be quantified. However, the options that include some reduction in school BFT landings in 2005 (options 2, 3 and 4) could have minor negative economic impacts for 2005. Any modest economic impacts to charter/headboat or recreational fisheries as a result of option 2 could be mitigated by the shift of quota to the large school/small medium subquota. In addition, the apparent recent increase in school BFT landings could indicate an increase in abundance of young BFT, some of which could be recruited into the large school/small medium size class in 2005, thus mitigating any reduction in school BFT from Options 2 or 4. Impacts from Option 3 are less likely to be mitigated by shifts in quota or abundance since the one fish retention limit would be in place for the entire season, and the small retention limit could have greater impacts on charter/headboat fisheries than the other options. Under Option 1, if action is deferred until 2006, then there would not be any impact in the coming fishing year; however, more severe measures may be required to reduce school harvest in 2006.

For the General category effort controls, two alternatives were considered: the preferred alternative to designate RFDs according to a schedule published in the initial BFT specifications and the no action alternative (no RFDs published with the initial specifications, but implemented during the season as needed). In the past, when catch rates have been high, the use of RFDs (preferred alternative) has had positive economic consequences by avoiding oversupplying the market and extending the season as late as possible. Implementing RFDs to extend the late season may have negative economic impacts to northern area fishermen who choose to travel to the southern area during the late season fishery. Travel and lodging costs may be greater if the season were extended over a greater period of time as proposed under the preferred alternative. Those additional costs could be mitigated if the ex-vessel price of BFT stays high, as is intended under this alternative. Without RFDs, travel costs may be less because of a shorter season; however, the market could be oversupplied and ex-vessel prices could fall. Overall, extending the season as late as possible would enhance the likelihood of increasing participation by southern area fishermen, increase access to the fishery over a greater range of the fish migration, and is expected to provide better than average ex-vessel prices with an overall increase in gross revenues.

The no action alternative would not implement any RFDs with publication of the initial specifications but rather would use inseason management authority established in the 1999 FMP to implement RFDs during the season, should catch rates warrant. This alternative is most beneficial during a season of low catch rates and would have positive economic consequences if slow catch rates were to persist. Overall, the season would regulate itself and fishermen could choose when to fish or not based on their own preferences. However, even with low catch rates and no RFDs, it is unlikely that there will be enough quota in the General category to sustain an extended late season commercial handgear fishery off south Atlantic states. Thus, if the 2005 season is similar to the 2003 and 2004 fisheries, there may be negative economic impacts to fishermen in southern states unless inseason management actions are taken to slow down the late season fishery.

None of the proposed alternatives in this document would result in additional reporting, recordkeeping, compliance, or monitoring requirements for the public. This proposed rule has also been determined not to duplicate, overlap, or conflict with any other Federal rules.

NMFS prepared a draft EA for this proposed rule, and the AA has preliminarily concluded that there would be no significant impact on the human environment if this proposed rule were implemented. The EA presents analyses of the anticipated impacts of these proposed regulations and the alternatives considered. A copy of the EA and other analytical documents prepared for this proposed rule, are available from NMFS via the Federal e-Rulemaking Portal (see **ADDRESSES**).

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This final rule contains no new collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to, a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

On September 7, 2000, NMFS reinitiated formal consultation for all HMS commercial fisheries under Section 7 of the ESA. A BiOp, issued June 14, 2001, concluded that continued operation of the Atlantic pelagic longline fishery is likely to jeopardize the continued existence of endangered and threatened sea turtle species under NMFS jurisdiction. This BiOp also concluded that the continued operation of the purse seine and handgear fisheries may adversely affect, but is not likely to jeopardize, the continued existence of any endangered or threatened species under NMFS jurisdiction. NMFS has implemented the reasonable and prudent alternative (RPA) required by this BiOp.

Subsequently, based on the management measures in several proposed rules, a new BiOp on the Atlantic pelagic longline fishery was

issued on June 1, 2004. The 2004 BiOp found that the continued operation of the fishery was not likely to jeopardize the continued existence of loggerhead, green, hawksbill, Kemp's ridley, or olive ridley sea turtles, but was likely to jeopardize the continued existence of leatherback sea turtles. The 2004 BiOp identified RPAs necessary to avoid jeopardizing leatherbacks, and listed the Reasonable and Prudent Measures (RPMs) and terms and conditions necessary to authorize continued take as part of the revised incidental take statement. On July 6, 2004, NMFS published a final rule (69 FR 40734) implementing additional sea turtle bycatch and bycatch mortality mitigation measures for all Atlantic vessels with pelagic longline gear onboard. NMFS is working on implementing the other RPMs in compliance with the 2004 BiOp. On August 12, 2004, NMFS published an advance notice of proposed rulemaking (69 FR 49858) to request comments on potential regulatory changes to further reduce bycatch and bycatch mortality of sea turtles, as well as comments on the feasibility of framework mechanisms to address unanticipated increases in sea turtle interactions and mortalities, should they occur. NMFS will undertake additional rulemaking and non-regulatory actions, as required, to implement any management measures that are required under the 2004 BiOp. The measures proposed in this action are not expected to have adverse impacts on protected species. Although the 2002 ICCAT recommendation increased the BFT quota, which may result in a slight increase in effort, NMFS does not expect this slight increase to alter current fishing patterns. The options to reduce mortality of school BFT are expected to have negligible ecological impacts and not adversely impact protected species. The specific action to allocate additional BFT quota to the Longline category would not alter current impacts on threatened or endangered species. The action would not modify fishing behavior or gear type, nor would it expand fishing effort because BFT are only allowed to be retained incidentally. Thus, the proposed action would not be expected to change previously analyzed endangered species or marine mammal interaction rates or magnitudes, or substantially alter current fishing practices or bycatch mortality rates.

The area in which this proposed action is planned has been identified as Essential Fish Habitat (EFH) for species managed by the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, the Caribbean Fishery Management Council, and the HMS Management Division of the Office of Sustainable Fisheries at NMFS. It is not anticipated that this action will have any adverse impacts to EFH and, therefore, no consultation is required.

NMFS has determined that the list of actions in this proposed rule are consistent to the maximum extent practicable with the enforceable policies of the coastal states in the Atlantic, Gulf of Mexico, and Caribbean that have Federally approved coastal zone management programs under the Coastal Zone Management Act (CZMA). The proposed rule establishing quota specifications and effort controls will be submitted to the responsible state agencies for their review under Section 307 of the CZMA.

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

Dated: March 18, 2005.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 05–5742 Filed 3–18–05; 1:27 pm]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 70, No. 55

Wednesday, March 23, 2005

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

Submission for OMB Review; Comment Request

March 17, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal Plant and Health Inspection Service

Title: Foreign Animal Disease (Emerging Disease Investigations (FAD/ED) Database).

OMB Control Number: 0579–0071.

Summary of Collection: The Animal and Plant Health Inspection Service (APHIS), administers regulations intended to prevent foreign diseases of livestock or poultry from being introduced into the United States, conducts surveillance for the early detection of such foreign animal diseases, and conducts eradication programs if such foreign diseases are detected. Through the Foreign Animal Disease Surveillance Program, APHIS compiles essential epidemiological and diagnostic data that are used to define foreign animal diseases and their risk factors. APHIS' authority to investigate suspected occurrences of foreign animal diseases of livestock or poultry is delineated in Public Law 87–518 and 21 U.S.C. 111, 112, 113, 114, 114a, 120, and 134a. The regulations implementing these laws are found in part 53 of Title 9, Code of Federal Regulations.

Need and Use of the Information: APHIS collects information such as the purpose of the diagnostician's visit to the site, the name and address of the owner/manager, the type of operation being investigated, the number of and type of animals on the premises, the number of sick or dead animals, the results of post mortem examinations, and the name of the suspected disease. This information assists APHIS personnel in detecting and eradicating foreign animal disease incursions. Without the information, APHIS has no way to detect and monitor foreign animal disease outbreaks in the United States.

Description of Respondents: Farm; Business or other for profit.

Number of Respondents: 635.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 2,540.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–5714 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–34–M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 17, 2005.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) 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; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business Service

Title: Annual Survey of Cooperative Involvement in International Markets.

OMB Control Number: 0570–0020.

Summary of Collection: The mission of the Cooperative Services Program of Rural Business-Cooperative Service

(RBS) is to assist farmer-owned cooperatives in improving the economic well being of their farmer-members. To facilitate the program's mission and activities as authorized by the Cooperative Marketing Act of 1926, RBS collects, maintains, and analyzes data pertaining to farmer cooperatives. Information is collected through an annual survey mailed to all cooperatives.

Need and Use of the Information: The information collected by RBS will be used to comply with the agency's mission to acquire and report such information. In addition to monitoring and reporting the progress of cooperatives in global markets, RBS will use the data in economic/market research and will also produce educational materials about cooperatives.

Description of Respondents: Business or other for-profit.

Number of Respondents: 105.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 105.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 05–5715 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–XT–M

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest; South Dakota and Wyoming; Inyan Kara and Jewel Cave Mineral Withdrawal

AGENCY: Forest Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Black Hills National Forest proposes to recommend withdrawal of two areas of National Forest System lands from mineral entry. The proposed action would recommend the withdrawal of these lands from mineral exploration and development under the General Mining Law of 1872, as amended.

DATES: A public meeting will be held to explain the project and take public comment. The meeting will be held at the Black Hills National Forest Supervisor's Office on April 26, 2005, at 7 p.m. m.d.t.

ADDRESSES: The Supervisor's Office is located at 25041 North Highway 16, Custer, South Dakota.

FOR FURTHER INFORMATION CONTACT: For further information, mail correspondence to Alice Allen, Project Leader, Black Hills National Forest, 330 Mt. Rushmore Rd., Custer, South Dakota 57730; or, at *aaallen@fs.fed.us.*

Purpose and Need for Action

This action is needed to protect unique resource values (FSM 2761.03 (1)), *i.e.,* cave resources and prehistoric and historic cultural properties from disturbance and adverse effects associated with mineral extraction. Currently the Forest has no authority to deny mining projects in these areas. This proposal is consistent with direction in the Black Hills National Forest Revised Forest Plan to pursue mineral withdrawals where appropriate (Standard 1509).

Proposed Action

The Black Hills National Forest proposes to recommend withdrawal of two areas of National Forest system lands from mineral entry. The first area contains lands (~4,696 acres) adjacent to Jewel Cave National Monument in South Dakota. The Jewel Cave withdrawal area is located about 10 miles west of Custer, SD on the Hell Canyon Ranger District, Black Hills National Forest, South Dakota. The second area is a disjunct section of NFS lands (~1,278 acres) in the vicinity of Inyan Kara Mountain, Wyoming. The Inyan Kara withdrawal area is located about 12 miles south of Sundance, WY on the Bearlodge Ranger District, Black Hills National Forest, Wyoming.

Possible Alternatives

In addition to the proposed action, the Forest Service also evaluated two alternatives:

No Action Alternative—This alternative is required as a comparison to the action alternatives. Under the No Action alternative, the existing withdrawal at Jewel Cave would remain in effect. No additional area would be withdrawn. No withdrawal would take place at Inyan Kara. Mining activities could occur at either site.

Alternative 3—Under this alternative, only about 1,064 acres would be withdrawn near Jewel Cave. This alternative addresses public concerns that the withdrawal area under the Proposed Action is larger than necessary to protect the cave resources and would adversely affect mining opportunities. Fewer acres would be withdrawn allowing greater potential for mineral development. Under Alternative 3 the Inyan Kara withdrawal area would remain the same as the Proposed Action. All of Inyan Kara is considered sacred by Native Americans. Reducing the acreage of the proposed withdrawal would not meet the purpose of protecting cultural, historic, and prehistoric resources at the site.

Lead and Cooperating Agencies

The USDA Forest Service is the lead agency for this action. The USDI Bureau of Land Management and USDI National Park Service are cooperating agencies.

Responsible Official

The Forest Service official who will make the recommendation to the BLM on this withdrawal proposal is the Rocky Mountain Regional Forester. The Responsible Officials for any USDI–BLM decision to withdraw lands from mineral entry are as follows. For the Jewel Cave withdrawal, the responsible Official is the Montana State Director, USDI Bureau of Land Management, Billings, MT. For the Inyan Kara withdrawal, the responsible Official is the Wyoming State Director, USDI Bureau of Land Management, Cheyenne, WY.

Nature of Decision To Be Made

The USDI Bureau of Land Management is a cooperating agency and is responsible for the final decision regarding this mineral withdrawal. Mineral withdrawals fall under the administrative responsibilities of the USDI Bureau of Land Management (43 CFR 2310.1). Section 104 of the Federal Land Policy and Management Act of 1976 gives the Secretary of the Interior general authority to make, modify, extend, or revoke most withdrawals on public or reserved Federal lands. The Forest Service must apply to the Secretary of the Interior for withdrawal actions on National Forest System lands (FSM 2761.01). The Forest Service initiates an application with the BLM for a mineral withdrawal. The BLM publishes notice of an application and withdrawal proposal in the **Federal Register**. The Forest Service then completes an environmental assessment (EA) and supporting specialist reports to meet the requirements of the National Environmental Policy Act (1969).

This EA is not a decision document. Based upon the effects of the alternatives, the Recommending FS official will recommend to the BLM an alternative to limit disturbance to protect the cave and archeological resources and provide supporting rationale. The Director of the BLM makes the final decision on the proposed withdrawal and publishes notice of the decision in the **Federal Register**. Thus, the Forest Service recommendation is not appealable (36 CFR 215.12(h)). The Recommending Forest Service official in this case will

be the Rocky Mountain Regional Forester (FSM 2761.04).

The BLM Responsible Officials will decide (1) if mineral withdrawals are necessary to protect the significant resources located at Jewel Cave and at Inyan Kara, and (2) if so, what the appropriate size of those withdrawals should be.

Scoping Process

The proposal was listed in the Schedule of Proposed Actions on October 2004. The proposal was provided to the public and other agencies for comment during scoping November 3 through December 5, 2004. In addition, as part of the public involvement process, the agency provided maps and information on the Black Hills National Forest Web site (*http://www.fs.fed.us/r2/blackhills*).

Preliminary Issues

The Forest Service identified one topic raised during scoping. This issue is: The size of the withdrawals is too large and will have adverse effects on mining opportunities.

Dated: March 17, 2005.

Dorothy FireCloud,

Acting Deputy Forest Supervisor.

[FR Doc. 05–5704 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ravalli County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli County Resource Advisory Committee will be meeting to review 2004 projects, receive reports on the Forest Plan Revision, discuss public outreach methods, and hold a short public forum (question and answer session). The meeting is being held pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393). The meeting is open to the public.

DATES: The meeting will be held on March 22, 2005, 6:30 p.m.

ADDRESSES: The meeting will be held at the Ravalli County Administration Building, 215 S. 4th Street, Hamilton, Montana. Send written comments to Daniel Ritter, Acting District Ranger, Stevensville Ranger District, 88 Main Street, Stevensville, MT 59870, by facsimile (406) 777–7423, or electronically to *dritter@fs.fed.us*.

FOR FURTHER INFORMATION CONTACT: Daniel Ritter, Acting District Ranger, Stevensville District Ranger and Designated Federal Officer, Phone: (406) 777–5461.

Dated: March 15, 2005.

David T. Bull

Forest Supervisor.

[FR Doc. 05–5686 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: Modoc Resource Advisory Committee, Alturas, California, USDA Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Modoc National Forest's Modoc Resource Advisory Committee will meet Monday, April 4th, 2005, May 2nd, 2005 and June 6th, 2005 in Alturas, California for business meetings. The meetings are open to the public.

SUPPLEMENTARY INFORMATION: The business meeting April 4th begins at 6 p.m., at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include existing and future projects that meet the intent of Pub. L. 106–393. Time will also be set aside for public comments at the beginning of the meeting.

The business meeting May 2nd begins at 6 p.m.; at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include existing and future projects that meet the intent of Pub. L. 106–393. Time will also be set aside for public comments at the beginning of the meeting.

The business meeting June 6th begins at 6 p.m.; at the Modoc National Forest Office, Conference Room, 800 West 12th St., Alturas. Agenda topics will include existing and future projects that meet the intent of Pub. L. 106–393. Time will also be set aside for public comments at the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Stan Sylva, Forest Supervisor and Designated Federal Officer, at (530) 233–8700; or Public Affairs Officer Louis J. Haynes at (530) 233–8846.

Stanley G. Sylva,

Forest Supervisor.

[FR Doc. 05–5705 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

RIN 0596–AC02

National Forest System Land Management Planning Directives

AGENCY: Forest Service, USDA.

ACTION: Notice of issuance of agency interim directives; request for comment.

SUMMARY: The Forest Service has issued twelve (12) interim directives to Forest Service Manuals 1330, 1900, and 1920 and Forest Service Handbook 1909.12 establishing procedures and responsibilities for implementing the National Forest land management planning regulation set out at 36 CFR part 219. The planning regulation was published in the **Federal Register** on January 5, 2005 (70 FR 1023). The intended effect of issuance of these IDs is to provide consistent overall guidance to Forest Service line officers and agency employees in developing, amending, or revising land management plans for units of the National Forest System. Public comment is invited and will be considered in developing final directives.

DATES: Interim directive no. 1330–2005–1, 1900–2005–1, 1920–2005–1, 1909.12–2005–1, 1909.12–2005–2, 1909.12–2005–3, 1909.12–2005–4, 1909.12–2005–5, 1909.12–2005–6, 1909.12–2005–7, 1909.12–2005–8, and 1909.12–2005–9 is effective March 23, 2005. Comments must be received in writing by June 21, 2005.

ADDRESSES: Send written comments concerning these interim directives through one of the following methods: Federal Rulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments; E-mail: *planningdirectives @contentanalysis group.com*. Include ''RIN 0596-AC02'' or ''planning directives'' in the subject line of the message. Fax: (801) 397–2601. Please identify your comments by including ''RIN 0596–AC02'' or ''planning directives'' on the cover sheet or the first page. Mail: USDA Forest Service Planning Directives, c/o Content Analysis Group, PO Box 2000, Bountiful, UT 84011–2000. For detailed instructions on submitting comments

and additional information on the rulemaking process, see the ''Public Participation'' heading in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Regis Terney, Planning Specialist, Ecosystem Management Coordination Staff (202) 205–1552.

SUPPLEMENTARY INFORMATION:

Public Participation

Please note that the Forest Service will not be able to receive hand-delivered comments. If you intend to submit comments in batched e-mails from the same server, please be aware that electronic security safeguards on Forest Service and Department of Agriculture computer systems for prevention of commercial spamming may limit batched e-mail access. The Forest Service is interested in receiving all comments on these interim directives (ID's). Therefore, please call (801) 517–1020 to facilitate transfer of comments in batched e-mail messages. Please note that all comments, including names and addresses when provided, will be placed in the record and will be available for public inspection and copying. The agency cannot confirm receipt of comments. Individuals wishing to inspect comments should call Jody Sutton at (801) 517–1020 to schedule an appointment.

These ID's are issued to Forest Service Manual (FSM) 1330, 1900 Zero Code, 1920; and Forest Service Handbook (FSH) 1909.12, chapters 10, 20, 30, 40, 50, 60, 70, and 80. Copies of the ID's are available on the World Wide Web/Internet at *http://www.fs.fed.us/emc/nfma/index,* or on a compact disc (CD). Copies of the directives on CD can be obtained by contacting Regis Terney by e-mail (*rterney@fs.fed.us*) or by phone at 1–866–235–6652 or 202–205–1552. Copies may also be obtained by contacting one of the following Regional Offices:

Northern Region: 200 E. Broadway, Federal Building, PO Box 7669, Missoula, MT 59807, (406) 329–3511, TTY Telephone: 406–329–3675.

Rocky Mountain Region: Street Address, 740 Simms St, Golden, CO 80401, Mailing address, PO Box 25127, Lakewood CO 80225–0127, 303–275–5350, TTY 303–275–5367.

Southwestern Region: 333 Broadway SE., Albuquerque, NM 87102, (505) 842–3292, TTY: (505) 842–3198.

Intermountain Region: 324 25th Street, Ogden, UT 84401, (801) 625–5306.

Pacific Southwest Region: 1323 Club Drive, Vallejo, CA 94592, 707–562–8737, TTY: 707–562–9130.

Pacific Northwest Region: PO Box 3623, 333 SW First Avenue, Portland, Oregon 97208–3623 USA, (503) 808–2468.

Southern Region: Attn: Public Affairs, 1720 Peachtree Rd, NW., Atlanta, GA 30309.

Eastern Region—R9: 626 East Wisconsin Ave., Milwaukee, WI 53202, Phone: (414) 297–3600, TTY: (414) 297–3507.

Alaska Region: PO Box 21628, Juneau, AK 99802–1628, (907) 586–8806, TTY: 907–586–7921.

Readers are encouraged to obtain a copy of the ID's to formulate their comments and provide input for the development of the final planning directives.

Background

On January 5, 2005, the Department adopted final planning regulations for the National Forest System at 36 CFR part 219, subpart A (70 FR 1023). This 2004 planning rule provides broad programmatic direction in developing and carrying out land management planning. The rule explicitly directs the Chief of the Forest Service to establish planning procedures in the Forest Service directives system (36 CFR 219.1(c)).

The Forest Service directives consist of the Forest Service Manual (FSM) and the Forest Service Handbook (FSH), which contain the agency's policies, practices, and procedures and serves as the primary basis for the internal management and control of programs and administrative direction to Forest Service employees. The directives for all agency programs are set out on the World Wide Web/Internet at *http://www.fs.fed.us/im/directives*.

Specifically, the FSM contains legal authorities, objectives, policies, responsibilities, instructions, and guidance needed on a continuing basis by Forest Service line officers and primary staff to plan and execute programs and activities. The FSH is the principal source of specialized guidance and instruction for carrying out the policies, objectives, and responsibilities contained in the FSM.

Need for Interim Direction

Procedural and technical details associated with implementing the 2004 planning rule at 36 CFR part 219 are needed immediately for units to be able to begin or adapt plan amendments or plan revisions. About 42 revision efforts are currently ongoing under the 1982 planning rule. The unit supervisors for all of these revisions have the option of transitioning to the 2004 planning rule. These ID's provide unit supervisors additional information so they may make an informed decision on whether to modify their existing planning processes to conform to the 2004 rule, or finish their revision efforts under the 1982 planning rule.

Likewise, about 4 to 5 units should be initiating their revision efforts this year. It is imperative that these units start off on the right foot in a consistent manner. This consistency is necessary so the American public that is interested in more than one unit, does not become confused and questions why units are revising plans differently.

Content of Interim Directives

The following is an overview of what the ID's contain related to land management planning.

Forest Service Manual

FSM 1330—New Management Strategies

The ID removes new perspectives in ecosystem management from the content of the chapter. FSM 1331 adds guidance for carrying out environmental management systems and how to conform to the consensus standard developed by the International Organization for Standardization (ISO) and adopted by the American National Standards Institute, as ISO 14001: Environmental Management Systems: Specification With Guidance For Use.

FSM 1900—Planning—Zero Code Chapter

In general, the zero code sections of the directive coding scheme are used to identify general instructions, such as authority, objectives, and policy that apply to all subsequent direction within the section where the zero code is set out. The ID to the zero code chapter changes definitions to make them consistent with the 2004 planning rule, removes direction on The Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) program, and replaces it with direction on the Forest Service's Strategic Plan.

FSM Chapter 1920—Land Management Planning

Section 1920.2—Objectives

The ID to this section revises objectives 1 through 3 to reflect the principles of the National Forest Management Act of 1976 (NFMA), including public participation, interdisciplinary approach, and multiple use. Objectives 4 and 5 update sustainability wording.

Section 1920.3—Objectives

The ID adds that the responsible official must conduct sustainability evaluations within an area large enough

to consider broad-scale factors and trends over large landscapes when plans are prepared or revised.

Section 1920.4—Responsibility

The ID reserves the authority to the Chief to approve the schedule of plan revisions at FSM 1920.41.

Section 1921—Land Management Planning for 2004 Planning Rule

The ID changes the caption from ''Regional Planning'' to ''Land Management Planning for 2004 Planning Rule.'' FSM 1921.03b adds policy that project or activity decisions should not be included in plans. FSM 1921.04 adds responsibilities for Regional Foresters, Forest Supervisors, responsible officials, and District Rangers. FSM 1921.06 adds requirements for plan documents. FSM 1921.1 includes direction on what constitutes a plan and describes (1) desired conditions, (2) guidelines, (3) identification of areas generally suitable for various uses, (4) evaluation and monitoring, (5) National Forest Management Act requirements for vegetation management, (6) objectives, (7) resource integration requirements, and (8) special areas. FSM 1921.15 describes requirements for identification of areas generally suitable for various uses. FSM 1921.16 provides an exhibit on special designated areas, including designating official, and cross-references.

FSM 1921.17 adds a section on National Forest Management Act requirements. FSM 1921.17a adds requirements for vegetation management in carrying out site-specific projects. FSM 1921.17b adds requirements for vegetation management guidance in land management plans. FSM 1921.17c adds requirements for determining the general suitability of lands for timber harvest and identification of lands not suitable for timber production with reevaluation to occur every 10 years. FSM 1921.17d adds requirements for estimating long-term sustained-yield capacity (LTSYC) and limitation on timber harvest on ''land where timber harvest could occur'' to equal to or less than LTSYC, and exceptions to these limitations of timber harvest. This is a change in policy as existing policy calculates LTSYC from timber production lands only. FSM 1921.17e adds requirements for guidelines of maximum size limits for even-aged regeneration harvest. FSM 1921.17f adds requirements for guidelines of culmination of mean annual increment (CMAI) of growth and even-aged regeneration harvest and clarifies when CMAI concept does not apply. FSM 1921.17g adds requirements for timber management projections and other National Forest Management Act of 1976 statutory requirements, including description of likely forest management systems, and adds a requirement that these timber management projections in a plan are not to be considered decisions and that they may be administratively corrected. FSM 1921.17h adds requirements for special conditions or situations that involve hazards to the various resources. FSM 1921.17i adds requirements for plan guidance on restocking.

FSM 1921.18 adds requirements for establishment of performance measures and monitoring questions within land management plans and provides a cross-reference to FSM 1921.5.

FSM 1921.2 includes direction on plan evaluation and includes an exhibit showing the cycle of planning. FSM 1921.21 describes management review of evaluations and environmental management systems (EMS) information to determine if changes are needed in plan components. FSM 1921.3 includes an exhibit that shows the normal sequence of actions for plans, plan amendments, and plan revisions. FSM 1921.31 describes the need for change in plan components and FSM 1921.32 describes how to amend a plan. FSM 1921.33 describes a plan revision. FSM 1921.4 describes plan implementation and FSM 1921.5 describes plan monitoring. FSM 1921.6 describes public participation, collaboration, consultation, and notification requirements.

FSM 1921.7 describes social and economic evaluation, civil rights and environmental justice issues, ecological evaluation, ecosystem diversity, species diversity, and plan components for sustainability. This ID establishes at FSM 1921.74 that the rigor of analysis should be proportional to the level of risk to ecosystems and species. A key requirement at FSM 1921.77c states that for species-of-concern, the plan must provide for habitats that are of sufficient quality, distribution, and abundance to allow species populations to be well distributed and interactive, within the bounds of the life history, distribution, and natural population fluctuations of the species and the capability of the landscape across the plan area.

FSM 1921.8 describes the role of science in planning, including uncertainty, risk, independent peer reviews, and documentation. FSM 1921.9 provides guidance for carrying out environmental management systems.

Section 1922—Land Management Planning for 1982 Planning Rule

There are minor editorial changes within this section. The caption is changed to ''Land Management Planning for 1982 Planning Rule,'' previously titled ''Forest Planning.''

Section 1923—Wilderness Evaluation

At FSM 1923, the term ''roadless area'' is changed to ''potential wilderness area'' to avoid confusion with the areas identified in the Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000. Guidance is added on what areas should be subject to evaluation based on text from the 1982 planning rule. Responsibilities are added for the Forest, Grassland, or Prairie Supervisor. Guidance is added on when a legislative environmental impact statement is required. Finally minor changes are made to text to agree with the 2004 planning rule.

Section 1924—Wild and Scenic River Evaluation

At FSM 1924, policy is added to complete legislatively mandated studies within a specified study period to clarify conditions under which previous river studies may need to be revisited. A responsibility is added for the Regional Forester to prepare legislative proposals for river proposals and one was added for Forest, Grassland, or Prairie Supervisor to approve management direction for rivers found eligible or recommended for designation. At FSM 1924.2, a section is added to provide interim management of eligible or suitable rivers. Current text at FSH 1909.12, chapter 8, section 8.12 regarding *interim management of study rivers* is moved to FSM 1924.2.

Section 1925—Management of Inventoried Roadless Areas

This section provides a cross-reference to another interim directive (no. 1920–2004–1) on inventoried roadless areas, which became effective on July 16, 2004.

Section 1926—Objection Process

This section provides guidance for the pre-decisional objection process, including guidance on: Computation of periods, evidence of timely filing, lead objector, dismissal of objections, time frames for resolving objections, response of reviewing officials, and maintaining records.

Section 1927—Backcountry and Primitive Areas

This section establishes a reserved code for backcountry and primitive areas for issuances of an interim directive or field supplementation.

Forest Service Handbook

FSH 1909.12—Land Management Planning Handbook

The ID to this handbook includes a change from a 1 digit chapter coding scheme to a 2 digit coding scheme. For example, chapter 9 becomes chapter 90. The current direction in chapters 1, 2, 3, 4, 5, and 6 is removed in its entirety and those chapters, with two digit coding, are revised to be consistent with the 2004 planning rule at 36 CFR part 219. Chapters 70 and 80 (formerly chapters 7 and 8), and the zero code chapter contain revisions to assure consistency with the 2004 planning rule.

Chapter 10—Land Management Plan

This chapter provides direction on what constitutes a plan and multilevel planning. A 19-page exhibit in section 11 provides examples of plan components, pre-proposal analysis, and site-specific project proposals. Section 12 includes guidance on the three parts of a plan: vision, strategy, and design criteria displayed in the plan model at *http://www.fs.fed.us/emc/nfma/index.html*. Section 12 includes several exhibits: Including (1) an outline of a plan and (2) a sample environmental management systems policy and (3) sample plan components. Section 13 includes guidance on the monitoring program and associated performance measures. Section 14 includes guidance on resource integration requirements for air, water, fire, recreation, heritage resources, minerals, range, travel management, and land use.

Chapter 20—The Adaptive Planning Process

This chapter provides guidance on the adaptive planning process and includes procedural steps for amending and revising plans. Section 24 describes how to review and evaluate a plan and provides guidance on evaluation report content and format. Section 25 describes how to amend or revise a plan. Section 28 describes content for the approval document for plan development, plan amendment, or plan revision. Section 29 describes the application of plan direction to projects.

Chapter 30—Public Participation, Collaboration, and Notification

This chapter provides guidance on how to do the public participation, collaboration, and notification process and describes each party's responsibilities and relationships in these processes.

Chapter 40—Science and Sustainability

This chapter provides guidance on sustainability. Section 41 is reserved to provide a location for field supplementation on the role of science. Section 42 describes social and economic sustainability and provides a framework for social and economic evaluation. Section 43 describes ecological sustainability and describes how to analyze ecosystem diversity and species diversity. The steps in the ecosystem diversity analysis include:

1. Selecting the appropriate scales;
2. Identifying the characteristics of ecosystem diversity that will be the focus of the analysis;
3. Developing information on the range of variation;
4. Describing the current condition of the selected characteristics;
5. Describing the current condition of disturbance regimes;
6. Evaluating the status of the selected characteristics of ecosystem diversity;
7. Describing risks to selected characteristics of ecosystem diversity; and
8. Developing plan components for ecosystem diversity.

The steps in the species diversity analysis include:

1. Establishing the ecosystem context for species;
2. Identifying listed species, species-of-concern, and species-of-interest;
3. Screening species-of-concern and species-of-interest for further detailed consideration in the planning process;
4. Collecting information;
5. Identifying species groups/surrogate species for analysis and management; and
6. Developing plan components for listed species, species-of-concern, and species-of-interest.

Section 43.22 provides guidance to responsible officials in identifying species-of-concern and species-of-interest. For instance, it states that the responsible official may identify species with ranks of G–1 through G–3 on the NatureServe ranking system as species-of-concern. Additionally, section 43.22b specifies how responsible officials may identify species-of-interest. For example, it states that the responsible official may identify species-of-interest with ranks of S–1 and S–2 on the NatureServe ranking system as deemed appropriate by the responsible official. Species-of-interest may include hunted, fished, and other species identified cooperatively with State fish and wildlife agencies consistent with the Sikes Act.

Chapter 50—Plan Set of Documents

This chapter provides direction on what constitutes a record, records required by the planning rule, record specifications, retention of records, and a record checklist.

Chapter 60—Forest Vegetation Resource Planning

This chapter adds guidance on timber and forest vegetation resource planning, including guidance on identifying lands generally suitable for timber production, suitability determinations at the project level, and long-term sustained-yield capacity.

Chapter 70—Wilderness Evaluation

This chapter revises terminology to be consistent with the terminology used in the 2004 planning rule. For instance, requirements for evaluation are changed from ''during the development of the forest plan'' to ''during developing or revising a land management plan'' and terms such as ''roadless areas'' to ''areas or lands.'' Changing the term ''roadless areas'' to ''areas or lands'' avoids confusion with the term ''inventoried roadless areas.'' ''Inventoried roadless areas'' are those areas identified in a set of inventoried roadless area maps, contained in Forest Service Roadless Area Conservation, Final Environmental Impact Statement, Volume 2, dated November 2000. Section 74 adds requirements for wilderness evaluation documentation and is direction previously found in section 4.19c.

Other changes are made to update the chapter, including removing outdated wording because the direction is not needed, or not applicable. For instance, at section 71.1 at paragraph 1, language discussing the statutory definition of wilderness is removed. In section 71.12, paragraph 4 pertaining to location of an area conducive to the perpetuation of wilderness values is removed. In section 72.1, (1) language discussing the range of geological, biological, or ecological strata is removed; (2) the list of activities considered for primitive and unconfined recreation is revised; (3) wording associated with outdoor education and scientific study and special scenic features is removed; and (4) wording pertaining to how boundaries affect the manageability of an area is removed.

Chapter 80—Wild and Scenic River Evaluation

This chapter revises terminology, such as the term ''study report'' to ''study report/EIS'' and updates terminology, such as, ''management prescriptions'' to ''management direction,'' and so forth. In addition, chapter 80 provides more explicit guidance for the Wild and Scenic Rivers (WSRs) study process that is consistent with a November 21, 1996, memorandum to Regional Foresters from the Directors, Ecosystem Management Coordination and Recreation, Heritage, and Wilderness Resources Staffs, Washington Office, with the U.S. Department of Agriculture-U.S. Department of the Interior Guidelines, and with the river study direction of other Federal agencies. These changes strengthen and reinforce the linkage of the river study process to land management planning. In addition, the content of original 8.12—Interim Management of Study Rivers is moved to FSM 1924.2 and combined with portions of the original section 8.2.

Regulatory Certifications

Regulatory Impact

This notice has been reviewed under USDA procedures and Executive Order (E.O.) 12866, Regulatory Planning and Review. The Office of Management and Budget (OMB) has reviewed this notice and has determined that it is substantive, nonsignificant. The ID's would not have an annual effect of $100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. The ID's would not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, the ID's would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients of such programs.

Moreover, the ID's have been considered in light of Executive Order 13272 regarding proper consideration of small entities and the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), which amended the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). No direct or indirect financial impact on small businesses or other entities has been identified. Therefore, it is hereby certified that these ID's will not have a significant economic impact on a substantial number of small entities as defined by the act.

Environmental Impact

These ID's provide the detailed direction to agency employees necessary to carry out the provisions of the final 2004 planning rule adopted at 36 CFR part 219 governing land management planning. Section 31.12 of Forest Service Handbook 1909.15 (57 FR 43208; September 18, 1992) excludes from documentation in an environmental assessment or impact statement ''rules, regulations, or policies to establish Service-wide administrative procedures, program processes, or instructions.'' The agency's conclusion is that these ID's fall within this category of actions and that no extraordinary circumstances exist as currently defined that require preparation of an environmental assessment or an environmental impact statement.

No Takings Implications

These ID's have been analyzed in accordance with the principles and criteria contained in Executive Order 12360, Governmental Actions and Interference with Constitutionally Protected Property Rights, and it has been determined that they would not pose the risk of a taking of private property as they are limited to the establishment of administrative procedures.

Energy Effects

These ID's have been analyzed under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. It has been determined that they do not constitute a significant energy action as defined in the Executive order.

Civil Justice Reform

These ID's have been reviewed under Executive Order 12988, Civil Justice Reform. These ID's will direct the work of Forest Service employees and are not intended to preempt any State and local laws and regulations that might be in conflict or that would impede full implementation of these directives. The directives would not retroactively affect existing permits, contracts, or other instruments authorizing the occupancy and use of National Forest System lands and would not require the institution of administrative proceedings before parties may file suit in court challenging their provisions.

Unfunded Mandates

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), which the President signed into law on March 22, 1995, the effects of these ID's on State, local, and Tribal governments, and on the private sector have been assessed and do not compel the expenditure of $100 million or more by any State, local, or Tribal government, or anyone in the private sector. Therefore, a statement under section 202 of the act is not required.

Federalism

The agency has considered these ID's under the requirements of Executive Order 13132, Federalism. The agency has made a preliminary assessment that the ID's conform with the federalism principles set out in this Executive order; would not impose any significant compliance costs on the States; and would 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. Moreover, these ID's address the land management planning process on National Forests, Grasslands or other units of the National Forest System, which do not directly affect the States. Based on comments received on these ID's, the agency will consider if any additional consultation will be needed with State and local governments prior to adopting final directives.

Consultation and Coordination With Indian Tribal Governments

These ID's do not have tribal implications as defined by Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, and therefore, advance consultation with Tribes is not required.

Controlling Paperwork Burdens on the Public

These ID's do not contain any record keeping or reporting requirements or other information collection requirements as defined in 5 CFR part 1320 and, therefore, impose no paperwork burden on the public. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and implementing regulations at 5 CFR part 1320 do not apply.

Conclusion

These ID's provide consistent interpretation of the 2004 planning rule for line and staff officers, and interdisciplinary teams. As a consequence, the agency can fulfill its commitment to improve public involvement and decisionmaking associated with developing, amending, or revising a land management plan. The Forest Service has developed these

planning directives to set forth the legal authorities, objectives, policy, responsibilities, direction, and overall guidance needed by Forest Service line officers, agency employees, and others to use the 2004 planning rule.

Normally, when the agency determines that public notice and opportunity to comment are necessary on a Forest Service Manual or Handbook revision, the agency publishes a notice of a proposed revision with a minimum 60-day comment period. The agency then considers the comments, makes any changes, drafts, and publishes a final Federal Register notice explaining the final directive and the rationale for any changes. At a minimum, this process takes 6 months and usually takes 9–12 months. Such a delay in issuing planning directives would perpetuate uncertainty and confusion and delay units from beginning or adjusting plan amendments or revisions with interested and affected publics.

Consequently, the agency has elected to issue interim directives and to make them immediately effective. An interim directive expires 18 months from issuance and may be reissued only once for a total duration of 36 months. Thereafter, the direction must be incorporated into an amendment or allowed to expire.

The Forest Service is committed to providing adequate opportunities for the public to comment on administrative directives that are of substantial public interest or controversy, as provided in the regulations at 36 CFR part 216. Because it is important to provide Forest Service units with interim direction to ensure consistent interpretation of the 2004 planning rule, the agency is issuing these ID's and making them effective immediately. However, pursuant to 36 CFR 216.7, the Forest Service is now also requesting public comment on these ID's.

All comments will be considered in the development of final directives. The full text of these Manuals and Handbook references are available on the World Wide Web at *http://www.fs.fed.us.directives*. Single paper copies are available upon request from the address and phone numbers listed earlier in this notice as well as from the nearest Regional Office, the location of which are also available on the Washington Office headquarters homepage on the World Wide Web at *http://www.fs.fed.us*.

Dated: March 8, 2005.

Peter J. Roussopoulos,

Acting Chief.

[FR Doc. 05–5652 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

[05–AZ–S]

Designation for the Southwest Arizona Area

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Notice.

SUMMARY: Grain Inspection, Packers and Stockyards Administration (GIPSA) announces designation of Farwell Commodity and Grain Services, Inc. (Farwell Southwest) to provide official services under the United States Grain Standards Act, as amended (Act).

DATES: *Effective Date:* April 1, 2005.

ADDRESSES: USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW., Washington, DC 20250–3604.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart at (202) 720–8525, e-mail *Janet.M.Hart@usda.gov.*

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the December 8, 2004, **Federal Register** (69 FR 70993) GIPSA asked persons interested in providing official services in Maricopa, Pinal, Santa Cruz, and Yuma Counties, Arizona, to submit an application for designation. Applications were due by January 7, 2005.

There was one applicant for the Southwest Arizona area. Richard Dan Prince, proposing to do business as Farwell Commodity and Grain Services, Inc., applied for designation in the entire area named in the December 8, 2004, **Federal Register**.

GIPSA asked for comments on Farwell Southwest in the February 8, 2005, **Federal Register** (70 FR 6612). Comments were due by March 10, 2005. GIPSA received no comments by the closing date.

GIPSA evaluated all available information regarding the designation criteria in Section 7(f)(l)(A) of the Act and, according to section 7(f)(l)(B), determined that Farwell Southwest is able to provide official services in the geographic areas specified in the December 8, 2004, **Federal Register**, for which they applied, effective April 1, 2005, and terminating March 31, 2008. Interested persons may obtain official services by calling Farwell Southwest headquarters in Casa Grande, Arizona at (520) 421–1027.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

David R. Shipman,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 05–5713 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–EN–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Sandia Mountain Tributaries Site 1 (Piedra Liza Dam), Sandoval County, NM

AGENCY: Natural Resources Conservation Service.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Natural Resources Conservation Service Rules (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the rehabilitation of Sandia Mountain Tributaries Site 1 (Piedra Liza Dam) in Sandoval County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Rosendo Treviño III; State Conservationist; Natural Resources Conservation Service; 6200 Jefferson, NE; Albuquerque, NM 87109–3734; telephone 505–761–4400.

SUPPLEMENTARY INFORMATION: The environmental assessment (EA) of this federally assisted action indicates that the project will not cause significant local, regional, or national effects on the human environment. As a result of these findings, Rosendo Treviño III, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purpose is flood damage reduction. The action includes the rehabilitation of a floodwater retarding

dams and one floodwater diversion. The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency; various Federal, state, and local agencies; and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address. Basic data developed during the EA are on file and may be reviewed by contacting Rosendo Treviño III. No administrative action on implementation of the proposed action will be taken until 30 days after the date of this publication in the **Federal Register**.

Steve Kadas,

Assistant State Conservationist for Operations.

[FR Doc. 05–5653 Filed 3–22–05; 8:45 am]

BILLING CODE 3410–16–P

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Sunshine Act Notice

TIME AND DATE: 1 p.m., Wednesday, March 23, 2002.

PLACE: Goldwater Scholarship Foundation, 6225 Brandon Avenue, Suite 315, Springfield, VA 22150–2519.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Review and approval of the minutes of the March 18, 2004 Board of Trustees meeting.
2. Report on financial status of the Foundation fund.
   A. Review of investment policy and current portfolio.
3. Report on results of Scholarship Review Panel.
   A. Discussion and consideration of scholarship candidates.
   B. Selection of Goldwater Scholars.
4. Other Business brought before the Board of Trustees.

CONTACT PERSON FOR MORE INFORMATION: Gerald J. Smith, President, Telephone: (703) 756–6012.

Gerald J. Smith,

President.

[FR Doc. 05–5881 Filed 3–21–05; 8:45 am]

BILLING CODE 4738–91–M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews and requests for revocation in part.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative review of various antidumping and countervailing duty orders and findings with February anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department of Commerce also received requests to revoke two antidumping duty orders and three countervailing duty orders in part.

DATES: *Effective Date:* March 23, 2005.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2004), for administrative reviews of various antidumping and countervailing duty orders and findings with February anniversary dates. The Department also received timely requests to revoke in part the antidumping duty orders on Stainless Steel Bar and Stainless Steel Flanges from India and the countervailing duty orders on Low Enriched Uranium from Germany, the Netherlands and the United Kingdom.

Initiation of Reviews

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than February 28, 2006.

	Period to be reviewed
Antidumping Duty Proceedings	
France: Low Enriched Uranium, A–427–818	2/1/04–1/31/05
Eurodif S.A./COGEMA	
India: Certain Preserved Mushrooms, A–533–813	2/1/04–1/31/05
Agro Dutch Industries, Ltd.	
Alpine Biotech Ltd.	
Dinesh Agro Products, Ltd.	
Flex Foods, Ltd.	
Himalaya International, Ltd.	
KICM (Madras) Ltd.[1]	
Mandeep Mushrooms Ltd.	
Premier Mushroom Farms	
Saptarishi Agro Industries, Ltd.	
Transchem Ltd.	
Techtran Agro Industries Limited	
Weikfield Agro Products, Ltd.	
India: Stainless Steel Bar,[2] A–533–810	2/1/04–1/31/05
Chandan Steel Ltd.	
Ferro Alloys Corporation, Limited	
Isibars Limited	
Mukand, Ltd.	
Venus Wire Industries Pvt. Limited	
India: Forged Stainless Steel Flanges, A–533–809	2/1/04–1/31/05
Echjay Forgings	
Hilton Forge	

	Period to be reviewed
Paramount Forge/Ganguly Associates	
Viraj Group	
Italy: Certain Cut-to-Length Carbon-Quality Steel Plate, A–475–826	2/1/04–1/31/05
Palini and Bertoh S.p.A.	
Ilva S.p.A.	
Metalcam S.p.A.	
Riva Fire S.p.A.	
Trametal S.p.A.	
Republic of Korea: Certain Cut-to-Length Carbon-Quality Steel Plate, A–580–836	2/1/04–1/31/05
Dongkuk Steel Mill Co., Ltd.	
KISCO—Korea Iron & Steel Co., Ltd.	
Union Steel Manufacturing Co.	
Republic of Korea: Stainless Steel Butt-Weld Pipe Fittings, A–580–813	2/1/04–1/31/05
Sungkwang Bend Co., Ltd.	
Malaysia: Stainless Steel Butt-Weld Pipe Fittings, A–557–809	2/1/04–1/31/05
Schulz (Mfg.) Sdn. Bhd.	
The People's Republic of China: Axes/Adzes,[3] A–570–803	2/1/04–1/31/05
Changzhou Light Industrial Tools	
Iron Bull Industrial Co., Ltd.	
Jiangsu Sainty International Group Co., Ltd	
aka CMC Jiangsu	
aka Jiangsu Machinery Imp. & Exp. Corporation	
aka CMC Jiangsu USA	
aka Jiangsu Sainty International Group (STIG)	
aka Jiangsu Sainty Corporation Ltd.	
aka STIG Machinery Import & Export Corp., Ltd.	
aka STIG Jaingsu Machinery Import & Export Corp., Ltd.	
aka Jiangsu Machinery Import & Export Group Corp.	
aka Sainty International Group Jiangsu Machinery Import & Export Corp., Ltd. (SUMEX)	
aka Jiangsu Sainty Honghai Trading Co., Ltd.	
aka Jiangsu Sainty Shanghai Co., Ltd.	
aka Jiangsu Sainty Changzhou Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Kunshan Co., Ltd.	
aka Jiangsu Sainty Wuxi Co., Ltd.	
aka Jiangsu Sainty Nantong Co., Ltd.	
aka Jiangsu Sainty Suzhou Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Suzhou Co., Ltd.	
aka Jiangsu Sainty Sumex Food Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Yangzhou Tools Co., Ltd.	
aka Jiangsu Sainty Zhangjiagang Co., Ltd.	
aka Jiangsu Sainty Xuzhou Co., Ltd.	
Jafsam Metal Products	
aka Jafsam Metal Products (Wuxi)	
Laiwu Zhongtie Forging	
aka Laiwu Changzhuang Forging Factory	
Laoling Pangu Tools	
aka Pangu Tools Co., Ltd.	
aka Shandong Pangu Tools Co., Ltd.	
aka Leiling Pangu Tools	
aka Shandong Laoling Tools Factory	
Leling Zhengtai Tools Co., Ltd.	
aka Laoling Zhengtai Tool Co.	
Liaoning Machinery Import and Export Corp. ("LMC")	
LIMAC	
Shanghai Xinke Trading Company	
Shandong Huarong General Group Corp. ("Huarong")	
Shandong Huarong Machinery Company ("Huarong")	
Shandong Jinma Industrial Group Company ("Jinma")	
Shandong Machinery Import & Export Corp Hangzhou Office	
Shandong Machinery Import and Export Corporation ("SMC")	
Shanghai J.E. Tools	
Shanxi Tianli	
aka Shanxi Tianli Industries Co., Ltd.	
Suqian Foreign Trade Corp.	
aka Suqian Foreign Trading	
Suqian Telee Tools	
Tianjin Machinery Imp & Exp Group	
Tianjin Machinery Import and Export Corporation ("TMC")	
The People's Republic of China: Bars/Wedges, A–570–803	2/1/04–1/31/05
Changzhou Light Industrial Tools	
Iron Bull Industrial Co., Ltd.	
Jiangsu Sainty International Group Co., Ltd	
aka CMC Jiangsu	

	Period to be reviewed
aka Jiangsu Machinery Imp. & Exp. Corporation	
aka CMC Jiangsu USA	
aka Jiangsu Sainty International Group (STIG)	
aka Jiangsu Machinery Import & Export Corp., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp., Ltd.	
aka Jiangsu Machinery Import & Export Group Corp.	
aka Sainty International Group Jiangsu Machinery Import & Export Corp., Ltd. (SUMEX)	
aka Jiangsu Sainty Honghai Trading Co., Ltd.	
aka Jiangsu Sainty Shanghai Co., Ltd.	
aka Jiangsu Sainty Changzhou Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Kunshan Co., Ltd.	
aka Jiangsu Sainty Wuxi Co., Ltd.	
aka Jiangsu Sainty Nantong Co., Ltd.	
aka Jiangsu Sainty Suzhou Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Suzhou Co., Ltd.	
aka Jiangsu Sainty Sumex Food Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Yangzhou Tools Co., Ltd.	
aka Jiangsu Sainty Zhangjiagang Co., Ltd.	
aka Jiangsu Sainty Xuzhou Co., Ltd.	
Jafsam Metal Products	
aka Jafsam Metal Products (Wuxi)	
Laiwu Zhongtie Forging	
aka Laiwu Changzhuang Forging Factory	
Laoling Pangu Tools	
aka Pangu Tools Co., Ltd.	
aka Shandong Pangu Tools Co., Ltd.	
aka Leiling Pangu Tools	
aka Shandong Laoling Tools Factory	
Leling Zhengtai Tool Co., Ltd.	
aka Laoling Zhengati Tool Co.	
Liaoning Machinery Import and Export Corp. (“LMC”)	
LIMAC	
Shanghai Xinke Trading Company	
Shandong Huarong General Group Corp. (“Huarong”)	
Shandong Huarong Machinery Company (“Huarong”)	
Shandong Jinma Industrial Group Company (“Jinma”)	
Shandong Machinery Import & Export Corp Hangzhou Office	
Shandong Machinery Import and Export Corporation (“SMC”)	
Shanghai J.E. Tools	
Shanxi Tianli	
aka Shanxi Tianli Industries Co., Ltd.	
Suqian Foreign Trade Corp	
aka Suqian Foreign Trading	
Suqian Telee Tools	
Tianjin Machinery Imp & Exp Group	
Tianjin Machinery Import and Export Corporation (“TMC”)	
The People’s Republic of China: Hammers/Sledges, A–570–803	2/1/04–1/31/05
Changzhou Light Industrial Tools	
Iron Bull Industrial Co., Ltd.	
Jiangsu Sainty International Group Co., Ltd	
aka CMC Jiangsu	
aka Jiangsu Machinery Imp. & Exp. Corporation	
aka CMC Jiangsu USA.	
aka Jiangsu Sainty International Group (STIG)	
aka Jiangsu Sainty Corporation Ltd.	
aka STIG Machinery Import & Export Corp., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp., Ltd.	
aka Jiangsu Machinery Import & Export Group Corp.	
aka Sainty International Group Jiangsu Machinery Import & Export Corp., Ltd. (SUMEX)	
aka Jiangsu Sainty Honghai Trading Co., Ltd.	
aka Jiangsu Sainty Shanghai Co., Ltd.	
aka Jiangsu Sainty Changzhou Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Kunsham Co., Ltd.	
aka Jiangsu Sainty Wuxi Co., Ltd.	
aka Jiangsu Sainty Nantong Co., Ltd.	
aka Jiangsu Sainty Suzhou Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Suzhou Co., Ltd.	
aka Jiangu Sainty Sumex Food Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Yangzhou Tools Co., Ltd.	
aka Jiangsu Sainty Zhangjiagang Co., Ltd.	
aka Jiangsu Sainty Xuzhou Co., Ltd.	
Jafsam Metal Products	
aka Jafsam Metal Products (Wuxi)	

	Period to be reviewed
Laiwu Zhongtie Forging	
aka Laiwu Changzhuang Forging Factory	
Laoling Pangu Tools	
aka Pangu Tools Co., Ltd.	
aka Shandong Pangu Tools Co., Ltd.	
aka Leiling Pangu Tools	
aka Shandong Laoling Tools Factory	
Leling Zhengtai Tool Co., Ltd.	
aka Laoling Zhengtai Tool Co.	
Liaoning Machinery Import and Export Corp. (“LMC”)	
LIMAC	
Shanghai Xinke Trading Company	
Shandong Huarong General Group Corp. (“Huarong”)	
Shandong Jinma Industrial Group Company (“Jinma”)	
Shandong Machinery Import & Export Corp Hangzhou Office	
Shanghai Machinery Import and Export Corporation (“SMC”)	
Shanghai J.E. Tools	
Shanxi Tianli	
aka Shanxi Tianli Industries Co., Ltd.	
Suqian Foreign Trade Corp	
aka Suqian Foreign Trading	
Suqian Telee Tools	
Tianjin Machinery Imp & Exp Group	
Tianjin Machinery Import and Export Corporation (“TMC”)	
The People’s Republic of China: Picks/Mattocks, A–570–803	2/1/04–1/31/05
Changzhou Light Industrial Tools	
Iron Bull Industrial Co., Ltd.	
Jiangsu Sainty International Group Co., Ltd.	
aka CMC Jiangsu	
aka Jiangsu Machinery Imp. & Exp. Corporation	
aka CMC Jiangsu USA	
aka Jiangsu Sainty International Group (STIG)	
aka Jiangsu Sainty Corporation Ltd.	
aka STIG Machinery Import & Export Corp., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp., Ltd.	
aka Jiangsu Machinery Import & Export Group Corp.	
aka Sainty International Group Jiangsu Machinery Import & Export Corp., Ltd. (SUMEX)	
aka Jiangsu Sainty Honghai Trading Co., Ltd.	
aka Jiangsu Sainty Shanghai Co., Ltd.	
aka Jiangsu Sainty Changzhou Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Kunshan Co., Ltd.	
aka Jiangsu Sainty Wuxi Co., Ltd.	
aka Jiangsu Sainty Nantong Co., Ltd.	
aka Jiangsu Sainty Suzhou Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Suzhou Co., Ltd.	
aka Jiangsu Sainty Sumex Food Co., Ltd.	
aka STIG Jiangsu Machinery Import & Export Corp. Yangzhou Tools Co., Ltd.	
aka Jiangsu Sainty Zhangjiagang Co., Ltd.	
aka Jiangsu Sainty Xuzhou Co., Ltd.	
Jafsam Metal Products	
aka Jafsam Metal Products (Wuxi)	
Laiwu Zhongtie Forging	
aka Laiwu Changzhuang Forging Factory	
Laoling Pangu Tools	
aka Pangu Tools Co., Ltd.	
aka Shandong Pangu Tools Co., Ltd.	
aka Leiling Pangu Tools	
aka Shandong Laoling Tools Factory	
Leling Zhengtai Tool Co., Ltd.	
aka Laoling Zhengtai Tool Co.	
Liaoning Machinery Import and Export Corp. (“LMC”)	
LIMAC	
Shanghai Xinke Trading Company	
Shandong Huarong General Group Corp. (“Huarong”)	
Shandong Jinma Industrial Group Company (“Jinma”)	
Shandong Machinery Import & Export Corp Hangzhou Office	
Shandong Machinery Import and Export Corporation (“SMC”)	
Shanghai J.E. Tools	
Shanxi Tianli	
aka Shanxi Tianli Industries Co., Ltd.	
Suqian Foreign Trade Corp.	
aka Suqian Foreign Trading	
Suqian Telee Tools	

	Period to be reviewed
Tianjin Machinery Imp & Exp Group	
Tianjin Machinery Import and Export Corporation ("TMC")	
The People's Republic of China: Certain Preserved Mushrooms,[4] A–570–851	2/1/04–1/31/05
Blue Field (Sichuan) Food Industrial Co., Ltd.	
China National Cereals, Oils, & Foodstuffs Import & Export Corporation	
China Processed Food Import & Export Company	
COFCO (Zhangzhou) Food Industrial Co., Ltd.	
Fujian Yu Xing Fruits and Vegetables Foodstuffs Co., Ltd.	
Fujian Zishan Group Co.	
Gerber Food (Yunnan) Co., Ltd.	
Green Fresh Foods (Zhangzhou) Co., Ltd.	
Guangxi Hengxian Pro-Light Foods, Inc.	
Guangxi Yizhou Dongfang Cannery	
Guangxi Yulin Oriental Food Co., Ltd.	
Inter-Foods D.S. Co., Ltd.	
Mei Wei Food Industry Co., Ltd.	
Nanning Runchao Industrial Trade Co., Ltd.	
Primera Harvest (Xiangfan) Co., Ltd.	
Raoping Xingu Foods Co., Ltd.	
Raoping Yucun Canned Foods Factory	
Shandong Jiufa Edible Fungus Co., Ltd.	
Shanghai Superlucky Import & Export Company, Ltd.	
Shantou Hongda Industrial General Corporation	
Shenxian Dongxing Foods Co., Ltd.	
Shenzhen Qunxingyuan Trading Co., Ltd.	
Tak Fat Trading Co.	
Xianmen International Trade & Industrial Co., Ltd.	
Xiamen Jiahua Import & Export Trading Co., Ltd.	
Xiamen Zhongjia Imp. & Export Co., Ltd.	
Zhangzhou Hongning Canned Food Factory	
Zhangzhou Jingxiang Foods Co., Ltd.	
Zhangzhou Longhai Lubao Food Co., Ltd.	
Zhangzhou Longhai Minhui Industry and Trade Co., Ltd.	
Countervailing Duty Proceedings	
France: Low Enriched Uranium, C–427–819	1/1/04–12/31/04
Eurodif S.A./COGEMA	
Germany: Low Enriched Uranium, C–428–821	1/1/04–12/31/04
Urenco Deutschland GmbH	
Republic of Korea: Certain Cut-to-Length Carbon-Quality Steel Plate, C–580–837	1/1/04–12/31/04
Dongkuk Steel Mill Co., Ltd.	
The Netherlands: Low Enriched Uranium, C–421–809	1/1/04–12/31/04
Urenco Nederland BV	
United Kingdom: Low Enriched Uranium, C–412–821	1/1/04–12/31/04
Urenco (Capenhurst) Ltd.	
Suspension Agreements	
None.	

[1] A review was requested for Hindustan Lever Limited. However, a 2003 changed circumstances review found that KICM (Madras) Ltd. is the successor-in-interest of Hindustan Lever Limited.

[2] On February 28, 2005, the Department received requests to conduct an administrative review with respect to Viraj Group. The Department is not initiating a review for Viraj Group because the order for this company was revoked on 09/14/04 (69 FR 55409), with an effective date of 02/01/2003.

[3] If the one of the above-named companies does not qualify for a separate rate, all other exporters of Heavy Forged Hand Tools from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[4] If one of the above-named companies does not qualify for a specific rate, all other exporters of certain preserved mushrooms from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed. Cir. 202), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: March 16, 2005.

Holly A. Kuga,

Senior Office of Director, Office 4 for Import Administration.

[FR Doc. 05–5782 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Notice of Extension of the Preliminary Results of New Shipper Antidumping Duty Reviews: Crawfish Tail Meat From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 23, 2005.

FOR FURTHER INFORMATION CONTACT: Scot Fullerton at (202) 482–1386 or Bobby Wong at (202) 482–0409; AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

The Department of Commerce (the Department) received timely requests from Dafeng Shunli Import & Export Co., Ltd. (Shunli) and Shanghai Blessing Trade Co., Ltd (Shanghai Blessing) in accordance with 19 CFR 351.214(c), for new shipper reviews of the antidumping duty order on crawfish tail meat from the PRC. *See Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews,* 69 FR 64028 (November 3, 2004). On October 28, 2004, the Department found that the requests for review with respect to Shunli and Shanghai Blessing met all the regulatory requirements set forth in 19 CFR 351.214(b) and initiated these new shipper antidumping duty reviews covering the period September 1, 2003, through August 31, 2004. *Id.*

Extension of Time Limits for Preliminary Results

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(i)(1) require the Department to issue the preliminary results of a new shipper review within 180 days after the date on which the new shipper review was initiated and final results of a review within 90 days after the date on which the preliminary results were issued. The Department may, however, extend the deadline for completion of the preliminary results of a new shipper review to 300 days if it determines that the case is extraordinarily complicated (19 CFR 351.214(i)(2)). The Department has determined that additional time is necessary to thoroughly evaluate surrogate value submissions, issue additional supplemental questionnaires, and gather additional publicly available factual information. Based on the timing of the case and necessary additional research, the preliminary results of this new shipper review cannot be completed within the statutory time limit of 180 days. Accordingly, the Department is extending the time limit for the completion of the preliminary results by 66 days from the original April 25, 2005, deadline, to June 30, 2005, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2). The final results will, in turn, be due 90 days after the date of issuance of the preliminary results, unless extended.

Dated: March 16, 2005.

Barbara E. Tillman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E5–1282 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–485–805]

Notice of Amended Final Results of Antidumping Duty Administrative Review: Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On February 11, 2005, the Department of Commerce (the Department) published the final results of its antidumping duty administrative review of certain small diameter carbon and alloy seamless standard, line, and pressure pipe (seamless pipe) from Romania for the period August 1, 2002, through July 31, 2003. *See Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania: Final Results of Administrative Review and Final Determination Not to Revoke Order in Part*, 70 FR 7237, (February 11, 2005) (Final Results). We are amending our final results to correct a ministerial error alleged by United States Steel Corporation (U.S. Steel) (domestic interested party) pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Act).

EFFECTIVE DATE: March 23, 2005.

FOR FURTHER INFORMATION CONTACT: David Layton or Erin Begnal, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0371 and (202) 482–1442, respectively.

SUPPLEMENTARY INFORMATION:

Scope of Order

The products covered by the order are seamless carbon and alloy (other than stainless) steel standard, line, and pressure pipes and redraw hollows produced, or equivalent, to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and the API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. Specifically included within the scope of the order are seamless pipes and redraw hollows, less than or equal to 4.5 inches (114.3 mm) in outside diameter, regardless of wall-thickness, manufacturing process (hot finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish.

The seamless pipes subject to the order are currently classifiable under the subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.30.00, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (HTSUS).

Specifications, Characteristics, and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gases in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM A–106 standard may be used in temperatures of up to 1000 degrees Fahrenheit, at various ASME code stress levels. Alloy pipes made to ASTM A–335 standard must be used if temperatures and stress

levels exceed those allowed for ASTM A–106. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard.

Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gases in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. If exceptionally low temperature uses or conditions are anticipated, standard pipe may be manufactured to ASTM A–333 or ASTM A–334 specifications.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless water well pipe (ASTM A–589) and seamless galvanized pipe for fire protection uses (ASTM A–795) are used for the conveyance of water.

Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53, API 5L–B, and API 5L–X42 specifications. To avoid maintaining separate production runs and separate inventories, manufacturers typically triple or quadruple certify the pipes by meeting the metallurgical requirements and performing the required tests pursuant to the respective specifications. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A–106 pressure pipes and triple or quadruple certified pipes is use in pressure piping systems by refineries, petrochemical plants, and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, ASTM A–106 pipes may be used in some boiler applications.

Redraw hollows are any unfinished pipe or ''hollow profiles'' of carbon or alloy steel transformed by hot rolling or cold drawing/hydrostatic testing or other methods to enable the material to be sold under ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications.

The scope of the order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, with the exception of the specific exclusions discussed below, and whether or not also certified to a non-covered specification. Standard, line, and pressure applications and the above-listed specifications are defining characteristics of the scope of the order. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications shall be covered if used in a standard, line, or pressure application, with the exception of the specific exclusions discussed below.For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in ASTM A–106 applications. These specifications generally include ASTM A–161, ASTM A–192, ASTM A–210, ASTM A–252, ASTM A–501, ASTM A–523, ASTM A–524, and ASTM A–618. When such pipes are used in a standard, line, or pressure pipe application, with the exception of the specific exclusions discussed below, such products are covered by the scope of the order.

Specifically excluded from the scope of the order are boiler tubing and mechanical tubing, if such products are not produced to ASTM A–53, ASTM A–106, ASTM A–333, ASTM A–334, ASTM A–335, ASTM A–589, ASTM A–795, and API 5L specifications and are not used in standard, line, or pressure pipe applications. In addition, finished and unfinished OCTG are excluded from the scope of the order, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications.

With regard to the excluded products listed above, the Department will not instruct U.S. Customs and Border Protection (CBP) to require end-use certification until such time as petitioner or other interested parties provide to the Department a reasonable basis to believe or suspect that the products are being used in a covered application. If such information is provided, we will require end-use certification only for the product(s) (or specification(s)) for which evidence is provided that such products are being used in covered applications as described above. For example, if, based on evidence provided by petitioner, the Department finds a reasonable basis to believe or suspect that seamless pipe produced to the A–161 specification is being used in a standard, line or pressure application, we will require end-use certifications for imports of that specification. Normally we will require only the importer of record to certify to the end use of the imported merchandise. If it later proves necessary for adequate implementation, we may also require producers who export such products to the United States to provide such certification on invoices accompanying shipments to the United States.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the merchandise subject to this scope is dispositive.

Amended Final Results

In accordance with section 751(a) the Act, on February 11, 2005, the Department published its final results of the antidumping duty administrative review of certain small diameter carbon and alloy seamless standard, line and pressure pipe from Romania. *See Final Results.*

On February 14, 2005, the domestic interested party, U.S. Steel, alleged that a ministerial error had been made regarding the Department's final margin calculation for S.C. Silcotub S.A. (Silcotub). *See* Ministerial Error Letter from U.S. Steel Re: Third Administrative Review of Carbon and Alloy Seamless Standard, Line, and Pressure Pipe (Under 4½ Inches) from Romania for period of August 1, 2002 to July 31, 2003 (February 14, 2005). In accordance with section 751(h) of the Act, we have determined that a ministerial error was made in the calculation of the final margin for Silcotub. *See* Memorandum from Charles Riggle, Program Manager, AD/CVD Operations, Office 8, to Wendy J. Frankel, Director, AD/CVD Operations, Office 8: Certain Small Diameter Carbon and Alloy Seamless Standard, Line, and Pressure Pipe from Romania Re: Ministerial Error Allegation for S.C. Silcotub S.A. (March 9, 2005). Pursuant to section 751(h) of the Act, we have corrected the error and are amending the final results of review accordingly. The corrected margin for Silcotub is 1.35 percent. *See* Memorandum from David Layton and Erin Begnal, Case Analysts through Charles Riggle, Program Manager, to the File, Analysis

Memorandum for Amended Final Results for S.C. Silcotub S.A. (March 9, 2005).

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries based on the amended final results. For details on the assessment of antidumping duties on all appropriate entries, *see Final Results*.

Dated: March 16, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. E5–1283 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021105D]

International Whaling Commission; 57th Annual Meeting; Nominations

AGENCY: National Marine Fisheries Service (NMFS), NationalOceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for nominations.

SUMMARY: This notice is a call for nominees for the U.S. Delegation to the June 2005 International Whaling Commission (IWC) annual meeting. The non-federal representative(s) selected as a result of this nomination process is(are) responsible for providing input and recommendations to the U.S. IWC Commissioner representing the positions of non-governmental organizations. Generally, only one non-governmental position is selected for the U.S. Delegation.

DATES: All written nominations for the U.S. Delegation to the IWC annual meeting must be received by April 22, 2005.

ADDRESSES: All nominations for the U.S. Delegation to the IWC annual meeting should be addressed to Rolland Schmitten, U.S. Commissioner to the IWC, and sent via post to: Cheri McCarty, 13708, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910. Prospective Congressional advisors to the delegation should contact the Department of State directly.

FOR FURTHER INFORMATION CONTACT: Cheri McCarty, 301–713–2322, ext. 114.

SUPPLEMENTARY INFORMATION: The Secretary of Commerce is chargedwith the responsibility of discharging the obligations of theUnited States under the International Convention for the Regulation of Whaling, 1946. The U.S. Commissioner has primary responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce and assisted by the Department of State, the Department of the Interior, the Marine Mammal Commission, and by other agencies. The non-federal representative(s) selected as a result of this nomination process is(are) responsible for providing input and recommendations to the U.S. IWC Commissioner representing the positions of non-governmental organizations. Generally, only one non-governmental position is selected for the U.S. Delegation.

The IWC is hosting its 57th annual meeting from June 20–24, 2005, in Ulsan, Korea.

Dated: March 18, 2005.

Laurie K. Allen,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5754 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031805B]

Fisheries of the Northeastern United States; Tilefish Fishery; Scoping Process

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent (NOI) to prepare an environmental impact statement (EIS); request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) announces its intention to prepare, in cooperation with NMFS, an EIS in accordance with the National Environmental Policy Act to assess potential effects on the human environment of alternative measures for managing the golden tilefish (Lopholatilus chamaeleonticeps) fishery pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The Council intends to develop Amendment 1 to the Tilefish Fishery Management Plan (FMP) to address: The possible implementation of an individual fishing quota system; consideration of possible new methods to collect landings information for the commercial fishery; possible recreational management measures; possible establishment of required minimum hook size and/or hook configuration in the commercial tilefish fishery; and, methods to allow new entrants into the commercial fishery as the stock recovers. This notice announces a public process for determining the scope of issues to be addressed and for identifying the significant issues relating to management of tilefish. The intended effect of this notice is to alert the interested public of the scoping process, the development of the Draft EIS, and to provide for public participation.

DATES: Written comments on the intent to prepare an EIS must be received on or before 5 p.m., local time, on April 22, 2005.

ADDRESSES: Written comments on the intent to prepare the EIS or other information should be directed to Mr. Daniel T. Furlong, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New St., Dover, DE 19904, (telephone 302–674–2331). Comments may also be sent via facsimile (FAX) to (302) 674–5399 or by e-mail to *TILEFISH.NOI@NOAA.GOV*. Please note on your correspondence (or include in the subject line of your e-mail): ''Tilefish Amendment 1 Scoping Comments.'' The scoping document may also be obtained from the Council office at the address and telephone number above or via the Internet at *http://www.mafmc.org/mid-atlantic/comments/comments.htm*.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel T. Furlong, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 S. New St., Dover, DE 19904, (telephone 302–674–2331).

SUPPLEMENTARY INFORMATION: The tilefish fishery is managed by the Council's Tilefish FMP. The FMP was approved by the Secretary of Commerce on May 10, 2001, and became effective on November 26, 2001 (66 FR 49136; September 26, 2001). The management unit for this FMP is defined as all golden tilefish (*Lopholatilus chamaeleonticeps*) under United States jurisdiction in the Atlantic ocean north of the Virginia/North Carolina border.

The FMP included management and administrative measures to ensure effective and sustainable management of the tilefish resource. The FMP established Total Allowable Landings (TAL) as the primary control on fishing mortality. The FMP also implemented a limited entry program and a tiered commercial quota allocation of the TAL. Other elements of the FMP include permits and reporting requirements for

commercial vessels, operators, and dealers.

A separate notice of scoping meetings for this amendment were published on March 3, 2005 (70 FR 10360), and March 18, 2005 (70 FR 13171).

Issues Identified for Discussion Under this Amendment

The Possible Implementation of an Individual Fishing Quota System

An individual fishing quota program (IFQ) is a form of output control that allocates harvesting privileges to individual fishermen. The MSFCMA defines an IFQ as ''a Federal permit under a limited access system to harvest a quantity of fish, expressed by a unit or units representing a percentage of the total allowable catch of a fishery that may be received or held for exclusive use by a person.'' One type of IFQ program is an individual transferable quota (ITQ) program. Under an ITQ program quota shares are able to be transferred between eligible allocation holders.

Under the current FMP, there are three fishing categories that the quota is divided among. There is an incidental, a part-time, and a full-time category for division of the quota. Under the Tilefish FMP, the ''target'' estimate of landings for the incidental category (5 percent of the TAL) is first deducted from the overall TAL, and then the remainder of the TAL is divided among the full-time tier 1 category, which receives 66 percent; the full-time tier 2 category, which receives 15 percent; and, the part-time category, which receives 19 percent. Trip limits are currently only imposed in the incidental permit category (open access) to achieve a ''target'' or soft quota.

The quota-based limited access program currently in place is based on group quota shares (quotas allocated to incidental, part-time, and full time vessels). However, an IFQ system could be considered for the three directed categories of tilefish fishing vessels. The Tilefish FMP states that ''It is important to note that the current Mid-Atlantic Council's policy is that landings after 1998 will not assure future access to or an allocation of the tilefish resource. The purpose of this policy is to prevent a rush to fish on this overfished resource, in the hopes of obtaining a larger future allocation.'' Therefore, any IFQ alternative will likely be based on historical catches from logbook data from the time period between 1984 and1998. One logical allocation of an IFQ system could be based on individual vessel catches over time, however, other alternatives to this system may be proposed.

An IFQ system could be developed to include all directed categories (*i.e.*, full-time tier 1, full-time tier 2, and part-time) or it could be designed to include only 1 or two of the directed categories. However, it is possible that an IFQ system that includes all three directed categories would result in less of an administrative burden as there would be only one quota management program as opposed to 3 or 4 programs. Several alternatives can be used to divide the IFQ allocation among vessels within each directed category. For example, the following could be used to derive the IFQ allocation: (1) The IFQ allocation for a specific directed category could be divided among that category's participants equally; (2) the IFQ allocation could be based on historic landings (such as the best 3 or 5 years of landings over a 10-year period) and then divided among participants; (3) in deriving an IFQ allocation the historic landings employed to derive the original FMP allocation could be used; or, (4) in deriving an IFQ allocation weighted landings that would allocate a greater weight to more current landings could be used.

Consideration of Possible New Methods to Collect Landings Information For the Commercial Fishery

Collection of information issues have arisen since the implementation of the original FMP. More specifically, stakeholders have recommended that the Council assess measures to improve the collection of landings information.

The current FMP requires that ''The owner or operator of any vessel issued a limited access permit for tilefish must submit a tilefish catch report via the Interactive Voice Response (IVR) system within 24 hours after returning to port and offloading as required by the Regional Administrator.'' According to industry members not all landings are reported within the 24 hour period as required under current regulations. Therefore, real-time data may not be available to manage the fishery. This practice could potentially allow a category to remain open when, in fact, it should be closed. Lastly, tilefish fishermen use paper logbooks to report fishing activity. Stakeholders and scientists have suggested that the paper logbooks are very generic and do not allow for the collection of detailed information that could better assess effort in the fishery. More detailed/relevant data could be collected that could be used to further refine the stock assessment for tilefish.

Possible Recreational Management Measures

The regulations allow for tilefish to be harvested by the recreational sector. When the FMP was first developed, the recreational participation in this fishery was very small. However, some Council members have indicated that they have seen an increase in recreational tilefish landings. There may be a need to assess how the recent increase in recreational landings can be accounted for in the FMP.

Other Management Concerns

A number of additional management concerns may also be considered in the development of Amendment 1 including: (1) Possible establishment of a required minimum hook size and/or hook configuration in the tilefish fishery; and, (2) methods to allow new entrants into the commercial fishery as the stock recovers.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 18, 2005.

Alan D. Risenhoover,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E5–1281 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020205E]

Small Takes of Marine Mammals Incidental to Specified Activities; Harbor Activities Related to the Delta IV/Evolved Expendable Launch Vehicle at Vandenberg Air Force Base, CA

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of application and proposed authorization for incidental harassment of marine mammals; request for comments.

SUMMARY: NMFS has received a request from The Boeing Company (Boeing) for a reauthorization to take small numbers of marine mammals by harassment incidental to harbor activities related to the Delta IV/Evolved Expendable Launch Vehicle (EELV) at south Vandenberg Air Force Base, CA (VAFB). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize Boeing to take, by harassment, small numbers of several species of pinnipeds at south VAFB beginning in May 2005.

DATES: Comments and information must be received no later than April 22, 2005.

ADDRESSES: Comments on the application should be addressed to Steve Leathery, Chief, Permits, Conservation, and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing e-mail comments on this action is *PR1.020205E@noaa.gov*. Comments sent via e-mail, including attachments, must not exceed a 10–megabyte file size. Comments may also be submitted via facsimile at (301) 427–2521. A copy of the application containing a list of references used in this document may be obtained by writing to this address, by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**) or online at: *http://www.nmfs.noaa.gov/prot__res/PR1/Small__Take/smalltake__info.htm#applications.*

FOR FURTHER INFORMATION CONTACT: Jolie Harrison, (301) 713–2289, ext. 166 or Monica DeAngelis, (562) 980–3232.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Permission for incidental takings may be granted if NMFS finds that the taking will have no more than a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as:

> an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except for certain categories of activities not pertinent here, the MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [''Level A harassment'']; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [''Level B harassment''].

Section 101(a)(5)(D) establishes a 45–day time limit for NMFS review of an application followed by a 30–day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On December 21, 2004, NMFS received an application from Boeing requesting an authorization for the harassment of small numbers of Pacific harbor seals (*Phoca vitulina richardsi*) and California sea lions (*Zalophus californianus*) incidental to harbor activities related to the Delta IV/EELV, including: transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation operations. In addition, northern elephant seals (*Mirounga angustirostris*) may also be incidentally harassed but in even smaller numbers. Incidental Harassment Authorizations (IHAs) were issued to Boeing on May 15, 2002 (67 FR 36151, May 23, 2002), May 20, 2003 (68 FR 36540, June 18, 2003), and on May 20, 2004 (69 FR 29696, May 25, 2004) each for a 1–year period. The harbor where activities will take place is on south VAFB approximately 2.5 mi (4.02 km) south of Point Arguello, CA and approximately 1 mi (1.61 km) north of the nearest marine mammal pupping site (i.e., Rocky Point).

Specified Activities

Delta Mariner off-loading operations and associated cargo movements will occur a maximum of 3 times per year. The Delta Mariner is a 312–ft (95.1–m) long, 84–ft (25.6–m) wide steel hull ocean-going vessel capable of operating at a 8–ft (2.4–m) draft. For the first few visits to the south VAFB harbor, tug boats will accompany the *Delta Mariner*. Sources of noise from the Delta Mariner include ventilating propellers used for maneuvering into position and the cargo bay door when it becomes disengaged. Removal of the common booster core (CBC) from the *Delta Mariner* requires use of an elevating platform transporter (EPT), an additional source of noise with sound levels measured at approximately 85 dB A-weighted (re 20 microPascals at 1–m) 20 ft (6.1 m) from the engine exhaust when the engine is running mid-speed (Acentech, 1998). Procedures require two short (approximately 1/3 second) beeps of the horn prior to starting the ignition. The sound level of the EPT horn ranged from 62–70 dB A-weighted at 200 ft (60.9 m) away, and 84–112 dB A-weighted at 25 ft (7.6 m) away. Containers containing flight hardware items will be towed off the *Delta Mariner* by a tractor tug that generates a sound level of approximately 87 dB A-weighted at 50 ft (15.2 m) while in operational mode. Total time of *Delta Mariner* docking and cargo movement activities is estimated at approximately between 14 and 18 hours in good weather.

To accommodate the *Delta Mariner*, the harbor will need to be dredged, removing approximately 3,000 to 5,000 cubic yards of sediment per dredging. Dredging will involve the use of heavy equipment, including a clamshell dredge, dredging crane, a small tug, dredging barge, dump trucks, and a skip loader. Measured sound levels from this equipment are roughly equivalent to those estimated for the wharf modification equipment: 43 to 81 dB A-weighted at 250 ft (76.2 m). Dredge operations, from set-up to tear-down, would continue 24–hours a day for 3 to 5 weeks. Sedimentation surveys have shown that initial dredging indicates that maintenance dredging should be required annually or twice per year, depending on the hardware delivery schedule.

A more detailed description of the work proposed for 2005 is contained in the application which is available upon request (see **ADDRESSES**) and in the Final US Air Force Environmental Assessment for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base (ENSR International, 2001).

Habitat and Marine Mammals Affected by the Activity

Pacific Harbor Seals

The marine mammal species likely to be harassed incidental to harbor activities at south VAFB are the Pacific harbor seal and the California sea lion. The most recent estimate of the Pacific harbor seal population in California is 27,863 seals. Since 1990 there has been no net population growth along the mainland or the Channel Islands. The decrease in population growth rate has

occurred at the same time as a decrease in human-caused mortality and may indicate that the population has reached its environmental carrying capacity (Carretta et al., 2004). The total population of harbor seals on VAFB is now estimated to be 1,099 (maximum of 515 seals hauled out at one time on south VAFB) based on sighting surveys and telemetry data (SRS Technologies, 2003).

The daily haul-out behavior of harbor seals along the south VAFB coastline is primarily dependent on time of day. The highest number of seals haul-out at south VAFB between 1100 through 1600 hours. In addition, haul-out behavior at all sites seems to be influenced by environmental factors such as high swell, tide height, and wind. The combination of all three may prevent seals from hauling out at most sites. The number of seals hauled out at any site can vary greatly from day to day based on environmental conditions. Harbor seals occasionally haul out at a beach 250 ft (76.2 m) west of the south VAFB harbor and on rocks outside the harbor breakwater where Boeing will be conducting Delta Mariner operations, cargo loading, dredging activities, and reef enhancement activities. The maximum number of seals present during the 2001 dredging of the harbor was 23 (averaging 7 per observation period) and the maximum number hauled out during the 2002 wharf modification activities was 43, averaging 21 per day when tidal conditions were favorable for hauling out. Dredging and reef enhancement did not occur in 2004. The harbor seal pupping site closest to south VAFB harbor is at Rocky Point, approximately 1 mi (1.6 km) north of the harbor.

Several factors affect the seasonal haul-out behavior of harbor seals including environmental conditions, reproduction, and molting. Harbor seal numbers at VAFB begin to increase in March during the pupping season (March to June) as females spend more time on shore nursing pups. The number of hauled-out seals is at its highest during the molt which occurs from May through July. During the molting season, tagged harbor seals at VAFB increased their time spent on shore by 22.4 percent; however, all seals continued to make daily trips to sea to forage. Molting harbor seals entering the water because of a disturbance are not adversely affected in their ability to molt and do not endure thermoregulatory stress. During pupping and molting season, harbor seals at the south VAFB sites expand into haul-out areas that are not used the rest of the year. The number of seals hauled out begins to decrease in August after the molt is complete and reaches the lowest number in late fall and early winter.

California Sea Lions

During the wharf modification activity in June-July 2002, California sea lions were observed hauling out on the breakwater in small numbers (up to 6 individuals). Although this is considered to be an unusual occurrence and is possibly related to fish schooling in the area, Boeing included sea lions in their request.

California sea lions range from British Columbia to Mexico. The most recent population estimates for the California sea lions range from 237,000 to 244,000 individuals (Caretta et al., 2004). Between 1975 and 2001, the population growth rate was 5.4–6.1 percent. A 1985–1987 population survey indicated that most individuals on the Northern Channel Islands were on San Miguel Island, with the population ranging from 2,235 to over 17,000. The largest numbers of California sea lions in the VAFB vicinity occur at Lion Rock, 0.4 mi (0.64 km) southeast of Point Sal. This area is approximately 1.5 mi (2.41 km) north of the VAFB boundary. At least 100 sea lions can be observed during any season at this site. The Point Arguello beaches and the rocky ledges of South Rocky Point on south VAFB are haulout areas that may be used by California sea lions. In 2003, at least 145 sea lions were observed at Rocky Point, including five pups that did not survive due to abandonment shortly after birth. This was thought to be an El Nino effect, as there had never been any previously reported sea lion births at VAFB (Thorson, 2003).

Each year, small groups of sea lions have been observed heading south along the VAFB coastline in April and May (Tetra Tech, 1997). Starting in August, large groups of sea lions can be seen moving north, in groups varying in size from 25 to more than 300 (Roest, 1995). This concurs with established migration patterns (Reeves *et al.*, 1992; Roest, 1995). Juvenile sea lions can be observed hauled-out with harbor seals along the South Base sites from July through September (Tetra Tech, 1997). Starving and exhausted subadult sea lions are fairly common on central California beaches during the months of July and August (Roest, 1995).

During the breeding season, most of California sea lions inhabit southern California and Mexico. Rookery sites in southern California are limited to San Miguel Island and to the southerly Channel Islands of San Nicolas, Santa Barbara, and San Clemente. Breeding season begins in mid-May, occurring within 10 days of arrival at the rookeries. Molting occurs gradually over several months in the late summer and fall. Because the molt is not catastrophic, the sea lions can enter the water to feed.

Male California sea lions migrate annually. In the spring they migrate southward to breeding rookeries in the Channel Islands and Mexico, then migrate northward in the late summer following breeding season. Females appear to remain near the breeding rookeries. The greatest population on land occurs in September and October during the post-breeding dispersal and although many of the sea lions, particularly juveniles and sub-adult and adult males, may move north away from the Channel Islands.

Other Marine Mammals

Other marine mammal species are rare to infrequent along the south VAFB coast during certain times of the year and are unlikely to be harassed by Boeing's activities. These four species are: the northern elephant seal, the northern fur seal (Callorhinus ursinus), Guadalupe fur seal (*Arctocephalus townsendi*), and Steller sea lions (*Eumetopias jubatus*). Northern elephant seals may occur on VAFB but do not haul out in the harbor area. Northern fur seals, Guadalupe fur seals and Steller sea lions occur along the California coast and Northern Channel Islands but are not likely to be found on VAFB. Descriptions of the biology and local distribution of these species can be found in the application as well as other sources such as Stewart and Yochem (1994, 1984), Forney *et al.* (2000), Koski *et al.* (1998), Barlow *et al.* (1993), Stewart and DeLong (1995), and Lowry *et al.* (1992). NMFS Stock Assessments can be viewed at: *http://www.NMFS.noaa.gov/pr/PR2/Stock__Assessment__Program/sars.html*. Please refer to those documents for information on these species.

Potential Effects of Activities on Marine Mammals

Acoustic and visual stimuli generated by the use of heavy equipment during the *Delta Mariner* off-loading operations, dredging, and kelp habitat mitigation, as well as the increased presence of personnel, may cause short-term disturbance to harbor seals and California sea lions hauled out along the beach and rocks in the vicinity of the south VAFB harbor. This disturbance from acoustic and visual stimuli is the principal means of marine mammal taking associated with these activities.

Based on the measured sounds of construction equipment, such as might be used during Boeing's activities, sound level intensity decreases proportional to the square root of the distance from the source. A dredging crane at the end of the dock producing 88 dBA of noise would be approximately 72 dBA at the nearest beach or the end of the breakwater, roughly 250 ft (76.2 m) away. The EPT produces approximately 85 dBA, measured less than 20 ft (6 m) from the engine exhaust, when the engine is running at mid speed. The EPT operation procedure requires two short beeps of the horn (approximately 1/3 of a second each) prior to starting the ignition. Sound level measurements for the horn ranged from 84 to 112 dBA at 25 ft (7.6 m) away and 62 to 70 dBA at 200 ft (61 m) away. The highest measurement was taken from the side of the vehicle where the horn is mounted. Ambient background noise measured approximately 250 ft (76.2 m) from the beach was estimated to be 35–48 dB A-weighted (Acentech, 1998; EPA, 1971).

Pinnipeds sometimes show startle reactions when exposed to sudden brief sounds. An acoustic stimulus with sudden onset (such as a sonic boom) may be analogous to a ''looming'' visual stimulus (Hayes and Saif, 1967), which may elicit flight away from the source (Berrens et al., 1988). The onset of operations by a loud sound source, such as the EPT during CBC off-loading procedures, may elicit such a reaction. In addition, the movements of cranes and dredges may represent a ''looming'' visual stimulus to seals hauled out in close proximity. Seals and sea lions exposed to such acoustic and visual stimuli may either exhibit a startle response and/or leave the haul-out site.

According to the MMPA, if harbor activities disrupt the behavioral patterns of harbor seals, these activities would take marine mammals by Level B harassment. In general, if the received level of the noise stimulus exceeds both the background (ambient) noise level and the auditory threshold of the animals, and especially if the stimulus is novel to them, there may be a behavioral response. The probability and degree of response will also depend on the season, the group composition of the pinnipeds, and the type of activity in which they are engaged. Minor and brief responses, such as short-duration startle or alert reactions, are not likely to constitute disruption of behavioral patterns, such as migration, nursing, breeding, feeding, or sheltering (i.e., Level B harassment) and would not cause serious injury or mortality to marine mammals.

On the other hand, startle and alert reactions accompanied by large-scale movements, such as stampedes into the water, may rise to the level of Level B harassment and could result in injury of individuals. In addition, such large-scale movements by dense aggregations of marine mammals or on pupping sites could potentially lead to takes by serious injury or death. However, there is no potential for large-scale movements leading to serious injury or mortality near the south VAFB harbor, because on average the number of harbor seals hauled out near the site on average is less than 30 and there is no pupping at nearby sites. The effects of the harbor activities are expected to be limited to short-term startle responses and localized behavioral changes.

According to the June 2002 dock modification construction report (ENSRI, 2002), the maximum number of harbor seals hauled out each day ranged from 23 to 25 animals. There were 15 occasions in which construction noise, vehicle noise, or noise from a fishing boat caused the seals to lift their heads. Flushing only occurred due to fishing activities which were unrelated to the construction activities. The sea lions were less reactive to the construction noise than the harbor seals. None of the construction activities caused any of the sea lions to leave the jetty rocks and there was only one incident of a head alert reaction.

The report from the December 2002 dredging activities show that the number of Pacific harbor seals ranged from 0 to 19 and that California sea lions did not haul out during the monitoring period. On 10 occasions, harbor seals showed head alerts although two of the alerts were for disturbances that were not related to the project. No harbor seals flushed during the activities on the dock.

For a further discussion of the anticipated effects of the planned activities on harbor seals in the area, please refer to the application and ENSR International's 2001 Final Environmental Assessment. Information contained in the application and referenced sources as updated by recent monitoring reports is adopted by NMFS as the best information available on this subject.

Numbers of Marine Mammals Expected to be Harassed

Boeing estimates that a maximum of 43 harbor seals per day may be hauled out near the south VAFB harbor, with a daily average of 21 seals sighted when tidal conditions were favorable during previous dredging operations in the harbor. Considering the maximum and average number of seals hauled out per day, assuming that the seals may be seen twice a day, and using a maximum total of 73 operating days in 2005–2006, NMFS estimates that a maximum of 767 to 1570 Pacific harbor seals may be subject to Level B harassment.

During wharf modification activities, a maximum of six California sea lions were seen hauling out in a single day. Based on the above-mentioned calculation, NMFS believes that a maximum of 219 California sea lions and 10 northern elephant seals (because they may be in nearby waters) may be subject to Level B harassment.

Possible Effects of Activities on Marine Mammal Habitat

Boeing anticipates no loss or modification to the habitat used by Pacific harbor seals or California sea lions that haul out near the south VAFB harbor. The harbor seal and sea lion haul-out sites near south VAFB harbor are not used as breeding, molting, or mating sites; therefore, it is not expected that the activities in the harbor will have any impact on the ability of Pacific harbor seals or California sea lions in the area to reproduce.

Boeing anticipates unavoidable kelp removal during dredging. This habitat modification will not affect the marine mammal habitat. However, Boeing will mitigate for the removal of kelp habitat by placing 150 tons of rocky substrate in a sandy area between the breakwater and the mooring dolphins to enhance an existing artificial reef. This type of mitigation was implemented by the Army Corps of Engineers following the 1984 and 1989 dredging. A lush kelp bed adjacent to the sandy area has developed from the efforts. The substrate will consist of approximately 150 sharp-faced boulders, each with a diameter of about 2 ft (0.61 m) and each weighing about one ton. The boulders will be brought in by truck from an off-site quarry and loaded by crane onto a small barge at the wharf. The barge is towed by a tugboat to a location along the mooring dolphins from which a small barge-mounted crane can place them into the sandy area. Boeing plans to perform the reef enhancement in conjunction with the next maintenance dredging event in order to minimize cost and disturbances to animals. Noise will be generated by the trucks delivering the boulders to the harbor and during the operation of unloading the boulders onto the barges and into the water.

Possible Effects of Activities on Subsistence Needs

There are no subsistence uses for Pacific harbor seals in California waters, and thus, there are no anticipated effects on subsistence needs.

Mitigation

To reduce the potential for disturbance from visual and acoustic stimuli associated with the activities Boeing will undertake the following marine mammal mitigating measures:

(1) If activities occur during nighttime hours, lighting will be turned on before dusk and left on the entire night to avoid startling harbor seals at night.

(2) Activities will be initiated before dusk.

(3) Construction noises must be kept constant (i.e., not interrupted by periods of quiet in excess of 30 minutes) while harbor seals are present.

(4) If activities cease for longer than 30 minutes and harbor seals are in the area, start-up of activities will include a gradual increase in noise levels.

(5) A NMFS-approved marine mammal observer will visually monitor the harbor seals on the beach adjacent to the harbor and on rocks for any flushing or other behaviors as a result of Boeing's activities (see Monitoring).

(6) The Delta Mariner and accompanying vessels will enter the harbor only when the tide is too high for harbor seals to haul-out on the rocks and the vessel will reduce speed 1.5 to 2 knots (1.5–2.0 nm/hr; 2.8–3.7 km/hr) once the vessel is within 3 mi (4.83 km) of the harbor. The vessel will enter the harbor stern first, approaching the wharf and mooring dolphins at less than 0.75 knot (1.4 km/hr).

(7) As alternate dredge methods are explored, the dredge contractor may introduce quieter techniques and equipment.

Monitoring

As part of its 2002 application, Boeing provided a proposed monitoring plan for assessing impacts to harbor seals from the activities at south VAFB harbor and for determining when mitigation measures should be employed. NMFS proposes the same plan for this IHA.

A NMFS-approved and VAFB-designated biologically trained observer will monitor the area for pinnipeds during all harbor activities. During nighttime activities, the harbor area will be illuminated, and the monitor will use a night vision scope. Monitoring activities will consist of:

(1) Conducting baseline observation of pinnipeds in the project area prior to initiating project activities.

(2) Conducting and recording observations on pinnipeds in the vicinity of the harbor for the duration of the activity occurring when tides are low enough for pinnipeds to haul out (2 ft, 0.61 m, or less).

(3) Conducting post-construction observations of pinniped haul-outs in the project area to determine whether animals disturbed by the project activities return to the haul-out.

Reporting

Boeing will notify NMFS 2 weeks prior to initiation of each activity. After each activity is completed, Boeing will provide a report to NMFS within 90 days. This report will provide dates and locations of specific activities, details of seal behavioral observations, and estimates of the amount and nature of all takes of seals by harassment or in other ways. In addition, the report will include information on the weather, the tidal state, the horizontal visibility, and the composition (species, gender, and age class) and locations of haul-out group(s). In the unanticipated event that any cases of pinniped injury or mortality are judged to result from these activities, this will be reported to NMFS immediately.

Endangered Species Act

This action will not affect species listed under the Endangered Species Act (ESA) that are under the jurisdiction of NMFS. VAFB formally consulted with U.S. Fish and Wildlife Service (FWS) in 1998 on the possible take of southern sea otters during Boeing's harbor activities at south VAFB. A Biological Opinion was issued in August 2001. The activities covered by this IHA are analyzed in that Biological Opinion, and this IHA does not modify the action in a manner that was not previously analyzed.

National Environmental Policy Act

The USAF prepared an Environmental Assessment (EA) for Harbor Activities Associated with the Delta IV Program at Vandenberg Air Force Base (ENSRI, 2001). In 2004, NMFS prepared an EA updating the information contained in the USAF EA and issued a Finding of No Significant Impact (FONSI) on the issuance of a new 5–year rule and LOAs (69 FR 5720, February 6, 2004). In accordance with section 6.01 of the National Oceanic and Atmospheric Administration Administrative Order (NAO) 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS has preliminarily determined, based on the content and analysis of Boeing's current request for an IHA and the 2004 EA and FONSI, that the proposed issuance of this IHA to Boeing by NMFS will not individually or cumulatively result in a significant impact on the quality of the human environment as defined in 40 CFR 1508.27. Impacts are not expected to be outside the scope of that EA. Therefore, this action is categorically excluded from further environmental review under NAO 216–6.

Preliminary Conclusions

NMFS proposes to issue an IHA to Boeing for harbor activities related to the Delta IV/EELV to take place at south VAFB over a 1–year period. The proposal to issue this IHA is contingent upon adherence to the previously mentioned mitigation, monitoring, and reporting requirements. NMFS has preliminarily determined that the impact of harbor activities related to the Delta IV/EELV at VAFB, including: transport vessel operations, cargo movement activities, harbor maintenance dredging, and kelp habitat mitigation would result in the harassment of only small numbers of Pacific harbor seals, California sea lions, and northern elephant seals; would have no more negligible impact on these marine mammal stocks; and would not have an unmitigable adverse impact on the availability of marine mammal stocks for subsistence uses. Northern fur seals, Guadalupe fur seals, and Steller sea lions are unlikely to be found in the area and, therefore, will not be affected. While behavioral modifications may be made by harbor seals and California sea lions to avoid the resultant acoustic and visual stimuli, there is no potential for large-scale movements, such as stampedes, since these species haul out in such small numbers near the site (maximum number of harbor seals hauled out in one day estimated at 43 seals, averaging at 21 seals per day, maximum number of California sea lions hauled out in one day is estimated at six). The effects of Boeing's harbor activities are expected to be limited to short-term and localized behavioral changes.

Due to the localized nature of these activities, the number of marine mammals potentially taken by harassment are estimated to be small. In addition, no take by injury or death is anticipated, and the potential for temporary or permanent hearing impairment is unlikely given the low noise levels expected at the site. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine

mammals occur within or near south VAFB harbor.

Information Solicited

NMFS requests interested persons to submit comments and information concerning this request (see **ADDRESSES**). Prior to submitting comments, NMFS recommends readers review NMFS' responses to those comments on this activity submitted previously (see 67 FR 63151, May 23, 2002, 68 FR 36540, June 18, 2003, and 69 FR 29696, May 25, 2004).

Dated: March 16, 2005.

Michael Payne,

Division Chief, Marine Mammal and Turtle Conservation District, National Marine Fisheries Service.

[FR Doc. 05–5753 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031105F]

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 hearing.

SUMMARY: On March 14, 2005, NMFS announced its intent to 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). NMFS will hold an additional public hearing in East Machias, Maine in April 2005.

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 DEIS is open for public comment 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 another public hearing on the DEIS in addition to the 12 already announced (70 FR 12446, March 14, 2005). 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 the public hearings can also be found on the Atlantic Large Whale Take Reduction Plan (ALWTRP) website at *http://www.nero.noaa.gov/whaletrp/*.

Hearing Dates, Times, and Locations

The date, time, and location of the hearing is as follows:

Wednesday, April 6, 2005 - East Machias, ME - 6–9 p.m.—Washington Academy (Gardner Gym), One High Street, East Machias, ME 04630

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 17, 2005.

Donna S. Weiting,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5751 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020905A]

Endangered Species; File No. 1449

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Christine A. Tomichek, Kleinschmidt Associates, Kleinschmidt Building, 35 Pratt Street, Essex, Connecticut, 06426, has been issued a permit to take shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 427–2521; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978) 281–9200; fax (978) 281–9371.

FOR FURTHER INFORMATION CONTACT: Jennifer Jefferies or Amy Sloan, (301)713–2289.

SUPPLEMENTARY INFORMATION: On August 18, 2004, notice was published in the **Federal Register** (69 FR 51267) that a request for a scientific research permit to take shortnose sturgeon had been submitted by the above-named individual. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Ms. Tomichek is authorized to conduct three projects. In the first project, 30 captively bred juvenile sturgeon will be externally radio tagged, released into the canal, tracked and recaptured after exiting the canal. In the second project, 50 adult sturgeon will be captured annually for four years via trawls and gillnets, measured, weighed, a subset of 20 PIT tagged and externally radio tagged, released and tracked. In the third project, 200 eggs and larvae will be captured via D-nets and preserved to evaluate spawning behavior. This permit is authorized for five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: March14, 2005.

Steve L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5749 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031105E]

Endangered Species; File No. 1409

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application for modification.

SUMMARY: Notice is hereby given that Karen G. Holloway-Adkins, Executive Director of East Coast Biologists, Inc., Indialantic, FL 32903, has requested a modification to scientific research Permit No. 1409.

DATES: Written, telefaxed, or e-mail comments must be received on or before April 22, 2005.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 427–2521; and

Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Comments may also be submitted by facsimile at (301) 427–2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing email comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 1409.

FOR FURTHER INFORMATION CONTACT: Patrick Opay or Ruth Johnson, (301) 713–2289.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 1409, issued on July 28, 2003 (68 FR 44297) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 1409 authorizes the permit holder to conduct research on green (*Chelonia mydas*) and loggerhead sea turtles (*Caretta caretta*) for scientific research. The research is attempting to characterize the turtle aggregations using the nearshore reefs in central Brevard County as developmental habitat and to better understand their foraging habitats and movements. The permit holder requests authorization to increase the research area by an additional 3.4 miles (5.5 kilometers) to the south in order to study animals using the lower less dense reefs in this area. No increase in take or additional research activities are requested.

Dated: March 17, 2005.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5750 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031705A]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Permit modifications and request for new research permits.

SUMMARY: Notice is hereby given that NMFS has received three scientific research permit applications and two modification requests relating to Pacific salmon. The proposed research is intended to increase knowledge of species listed under the Endangered Species Act (ESA) and to help guide management and conservation efforts.

DATES: Comments or requests for a public hearing on the application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific daylight-saving time on April 22, 2005.

ADDRESSES: Written comments on the application should be sent to Protected Resources Division, NMFS, F/NWO3, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232–2737. Comments may also be sent via fax to 503–230–5441 or by e-mail to *resapps.nwr@NOAA.gov*.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, Portland, OR (ph.: 503–231–2005, Fax: 503–230–5441, e-mail: *Garth.Griffin@noaa.gov*). Permit application instructions are available at *http://www.nwr.noaa.gov*.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

The following listed species and evolutionarily significant units (ESUs) are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): endangered naturally-produced and artificially propagated upper Columbia River (UCR); threatened naturally-produced and artificially propagated Snake River (SR) spring/summer (spr/sum); threatened SR fall; threatened lower Columbia River (LCR); threatened upper Willamette River (UWR); threatened naturally-produced and artificially propagated Puget Sound (PS).

Chum salmon (*O. keta*): threatened Columbia River (CR).

Steelhead (*O. mykiss*): threatened SR; threatened middle Columbia River (MCR); endangered UCR; threatened LCR; threatened UWR.

Coho salmon (*O. kisutch*): proposed threatened Oregon Coast (OC); proposed threatened LCR.

Authority

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR 222–226). NMFS issues permits based on findings that such permits: (1) are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NMFS.

Applications Received

Permit 1410 – Modification 2

The Northwest Fisheries Science Center (NWFSC) is asking to modify its 5–year permit to expand on a study in the Columbia River plume and surrounding ocean environment. The NWFSC is requesting to increase its annual take of adult and juvenile LCR chinook salmon, SR fall chinook salmon, SR spring/summer chinook salmon, UCR chinook salmon, UWR chinook salmon, CR chum salmon, SR steelhead, and OC coho salmon. OC coho salmon are currently proposed as a threatened species. The research is designed to investigate the distribution, abundance, condition, and health of juvenile salmonids in relation to oceanographic conditions. The purpose of the study is to help researchers and managers better understand the factors controlling estuarine and marine survival. The study will provide information to help forecast survival potential as a function of plume and ocean conditions. Further, the study will be coordinated with a predation study which is a component of the plume study but was covered under a different authorization in previous years.

The NWFSC is requesting authorization to capture (using surface trawling), handle, and release adult and juvenile fish and to intentionally kill some juveniles for endocrine assessment, stock identification, pathogen prevalence and intensity, otolith and stomach content analysis, and histopathological attributes. The NWFSC does not intend to kill any adult fish being captured but some may die as an unintentional result of the research activities.

Permit 1479 – Modification 1

The U.S. Geological Survey (USGS) is asking to modify its 5–year permit to expand on a study in the Wind River, Washington. The USGS is asking to increase its annual take of LCR chinook salmon and add takes of CR chum salmon and LCR coho salmon. LCR coho salmon are currently proposed as a threatened species. The research is designed to investigate the efficacy of nutrient enhancement in increasing juvenile fish growth and condition and thereby determine how effectively it can be used to restore juvenile salmonid production in nutrient-deficient watersheds. The research will help state, tribal, and Federal managers in their efforts to restore lower Columbia River salmon and steelhead populations and their habitats.

The USGS proposes to capture (using backpack electrofishers), handle, tag with passive integrated transponders or visual implants, and release listed salmonids. The USGS does not intend to capture adult fish but some may be in the area being fished and will be avoided as much as possible. While most of the fish would be unharmed, some juveniles may unintentionally be killed during the course of the research.

Permit 1523

The National Council of Air and Stream Improvements (NCASI) is requesting a 5–year permit to conduct research in the McKenzie and Willamette rivers in Oregon. The NCASI is asking to take juvenile UWR chinook salmon and steelhead while studying water quality and biological conditions in rivers receiving paper- and pulp mill discharges. The research will provide information on existing conditions in the watersheds and on changes in those conditions over time, and ultimately on the aquatic communities' responses to environmental stressors.

The information will be used in a larger effort to monitor watershed health, water quality, and salmon recovery in the Upper Willamette watershed.

The NCASI proposes to capture (using boat electrofishers), handle, and release listed salmonids. The NCASI does not intend to capture adult fish but some may be in the area being fished and will be avoided as much as possible. While most of the fish would be unharmed, some juveniles may unintentionally be killed during the course of the research.

Permit 1524

The NWFSC is requesting a 5–year research permit for intentional mortality and unintentional mortality of juvenile Puget Sound chinook salmon. The research would consist of two studies. Study 1 would take place in the Skagit River estuary, Washington, and Study 2 would take place in Puget Sound, Washington. The purpose of study 1 is to examine density dependence and survival during estuarine residence in juvenile chinook salmon. The purpose of Study 2 is to examine nearshore habitat use, movements, and survival of juvenile chinook and coho salmon in Puget Sound. The goal of this research is to understand changes in population characteristics (primarily abundance, productivity, and life history diversity) of wild chinook salmon in response to projects designed to reconnect and restore estuarine habitat. These studies are among the top priorities of the NMFS' Salmon Research Plan, including the need to estimate and evaluate estuarine and marine survival at several spatial scales.

In Study 1, fish would be captured at several sites in the Skagit River tidal delta by beach seining. Naturally produced juvenile chinook salmon would be marked and placed in enclosures for a period of 2 weeks. A small number of the fish may die as an unintended result of the capture, handle, and mark procedure. The NWFSC would also kill a portion of the fish for diet and otolith analysis. In Study 2, fish would be captured at several sites in the Skagit Bay by beach seining. Naturally-produced juvenile chinook salmon would be marked with a combination of an external tag and an internal acoustic tag. The NWFSC does not intend to kill any of the fish being captured in study 2, but a small number may die as an unintended result of the activities.

Permit 1525

The Northwest Fisheries Science Center (NWFSC) is requesting a 5–year research permit to study salmonids in the Lower Willamette River, Oregon, and in the Columbia River from Bonneville Dam to the mouth. The NWFSC is requesting to take juvenile SR spring/summer chinook salmon, SR fall chinook salmon, SR steelhead, UCR chinook salmon, UCR steelhead, MCR steelhead, LCR chinook salmon, LCR steelhead, UWR chinook salmon, UWR steelhead, and CR chum salmon.

The research is currently authorized under Permit 1140, Study 3. If

authorized, the research will be authorized by this new permit and removed from Permit 1140. The purposes of the study are to (1) determine contaminant concentrations in fish, (2) understand bioaccumulation in juvenile salmon and determine site-specific factors, (3) analyze for the presence of physiological biomarkers, and (4) investigate the presence of indicators of exposure to environmental estrogens. The NWFSC would collect samples with seines or high speed rope trawls and is asking for authorization to handle juvenile fish and to intentionally kill some of them for pathogen prevalence and intensity, biochemical composition, histopathological attributes, and stomach content analyses.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30–day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: March 17, 2005.

Marta Nammack,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 05–5752 Filed 3–22–05; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

President's Information Technology Advisory Committee (PITAC)

ACTION: Notice of meeting; President's Information Technology Advisory Committee (PITAC).

SUMMARY: This meeting is focused on the presentation and deliberation of PITAC's draft report on computational science. Public input will be solicited during a public comment period. An update will also be provided on the dissemination of PITAC's new report Cyber Security: A Crisis of Prioritization. A small fraction of the meeting time may be allocated for other PITAC updates at the discretion of the co-chairs and the designated Federal officer.

DATE: Thursday, April 14, 2005, 10 a.m.–1 p.m. eastern time.

ADDRESS: Hilton Washington Embassy Row Hotel, 2015 Massachusetts Avenue, NW., Washington, DC 20036.

SUPPLEMENTARY INFORMATION: This meeting will also be held via a teleconference and the Internet through the WebEx application. Information about registration for in-person or remote participation will be posted at PITAC's Web site (*http://www.nitrd.gov/pitac*) by March 31. Meeting information may also be obtained by calling (703) 292–4873. The agenda for the meeting will be posted at PITAC's Web site when it becomes available.

FOR FURTHER INFORMATION CONTACT: Alan Inouye at the National Coordination Office for Information Technology Research and Development at (703) 292–4873 or by e-mail at *inouye@nitrd.gov.*

Dated: March 17, 2005.

Jeannette Owings-Ballard,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 05–5747 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Notice of the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies—Open Meeting.

AGENCY: Department of Defense.

ACTION: Notice; Defense Task Force on Sexual Harassment and Violence at the Military Service Academies—open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), Public Law 96–463, notice is hereby given that the Defense Task Force on Sexual Harassment and Violence at the Military Service Academies will hold an open meeting at The Courtyard Marriott, 2700 Eisenhower Avenue, Alexandria, Virginia 22314, on March 30, 2005 from 8:30 a.m. to 11:30 a.m.

Purpose: The Task Force will meet on March 30, 2005, from 8:30 a.m. until 11:30 a.m. This session will be open to the public, subject to the availability of space. In keeping with the spirit of Federal Advisory Committee Act, it is the desire of the Task Force to provide the public with an opportunity to make comment regarding the current work of the Task Force. The first two hours of the meeting will be designated for any public comment. During the final hour, the Task Force as a whole will discuss various issues regarding victims' rights and services at the U.S. Military and Naval Academies. Any interested citizens are encouraged to attend.

DATES: March 30, 2005, 8:30 a.m.–11:30 a.m.

Location: The Courtyard Marriott, 2700 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning this meeting or wishing to submit comments must contact:

Mr. William Harkey, Public Affairs Officer, Task Force on Sexual Harassment and Violence at the Military Service Academies, 2850 Eisenhower Ave, Suite 100, Alexandria, Virginia 22314. Telephone: (703) 325–6640, DSN# 221–6640, Fax: (703) 325–6710/6711, *william.harkey.CTR@wso.whs.mil.*

Interested persons may submit a written statement for consideration by the Task Force and make an oral presentation of such. Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the point of contact listed above no later than 5 p.m., March 25, 2005. Oral presentations by members of the public will be permitted only on March 30, 2005, from 8:30 a.m. until 10:30 a.m. before the full Task Force. Presentations will be limited to ten (10) minutes each. Number of oral presentations to be made will depend on the number of requests received from members of the public and the time allotted. Each person desiring to make an oral presentation must provide the point of contact listed above with one (1) written copy of the presentation by 5 p.m., March 25, 2005 and bring 15 written copies of any material that is intended for distribution at the meeting. Persons submitting a written statement must submit 15 written copies of the statement to the Task Force staff by 5 p.m. on March 25, 2005.

General Information: Additional information concerning the Defense Task Force on Sexual Harassment and Violence at The Military Service Academies, its structure, function, and composition, may be found on the DTFSH and VTMA Web site (*http://www.dtic.mil/dtfs*).

Dated: March 17, 2005.

Jeannette Owings-Ballard,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 05–5745 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Transformation Advisory Group Meeting the U.S. Joint Forces Command

AGENCY: Department of Defense, USJFCOM.

ACTION: Notice of Closed Meeting; Transformation Advisory Group Meeting of the U.S. Joint Forces Command.

SUMMARY: The Transformation Advisory Group (TAG) will meet in a closed session on May 2–3, 2005. The mission of the TAG is to provide timely advice on scientific, technical, and policy-related issues to the Commander, U.S. Joint Forces Command as he develops DoD transformation strategy. Full development of the topics will require discussion of information classified in accordance with Executive Order 12958, dated April 17, 1995, as amended March 25, 2003. Access to this information must be strictly limited to personnel having the requisite security clearances and the specific need-to-know. Unauthorized disclosure of the information to be discussed at the TAG meetings could cause serious damage to our national defense.

The meeting will be closed for security reasons pursuant to 5 U.S.C. 552, Exemption (b)1, on protection of national security, and Exemption (b)3 regarding information protected under the Homeland Security Act of 2002, and in accordance with 41 CFR section 102–3.155.

DATES: 2–3 May 2005

ADDRESSES: USJFCOM, 1562 Mitscher Avenue, Suite 200, Norfolk, VA 23551–2488.

FOR FURTHER INFORMATION CONTACT: Stephanie Roper-Burton, Executive Director, (757) 836–0965.

FOR SUPPLEMENTARY INFORMATION: Jerome Mahar, Joint Staff, (703) 614–6465.

Dated: March 17, 2005.

Jeannette Owings-Ballard,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 05–5746 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Office of the Secretary of the Air Force; Active Duty Service Determinations for Civilian or Contractual Groups; Acceptance of Group Application Under Public Law 95–202 and Department of Defense Directive (DODD) 1000.20

Vietnamese citizens who served in Vietnam under contract with the U.S. Armed Forces and were assigned to reconnaissance teams and exploitation forces within the Military Assistance Command, Studies and Observations Group (MACVSOG), Ground Operations OP–35, Command and Control (C&C), from January 1964 to April 1972.

Under the provisions of section 401, Public Law 95–202 and DoD Directive 1000.20, the Department of Defense Civilian/Military Service Review Board has accepted an application on behalf of a group know as: ''Vietnamese Citizens Who Served in Vietnam Under Contract With the U.S. Armed Forces and Were Assigned to Reconnaissance Teams and Exploitation Forces Within the Military Assistance Command, Studies and Observations Group (MACVSOG), Ground Operations OP–35, Command and Control (C&C), From January 1964 to April 1972.''

Persons with information or documentation pertinent to the determination of whether the service of this group should be considered active military service to the Armed Forces of the United States are encouraged to submit such information or documentation within 60 days to the DoD Civilian/Military Service Review Board, 1535 Command Drive, EE-Wing, 3rd Floor, Andrews AFB, MD 20762–7002. Copies of documents or other materials submitted cannot be returned.

Albert F. Bodnar,

Air Force Federal Register Liaison Officer.

[FR Doc. 05–5691 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF DEFENSE

Environmental Statements; Notice of Intent: Anderson Air Force Base, Guam; Correction

AGENCY: United States Air Force.

ACTION: Correction to Notice of Intent To Prepare a Draft Environmental Assessment for Beddown of Training and Support Initiatives at Northwest Field, Andersen Air Force Base, Guam (U.S. Territory).

SUMMARY: The United States Air Force issued a notice of intent to advise the public of our preparation of an Environmental Assessment for Beddown of Training and Support Initiatives at Northwest Field, Andersen Air Force Base, Guam, in the FR (Volume 70, Number 49, Pages 12656–12657) on 15 Mar. 05.

The contact information contained therein has been amended as follows. Please submit written comments to Mr. Scott Whittaker, Environmental Flight Chief, Unit 14007, APO AP 96543–4007, Facsimile (671) 366–5088. For further information, please call (671) 366–2101.

Albert Bodnar,

Federal Register Liaison Officer.

[FR Doc. 05–5712 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT of DEFENSE

Department of the Air Force

Notice of Availability (NOA) of the Record of Decision (ROD) for the Termination of the Air Force Mission at Johnston Atoll Airfield

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 United States Code 4321, *et seq.*), the Council on Environmental Quality Regulations for implementing the procedural provisions of NEPA (40 Code of Federal Regulations (CFR) parts 1500–1508), and Air Force's Environmental Impact Analysis Process as implemented by 32 CFR part 989, the United States Air Force (Air Force) is issuing this notice to advise the public of the availability of the signed ROD documenting the decision of the Air Force to terminate the Air Force Mission at Johnston Atoll Airfield. The ROD is based upon the Final Environmental Impact Statement (FEIS), Termination of the Air Force Mission at Johnston Atoll Airfield (made available in the **Federal Register**: Volume 69, Number 108, Page 31613–31614). The Air Force decision was made after considering the potential environmental consequences of the Proposed Action and No-Action alternative as analyzed in the FEIS, and inputs from regulatory agencies and the public.

SUPPLEMENTARY INFORMATION: Copies of the ROD have been sent to all recipients of the FEIS. Copies of the ROD are also available for examination at the following libraries:

University of Hawaii Hamilton Library, Government Documents Section, 2550 The Mall, Honolulu, HI.

Hawaii State Library, Hawaii Documents Section, 478 South King St., Honolulu, HI.

Pacific Islands Contact Office, U.S. EPA, Region 9, PJKK Federal Building, 300 Ala Moana Blvd., Room 5–152 Honolulu, HI.

ADDRESSES: For further information or to obtain a copy of the ROD, please contact Mr. Rich Parkinson, 15 CES/CEV, 75 H Street, Building 1204, Hickam Air Force Base, HI, 96853–5233, By fax: (808) 448–0247, or by e-mail at *Richard.Parkinson@hickam.af.mil.*

Albert F. Bodnar,

Air Force Federal Register Liaison Officer.

[FR Doc. 05–5689 Filed 3–22–05; 8:45 am]

BILLING CODE 5001–05–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 23, 2005.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) title; (3) summary of the collection; (4) description of the need for, and proposed use of, the information; (5) respondents and frequency of collection; and (6) reporting and/or recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 17, 2005.

Angela C. Arrington,

Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of the Chief Information Officer.

Office of the Undersecretary

Type of Review: New.

Title: Study of Graduate Fellowship Programs.

Frequency: One time.

Affected Public: Individuals or household; not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 4,803.

Burden Hours: 1,598.

Abstract: This project will assess education and employment outcomes of 4,400 Jacob K. Javits Fellowship Program (Javits), Graduate Assistance in Areas of National Need Fellowship Program (GAANN), Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program (DDRA), and Foreign Language and Area Studies Fellowship Program (FLAS) fellowship recipients from 1997–1999. Data will be used to assess meeting fellowship program objectives, and to help refine program policies.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2719. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–245–6621. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Katrina Ingalls at her e-mail address *Katrina.Ingalls@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 05–5716 Filed 3–22–05; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Advisory Board (EMSSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 13, 2005, 6 p.m.

ADDRESSES: DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, PO Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–5333 or e-mail: *halseypj@oro.doe.gov* or check the Web site at *http://www.oakridge.doe.gov/em/ssab.*

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: Overview of CERCLA Documentation.

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 the agenda item should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision 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: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Center at 475 Oak Ridge Turnpike, Oak Ridge, TN between 8 a.m. and 5 p.m., Monday through Friday, or by writing to Pat Halsey, Department of Energy Oak Ridge Operations Office, PO Box 2001, EM–90, Oak Ridge, TN 37831, or by calling her at (865) 576–4025.

Issued at Washington, DC on March 17, 2005.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 05–5727 Filed 3–22–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 03–59–NG, 05–03–NG, 05–02–NG, 97–09–NG, 05–04–LNG, 05–05–NG, 05–07–NG, 05–06–NG, 05–09–NG, 04–101–NG, 05–10–LNG, and 05–08–NG]

Fusi LLC, Fortuna (US) L.P., Sprague Energy Corp., USGEN Fuel Services, Inc., Nitogo Management, Inc., Petro-Canada Hydrocarbons Inc., Chehalis Power Generating, Limited Partnership, Powerex Corp., National Fuel Gas Distribution Corporation, National Fuel Gas Distribution Corporation, LNG Partners, LLC, and Total Gas & Power North America, Inc.; Orders Granting Authority To Import and Export Natural Gas, Including the Import of Liquefied Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during February 2005, it issued Orders granting authority to import and export natural gas, including the import of liquefied natural gas. These Orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fe.doe.gov* (select gas regulation). They are also available for inspection and copying in the Office of Natural Gas Regulatory Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

R. F. Corbin,

Manager, Natural Gas Regulatory Activities, Office of Oil and as Global Security and Supply, Office of Fossil Energy.

Appendix—Orders Granting Import/Export Authorizations

Date issued	Importer/exporter FE docket No.	Import volume	Export volume	Comments
2–1–05	FUSI LLC, 03–59–NG	.....	.....	Vacates blanket import and export authority.
2–1–05	Fortuna (US) L.P., 05–03–NG	75 Bcf	.....	Import and export a combined total of natural gas from and to Canada, beginning on December 21, 2004, and extending through December 20, 2006.
2–3–05	Sprague Energy Corp., 05–02–NG	50 Bcf	.....	Import natural gas from Canada, beginning on January 1, 2005 and extending through December 31, 2006.
2–3–05	USGEN Fuel Services, Inc., 97–09–NG.	.....	.....	Vacates blanket import authority.
2–8–05	Nitogo Management, Inc., 05–04–LNG.	400 Bcf		Import LNG from Nigeria, beginning on February 8, 2005 and extending through February 7, 2007.
2–8–05	Petro-Canada Hydrocarbons Inc., 05–05–NG.	300 Bcf	.....	Import natural gas from Canada, beginning on March 4, 2005, and extending through March 3, 2007.
2–17–05	Chehalis Power Generating Limited Partnership, 05–07–NG.	65.7 Bcf	.....	Import natural gas from Canada, beginning on January 1, 2005, and extending through December 31, 2006.
2–22–05	Powerex Corp., 05–06–NG	60 Bcf		Import and export natural gas from and to Canada and Mexico, and import LNG from other international sources, beginning on March 1, 2005, and extending through February 28, 2007.
2–28–05	National Fuel Gas Distribution Corporation, 05–09–NG.	19.964 Bcf		Import and export a combined total of natural gas from and to Canada, and import LNG from other international sources, beginning on April 1, 2005, and extending through March 31, 2007.
2–28–05	National Fuel Gas Distribution Corporation, 04–101–NG.	.....	.....	Vacates blanket import and export authority.
2–28–05	LNG Partners, LLC, 05–10–LNG	72 Bcf	.....	Import LNG from various international sources, beginning on February 28, 2005, and extending through February 27, 2007.
2–28–05	Total Gas & Power North America, Inc., 05–08–NG.	100 Bcf, 100 Bcf, 365 Bcf.	100 Bcf, 100 Bcf.	Import and export natural gas from and to Canada and Mexico, and import LNG from various other sources, beginning on February 22, 2005, and extending through February 21, 2007.

[FR Doc. 05–5728 Filed 3–22–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Leaning Juniper Wind Project

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of availability of Record of Decision (ROD).

SUMMARY: This notice announces the availability of the ROD to offer contract terms for interconnection of up to 200 megawatts of wind generation from the PPM Energy, Inc.'s, proposed Leaning Juniper Wind Project into the Federal Columbia River Transmission System. This decision is consistent with and tiered to BPA's Business Plan Final Environmental Impact Statement (DOE/EIS–0183, June 1995), and the Business

Plan Record of Decision (August 15, 1995). The wind project will be interconnected at BPA's Jones Canyon Switching Station (SS), about three miles southwest of Arlington, Gilliam County, Oregon. The Jones Canyon SS will provide the wind project with transmission access to BPA's McNary-Santiam #2 230-kilovolt transmission line. BPA will increase the capacity of the McNary-Santiam #2 to accommodate the wind project, which will require increased ground clearance at four locations along the transmission line. These proposed line upgrades will be located in Wasco, Gilliam, Sherman, and Morrow Counties, Oregon.

ADDRESSES: Copies of the ROD and EIS may be obtained by calling BPA's toll-free document request line, 1–800–622–4520. The ROD and EIS Summary are also available on our Web site, *http://www.efw.bpa.gov.*

FOR FURTHER INFORMATION, CONTACT: Don Rose, Bonneville Power Administration—KEC–4, P.O. Box 3621, Portland, Oregon, 97208–3621; toll-free telephone number 1–800–282–3713; fax number (503) 230–5699; or e-mail *dlrose@bpa.gov.*

Issued in Portland, Oregon, on March 11, 2005.

Stephen J. Wright,

Administrator and Chief Executive Officer.

[FR Doc. 05–5726 Filed 3–22–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency Information Collection Activities: Submission for OMB Review; Comment Request.

SUMMARY: The EIA has submitted the ''Voluntary Reporting of Greenhouse Gases,'' form EIA–1605 and EIA–1605 EZ (short form) to the Office of Management and Budget (OMB) for review and a two-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq*).

DATES: Comments must be filed by April 22, 2005. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX (202) 395–7285 is recommended. The mailing address is 726 Jackson Place, NW., Washington, DC 20503. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland. To ensure receipt of the comments by the due date, submission by FAX (202) 287–1705 or e-mail (*grace.sutherland@eia.doe.gov*) is recommended. The mailing address is Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Ms. Sutherland may be contacted by telephone at (202) 287–1712.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (*i.e.*, the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (*i.e.*, new, revision, extension, or reinstatement); (5) response obligation (*i.e.*, mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–1605 and 1605EZ, ''Voluntary Reporting of Greenhouse Gases.''
2. Energy Information Administration.
3. OMB Number 1905–0194.
4. Two-year extension to an existing approved request.
5. Voluntary.
6. EIA–1605 and EIA–1605EZ forms are designed to collect voluntarily reported data on greenhouse gas emissions, achieved reductions of these emissions, and carbon fixation. Data are used to establish a publicly available database. Respondents are participants in a domestic or foreign activity that either reduces greenhouse gas emissions or increases sequestration.

Although EIA originally solicited public comment on a one-year extension of OMB approval in its November 8, 2004 **Federal Register** notice (69 FR 64735), EIA has decided to request a two-year extension of approval.

7. Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms; Federal Government; State, local or tribal government.
8. 8,140 hours.

Please refer to the supporting statement as well as the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) (44 U.S.C. 3501 *et seq*).

Issued in Washington, DC, March 17, 2005.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 05–5729 Filed 3–22–05; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–70–009]

Algonquin Gas Transmission, LLC; Notice of Negotiated Rate

March 17, 2005.

Take notice that on March 15, 2005, Algonquin Gas Transmission, LLC (Algonquin) tendered for filing as a part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective April 1, 2005.

Algonquin states that copies of its filing are being sent to all affected customers of Algonquin and interested state commissions, as well as to all parties on the service list.

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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1264 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–70–008]

Algonquin Gas Transmission, LLC; Notice of Negotiated Rate

March 16, 2005.

Take notice that on March 11, 2005, Algonquin Gas Transmission, LLC (Algonquin) tendered for filing as a part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective April 1, 2005.

Algonquin states that the purpose of this filing is to implement the negotiated rate transactions for transportation service to be rendered to United States Gypsum Company; Middleborough, MA, Gas and Electric Department; the City of Norwich, CT, Department of Public Utilities; Central Hudson Gas & Electric Corporation; Amerada Hess Corporation; Lake Road Generating Company, L.P.; and Sprague Energy Corporation. By this filing, Algonquin is also re-filing tariff sheets submitted as part of its March 2, 2005 filing in Docket No. RP00–70–007 to reflect a reduction in the negotiated usage rate applicable to the designated small customer contracts with New England Gas Company—Rhode Island and New England Gas Company—North Attleboro and to clarify the sheet number references for the maximum recourse rates applicable to the small customer rate schedules.

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. E5–1275 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–301–128]

ANR Pipeline Company; Notice of Negotiated Rate Filing

March 17, 2005.

Take notice that on March 14, 2005, ANR Pipeline Company (ANR) tendered for filing and approval an amendment to an existing negotiated rate service agreement between ANR and Wisconsin Public Service Corporation.

ANR requests that the Commission accept and approve the subject negotiated rate agreement amendment to be 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. E5–1258 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER05–330–000 and ER05–330–001]

City Power Marketing, LLC; Notice of Issuance of Order

March 17, 2005.

City Power Marketing, LLC (City Power) filed an application for market-based rate authority, with an accompanying tariff. The proposed rate tariff provides for wholesale sales of energy, capacity, and ancillary service at market-based rates. City Power also requested waiver of various Commission regulations. In particular, City Power requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by City Power.

On March 15, 2005, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—South, 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 City Power 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 14, 2005.

Absent a request to be heard in opposition by the deadline above, City Power 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 City Power, 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 City Power's issuances of securities or assumptions of liability.

Copies of the full text of the Director'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. E5–1271 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–227–000]

El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 17, 2005.

Take notice that on March 14, 2005, El Paso Natural Gas Company (EPNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1A, the following tariff sheets, to become effective April 15, 2005.

Twenty-Fourth Revised Sheet No. 1
Fifth Revised Sheet No. 2.
Sheet Nos. 3–9
Thirty-Ninth Revised Sheet No. 30
Thirty-Second Revised Sheet No. 31.

ENPG states that it has submitted two Transportation Service Agreements (''TSAs'') for the Commission's review. Furthermore, the tendered tariff sheets have been revised to list certain additional TSAs as non-conforming agreements, and delete a number of terminated negotiated rate agreements.

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. E5–1267 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–160–001]

El Paso Natural Gas Company; Notice of Compliance Filing

March 16, 2005.

Take notice that on March 11, 2005, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1A, the following tariff sheets to become effective February 24, 2005:

Seventh Revised Sheet No. 289
First Revised Sheet No. 290B
Original Sheet No. 290C
Third Revised Sheet No. 419

El Paso states that copies of the filing were served on parties on the official service list in the above-captioned proceedings.

Any person desiring to protest this filing must file in accordance with Rule

211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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. E5–1277 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP04–12–006, RP00–387–006 (not consolidated)]

Florida Gas Transmission Company; Notice of Compliance Filing

March 17, 2005.

Take notice that on March 15, 2005 Florida Gas Transmission Company (FGT) submitted a compliance filing pursuant to the Commission Order issued December 21, 2004 approving the Stipulation and Agreement of Settlement in Docket Nos. RP04–12–000, RP04–12–004, RP04–12–005 and RP00–387–004.

FGT states that it has caused a copy of the filing to be distributed to all customers served under the rate schedules affected by this filing, all parties listed on the official service list in this docket and the interested State commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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. E5–1265 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–162–001]

Kinder Morgan Interstate Gas Transmission Company; Notice of Compliance Filing

March 16, 2005.

Take notice that on March 11, 2005, Kinder Morgan Interstate Gas Transmission Company (KMIGT) tendered for filing to become part of its FERC Gas Tariff, Fourth Revised Volume No. 1–B, Substitute First Revised Sheet No. 37A, to be effective March 1, 2005.

KMIGT states that the purpose of this filing is to comply with the Commission's Letter Order issued on February 28, 2005, in Docket No. RP05–162–000.

KMIGT further states that copies of the filing are being served on all parties set out on the Commission's official service list in Docket No. RP05–162–000.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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. E5–1278 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–226–000]

KO Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

March 16, 2005.

Take notice that on March 11, 2005, KO Transmission Company (KOT) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1,

Seventeenth Revised Sheet No. 10, to become effective April 1, 2005.

KOT states that the proposed change is made pursuant to the provisions of section 24, transportation retainage adjustment of the general terms and conditions (GT&C) of KOT's Tariff, which provides that KOT may adjust its fuel retainage as operating conditions warrant. KOT states that the proposed change will lower KOT's retainage to 0.51%, from its current rate of 1.00%.

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. E5–1279 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–88–000]

Northern Border Pipeline Company; Notice of Application

March 16, 2005.

Take notice that on March 10, 2005, Northern Border Pipeline Company, P.O. Box 542500, Omaha, Nebraska 68154–8500, filed in Docket No. CP05–88–000, an application pursuant to section 7(c) of the Natural Gas Act (NGA), and part 157 of the Commission's regulations requesting a certificate of public convenience and necessity authorizing the construction, modification and installation of compression facilities resulting in an additional 130,000 Mcf/d of capacity on a segment of Northern Border's pipeline system from Harper, Iowa, to North Hayden, Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web 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 toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Specifically, Northern Border is proposing to: (1) Construct a new compressor station consisting of one 16,000 HP electric drive compressor unit at its existing Compressor Station 16 located in Johnson County, Iowa; (2) make modifications to existing Compressor Station 17 located in Scott County, Iowa, and Compressor Station 18 located in Bureau County, Illinois; and (3) install certain related section 2.55(a) (18 CFR) auxiliary facilities. Northern Border estimates the cost to construct, modify and install such facilities to be $20.7 million.

Any questions regarding this application should be directed to Raymond D. Neppl, Vice President, Regulatory Affairs and Market Services, Northern Plains Natural Gas Company, LLC, P.O. Box 542500, Omaha, Nebraska, 68154–8500, or call (402) 492–7428.

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, 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 with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Persons who wish to comment only on the environmental review of this project, or in support of or in opposition to 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. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the applicant. 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.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Comment Date: April 6, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1280 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–229–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 17, 2005.

Take notice that on March 14, 2005, Northern Natural Gas Company (Northern) tendered for filing to become part of its FERC Gas Tariff, Fifth Revised Volume No. 1, 71 Revised Sheet No. 53, to be effective on May 1, 2005.

Northern states that the above sheet is being filed to provide for the application of commodity, unaccounted for and fuel rates for deliveries to the Waterville storage facility in Northern's Market Area.

Northern further states that copies of the filing have been mailed to each of its customers and interested State ommissions.

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 online 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. E5–1269 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–230–000]

Northern Natural Gas Company; Notice of Limited Waiver

March 17, 2005.

Take notice that on March 14, 2005, Northern Natural Gas Company (Northern) tendered for filing a petition for a limited waiver of Northern's FERC Gas Tariff to allow Northern's customers one additional business day to review preliminary commodity invoices and for Northern to produce final invoices as part of the transition to a new gas accounting system, and one extra business day for customers to trade imbalances since the commodity billing information affects shipper imbalance statement.

Northern states that the one extra business day will allow final commodity invoices and transportation imbalance statements for February 2005 production to be tendered on the 10th business day of March 2005, rather than the 9th business day and for imbalance trading to be completed by the 18th business day, rather than the 17th business day. Northern states that the one-day extension will help to assure that customers receive accurate commodity invoices for February 2005 and have an appropriate amount of time to trade any imbalances.

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, on, or before the date as indicated below. 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 online 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.

Comment Date: 5 p.m. eastern time on March 25, 2005.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1270 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP05–228–000]

Ozark Gas Transmission, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

March 17, 2005.

Take notice that on March 14, 2005, Ozark Gas Transmission, L.L.C. (Ozark) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheet No. 17A, to be effective April 13, 2005.

Ozark states that the purpose of this filing is to remove provisions from its tariff implementing the CIG/Granite State policy regarding retention of discounts at alternative delivery points as permitted by the Commission in Williston Basin Interstate Pipeline Co., 110 FERC ¶ 61,210 (2005).

Ozark further states that it has served copies of this filing to the company's jurisdictional customers and interested State commissions.

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 online 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. E5–1268 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1893–042 (PSNH)]

Service Company of New Hampshire; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

March 17, 2005.

a. *Type of Application:* New Major License.

b. *Project No.:* 1893–042.

c. *Date filed:* December 30, 2003.

d. *Applicant:* Public Service Company of New Hampshire (PSNH).

e. *Name of Project:* Merrimack River Project.

f. *Location:* On the Merrimack River, in Merrimack and Hillsborough counties, New Hampshire. The project does not occupy federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* James J. Kearns, 780 North Commercial Street, P.O. Box 330, Manchester, NH, 03105 (603)–634–2936.

i. *FERC Contact:* Steve Kartalia, *stephen.kartalia@ferc.gov* (202) 502–6131.

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions is 60 days from the issuance date of this notice; reply comments are due 105 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.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on 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.

Comments, recommendations, terms and conditions, and prescriptions may be filed electronically via the internet in lieu of paper. The Commission strongly encourages electronic filings. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

k. This application has been accepted, and is ready for environmental analysis at this time.

l. The Merrimack project consists of three developments described below:

The Amoskeag Development consisting of: (1) A 29-foot-high, 710-foot-long concrete gravity dam comprised of: (i) A low crest section with 5-foot-high flashboards; and (ii) a high crest section with 3-foot-high flashboards; (2) a 7-mile-long, 478-acre reservoir; (3) a powerhouse, integral with the dam, containing three generating units with a total installed capacity of 16,000 kW; (4) a 415-foot-long, 34.5–kV double circuit transmission line; and (5) other appurtenances.

The Hooksett Development consisting of: (1) A dam comprised of: (i) A 340-foot-long stone masonry section with 2-foot-high flashboards connected to; (ii) a 250-foot-long concrete section with 2-foot-high flashboards; (2) a 15-foot by 20-foot Taintor gate; (3) a 5.5-mile-long, 405-acre reservoir; (4) a powerhouse containing a single generating unit with an installed capacity of 1,600 kW; and (5) other appurtenances.

The Garvins Falls Development consisting of: (1) An 18-foot-high, 550-foot-long concrete and granite gravity dam comprised of: (i) A low crest section with 3-foot-high flashboards; and (ii) a high crest section with 1.2-foot-high flashboards; (2) an 8-mile-long reservoir; (3) a 500-foot-long water canal with a 10-foot-wide waste gate; (4) two powerhouses, each containing two generating units for a total installed capacity of 12,300 kW; (5) a 340-foot-long, 34.5–kV transmission line; and (6) other appurtenances.

m. A copy of the application 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 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS;'' ''REPLY COMMENTS'', ''RECOMMENDATIONS'', ''TERMS AND CONDITIONS'', or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accomplished by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

n. *Procedural schedule:* The application will be processed according to the following Hydro Licensing

Schedule. Revisions to the schedule will be made as appropriate. The Commission staff proposes to issue one environmental assessment rather than issue a draft and final EA. Comments, terms and conditions, recommendations, prescriptions, and reply comments, if any, will be addressed in an EA issued in the summer of 2005.

Action	Date
Notice of the availability of the EA.	August 2005.
Ready for Commission decision on the application.	November 2005.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1262 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP04–523–004]

Southern Natural Gas Company; Notice of Compliance Filing

March 17, 2005.

Take notice that on March 14, 2005, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets, to become effective March 1, 2005:

Fifth Revised Sheet No. 144A, Third Revised Sheet No. 240, Second Substitute Forty-Eighth Revised Sheet No. 18.

Southern States that these tariff sheets are filed in compliance with the Commission's February 28, 2005 Order in Docket No. RP04–523.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 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. E5–1266 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–312–145]

Tennessee Gas Pipeline Company; Notice of Tariff Filing

March 16, 2005.

Take notice that on March 11, 2005 Tennessee Gas Pipeline Company (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, revised Tariff Sheet No. 413A requesting an effective date of April 1, 2005.

Tennessee states that it is tendering the referenced tariff sheet to reflect the name change of ''AES Londonderry, LLC'' to ''Granite Ridge Energy, LLC''.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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. E5–1272 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–463–007]

Williston Basin Interstate Pipeline Company; Notice of Compliance Filing

March 16, 2005.

Take notice that on March 11, 2005, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective July 1, 2002 and July 10, 2004 respectively:

Substitute Fourth Revised Sheet No. 237, Substitute Third Revised Sheet No. 237.

Williston Basin states that, in compliance with the Commission's findings in its March 3, 2005 ''Second Order on Remand'' (110 FERC ¶61,210), in the above referenced docket, it is making the instant filing to remove from its tariff provisions that were directed to be included to implement the CIG/Granite State policy. Williston Basin states that it seeks to remove such provisions to return Williston Basin's tariff to compliance with preexisting El Paso policy.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR

385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests 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 to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online 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. E5–1274 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF04–15–000]

Dominion Cove Point LNG, LP; Notice of New Public Comment Period (Scoping)

March 16, 2005.

On October 14, 2004, the Secretary of the Commission issued a ''Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Proposed Dominion Cove Point LNG Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Site Visits (NOI)''. On November 1, 2004, we identified additional stakeholders in the project area and extended the public comment period, which expired on December 10, 2004.

Dominion Transmission, Incorporated (DTI) has identified additional facilities for inclusion in its proposed project. In order to provide adequate opportunity for newly identified stakeholders to become involved in our Pre-Filing Review Process, the Commission staff is opening a new public comment period. This comment period is specific to only those newly identified facilities. The Commission staff is particularly interested in learning about issues not already addressed or identified from the project's previous scoping period. Please note this public comment period will close onApril 18, 2005.

The Commission staff has notified the newly identified stakeholders, and has invited them to participate in the ongoing pre-filing review. A copy of this letter, along with an enclosure that lists all the proposed facilities in Dominion's updated Cove Point LNG Expansion Project, may be viewed on the Commission's Web site, at *http://www.ferc.gov* (click on eLibrary and enter the docket number listed above).

Magalie R. Salas,

Secretary.

[FR Doc. E5–1273 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepting for Filing and Soliciting Motions to Intervene, Protests and Comments

March 17, 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.:* 12566–000.

c. *Date filed:* December 13, 2004.

d. *Applicant:* Edward T. Navickis.

e. *Name of Project:* East Park Dam Power Project.

f. *Location:* On the East Park Reservoir, part of the Stoney Creek Watershed, near the town of Stonyford in Colusa County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Mr. Edward T. Navickis, P.O. Box 910, Penn Valley, CA 95946, (530) 432–9226, FAX (530) 432–2520.

i. *FERC Contact:* Etta Foster, (202) 502–8769.

j. 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. Please include the project number (P–12566–000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would consist of: (1) A 100 foot extension of the existing diameter outlet pipe; (2) a reservoir with a storage capacity of 50,900 acre-feet; (3) a new 600 square-foot powerhouse at the edge of the existing plunge pool, containing one generating unit with an installed capacity of 1,325 kW; (4) approximately 2 miles of third power wire line upgrades and approximately 2 miles of new three phase power line tying into PG&E's existing distribution system; (5) a powerline easement approximately one mile-long , and 20-feet wide; (6) a road easement approximately one mile-long and 30-feet wide; (7) approximately 40,000 square-feet of land at the base of the dam for the powerhouse; and (8) appurtenant facilities.

The project would have an annual generation of 4 million kilowatt-hours that would be sold to Pacific Gas & Electric Company, an independent power distributor, or the California PX.

l. Location of Application: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing 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 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. 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.

o. 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.

p. 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.

q. 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.

r. 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.

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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. Filing and Service of Responsive Documents-Any filings must bear in all capital letter 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. 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. 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. E5–1260 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepting for Filing and Soliciting Motions to Intervene, Protests and Comments

March 17, 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.:* 12567–000.

c. *Date filed:* December 13, 2004.

d. *Applicant:* Edward T. Navickis.

e. *Name of Project:* Jackson Meadows Power Project.

f. *Location:* On the Middle Fork of the Yuba River in Nevada and Sierra Counties, near Truckee, California. Land for the transmission line is owned by Tahoe National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)– 825(r).

h. *Applicant Contact:* Mr. Edward T. Navickis, P.O. Box 910, Penn Valley, CA 95946, (530) 432–9226, FAX (530) 432–2520.

i. *FERC Contact:* Etta Foster, (202) 502–8769.

j. *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. Please include the project number (P–12567–000) on any comments, protests, or motions filed.

k. *Description of Project:* The proposed project would consist of: (1) An existing 195-foot-high, 1,530-foot-long rock gravity dam; (2) a reservoir with a storage capacity of 52,500 acre-feet, an area of 938 acres and a drainage area of 37.11 square-miles; (3) an existing intake; (4) an existing 250-foot-long, 42-inch-diameter steel penstock; (5) a new powerhouse containing two generating units with a total installed capacity of 2.2MW; (6) a new 60 kVA transmission line approximately 1½ miles long; and (7) appurtenant facilities.

The project would have an annual generation of 8.7 million kilowatt-hours.

l. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing 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 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. 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.

o. 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.

p. 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.

q. 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.

r. 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.

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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. Filing and Service of Responsive Documents—Any filings must bear in all capital letter 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. 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. 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. E5–1261 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. PR04–15–000, PR04–16–000 and PR02–10–005]

Enogex Inc.; Notice of Technical Conference

March 16, 2005.

Take notice that a technical conference will be held on Wednesday, March 30, 2004 at 10 am, (EST), in a room to be designated at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The technical conference will deal with issues raised in the referenced proceedings (Docket Nos. PR04–15–000, PR04–16–000, PR02–10–005). The purpose of the conference will be to discuss the filings made by Enogex including a range of cost of service issues associated with Enogex's three year general rate filing. The technical conference will also address responses to those filings, including offers of settlement.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or 202–208–1659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

All interested parties and staff are permitted to attend. For further information please contact Eric Winterbauer at (202) 502–8329 or e-mail *eric.winterbauer@ferc.gov.*

Magalie R. Salas,

Secretary.

[FR Doc. E5–1276 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2219–013]

Garkane Energy Cooperative, Inc.; Notice of Technical Conference

March 17, 2005.

The Commission hereby gives notice that members of its staff will meet with Garkane Energy Cooperative, Inc. (Garkane) and other stakeholders on Tuesday, April 5, 2005, from 10 a.m. to 5 p.m. (MST) in the Council Chambers of the Richfield City Office in Richfield, Utah. The Richfield City Office is located at 75 East Center Street, Richfield, Utah.

The purpose of the conference is to discuss possible protection, mitigation, and enhancement measures to be included in Garkane's application for a new license for the Boulder Creek Hydroelectric Project, due to be filed by April 30, 2005. The Boulder Creek Hydroelectric Project is located on Boulder Creek in Garfield County, Utah.

This conference is open to the public. All local, state, and Federal agencies, Indian tribes, and other interested parties are invited to participate. There will be no transcript of the conference.

Please contact Dianne Rodman at *Dianne.rodman@ferc.gov* or (202) 502–6077 with any questions or for additional information.

Magalie R. Salas,

Secretary.

[FR Doc. E5–1263 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05–428–000]

New York Independent System Operator, Inc.; Notice of Agenda for Staff Technical Conference

March 17, 2005.

As announced in a Notice of Technical Conference issued on March 10, 2005, in the above-captioned proceeding, the Commission's staff will conduct a technical conference to be held on Monday, March 21, 2005, at 10 a.m. (EST) and, if necessary, on Tuesday, March 22, 2005, at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The March 21, 2005 conference will be held in the Commission Meeting Room. Attached is the agenda for the conference.

We will accept written statements from speakers at the conference that may wish to supplement their oral statements, or from any other party attending the conference.

Magalie R. Salas,
Secretary.

Attachment

Agenda for Technical Conference on Parameters for NYISO's Installed Capacity Requirement Demand Curve

March 21, 2005—Agenda

Opening Statements

Panel 1: *Costs of Peakers*

Panelists:

- Belinda Thornton, NYISO
- John Charlton, NYISO
- Seth Parker, Levitan Associates
- Ray Kinney, NYSEG
- Norman Mah, Consolidated Edison
- Jonathan Wallach, City of New York
- Jeff Hogan, New York State Department of Public Service
- Michael B. Mager, Multiple Intervenors
- Glenn D. Haake, IPPNY
- Mark Younger, IPPNY

(addressing the following specific issues):

1. Accuracy/Appropriateness of Peaking Unit Characteristics
   - Are the operating characteristics of the assumed peaking units (the 7FA and LM6000) used by Levitan reasonable? If not, what are reasonable operating characteristics?
   - Is the ability of these units to participate in ancillary services and day-ahead markets, particularly given their environmental permits, important in determining the parameters of the demand curve?
2. Peaking Unit Costs
   - Are the capital cost assumptions and financing periods used in the Levitan analysis reasonable? If not, what assumptions are reasonable?
3. Local Siting Costs and Constraints
   - Should local costs and constraints be included in development of costs for a representative peaking unit?
   - Are Keyspan-Ravenswood's points concerning local siting issues, such as fixed gas transportation costs and local property taxes, correct?

Lunch *Break*

Panel 2: *Revenue Offset*

Panelists:

- David Patton, Ph.D., Potomac Economics
- Seth Parker, Levitan Associates
- Ray Kinney, NYSEG
- Norman Mah, Consolidated Edison
- Jonathan Wallach, City of New York
- Mark Reeder, New York State Department of Public Service
- Mark Younger, IPPNY
- Doreen Unis Saia, Mirant
- Madison Milhous, KeySpan Energy Supply
- Ron Norman, PA Consulting Group

(addressing the following specific issues):

4. Load Shapes
   - Does the 2002 load shape used in the Levitan analysis represent normal weather? If not, what load shape does represent normal weather?
5. Modeling Assumptions
   - Is it necessary to reflect recent new capacity additions in NYCA in the modeling of future net revenues?
6. Scarcity Component
   - Should the NYISO have included an adjustment for the scarcity component in their derivation of the Annual Reference Value, and if so, what adjustment is reasonable?
   - What were the assumptions used to develop the scarcity component?
   - Are the assumptions consistent with the Levitan analysis?
7. Impact on Demand Curve Parameters
   - How do you reflect potential interdependencies between different assumptions?
8. Is it reasonable to include an adjustment reflecting winter and summer capacity levels in the Annual Reference Value for NYCA Demand Curve? Is it reasonable to not include a similar adjustment for the New York City Demand Curve?

Panel 3: *Zero Crossing Point*

Panelists:

- David Patton, Ph.D., Potomac Economics
- Belinda Thornton, NYISO
- John Charlton, NYISO
- Jonathan Wallach, City of New York
- Glenn D. Haake, IPPNY
- Thomas Paynter, New York State Department of Public Service
- Kevin Jones LIPA

(addressing the following specific issue):

9. Should the Zero Crossing Point be changed? If so, what should be the Zero Crossing Point, and why?

Adjourn (after deciding whether additional session on Tuesday, March 22 is needed).

[FR Doc. E5–1259 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2005–0009; FRL–7701–1]

TSCA Section 5(a)(2) Significant New Use Rules for Existing Chemicals; Request for Comment on Renewal of Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C 3501 *et seq.*) EPA is seeking public comment on the following Information Collection Request (ICR): Toxic Substances Control Act (TSCA) Section 5(a)(2) Significant New Use Rules for Existing Chemicals (EPA ICR No. 1188.08, OMB Control No. 2070–0038). This ICR involves a collection activity that is currently approved and scheduled to expire on January 31, 2006. The information collected under this ICR relates to the requirement that persons notify EPA at least 90 days before they manufacture, import, or process a chemical substance for a significant new use, as defined by TSCA section 5. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket identification (ID) number OPPT–2005–0009, must be received on or before June 21, 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: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Carolyn Hill, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8109; fax number: (202) 564–4775; e-mail address: *hill.carolyn@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are a company that manufactures, processes, imports, or distributes in commerce chemical substances or mixtures. Potentially affected entities may include, but are not limited to:

- Chemical manufacturing (NAICS 325), e.g., basic chemical manufacturing, resin, synthetic rubber and artificial and synthetic fibers and filaments manufacturing, pesticide, fertilizer and other agricultural chemical manufacturing, paint, coating, and adhesive manufacturing, soap, cleaning compound and toilet preparation manufacturing, etc.
- Petroleum refineries (NAICS 32411), e.g., crude oil refining, diesel fuels manufacturing, fuel oils manufacturing, jet fuel manufacturing, kerosene manufacturing, petroleum distillation, etc.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical 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 ID number OPPT–2005–0009. 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 the 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 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–2005–0009. 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–2005–0009. 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–2005–0009. 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 when 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 collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

F. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are 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 estimates of the burdens of the proposed collections of information.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

II. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: TSCA Section 5(a)(2) Significant New Use Rules for Existing Chemicals.

ICR numbers: EPA ICR No. 1188.08, OMB Control No. 2070–0038.

ICR status: This ICR is currently scheduled to expire on January 31, 2006. 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 title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

Abstract: Section 5 of TSCA provides EPA with a regulatory mechanism to monitor and, if necessary, control significant new uses of chemical substances. Section 5 authorizes EPA to determine by rule (significant new use rule (SNUR)), after considering all relevant factors, that a use of a chemical substance represents a significant new use. If EPA determines that a use of a chemical substance is a significant new use, section 5 requires persons to submit a notice to EPA at least 90 days before

they manufacture, import, or process the substance for that use.

EPA uses the information obtained through this collection to evaluate the health and environmental effects of the significant new use. EPA may take regulatory actions under TSCA section 5, 6, or 7 to control the activities for which it has received a SNUR notice. These actions include orders to limit or prohibit the manufacture, importation, processing, distribution in commerce, and use or disposal of chemical substances. If EPA does not take action, section 5 also requires EPA to publish a **Federal Register** notice explaining the reasons for not taking action.

Responses to the collection of information are mandatory (see 40 CFR part 721). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

III. What are EPA's Burden and Cost Estimates for this ICR?

Under PRA, ''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. For this collection it 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.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this collection of information is estimated to be 118.9 hours per response. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Companies that manufacture, process, import, or distribute in commerce chemical substances or mixtures.

Estimated total number of potential respondents: 5.

Frequency of response: On occasion.

Estimated total/average number of responses for each respondent: 1.

Estimated total annual burden hours: 861 hours.

Estimated total annual burden costs: $51,030.

IV. Are There Changes in the Estimates from the Last Approval?

There is a decrease of 159 hours (from 1,020 hours to 861 hours) in the total estimated respondent burden compared with that identified in the information collection request most recently approved by OMB. This decrease reflects EPA's updating of burden estimates for this collection based upon historical information on the number of chemicals per SNUR. Based upon revised estimates, the number of chemicals per SNUR has decreased from 65.5 to 41, with a corresponding decrease in the associated burden. The change is an adjustment.

V. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: March 7, 2005.

Margaret N. Schneider,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 05–5616 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2005–0006; FRL–7702–3]

Partial Update of the TSCA Section 8(b) Inventory Data Base, Production and Site Reports; Request for Comment on Renewal of Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C 3501 *et seq.*), EPA is seeking public comment on the following Information Collection Request (ICR): Partial Update of the TSCA Section 8(b) Inventory Data Base, Production and Site Reports (EPA ICR No. 1884.03, OMB Control No. 2070–0162). This ICR involves a collection activity that is currently approved and scheduled to expire on December 31, 2005. The information collected under this ICR relates to the reporting of information to EPA for purposes of periodically updating the Toxic Substances Control Act (TSCA) section 8(b) Inventory of Chemical Substances. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket identification (ID) number OPPT–2005–0006, must be received on or before May 23, 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: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Susan Sharkey, Economics, Exposure and Technology Division (7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8789; fax number: (202) 564–8893; e-mail address: *sharkey.susan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are a manufacturer, processor or importer of chemical substances, mixtures or categories. Potentially affected entities may include, but are not limited to:

- Chemical Manufacturing (NAICS 325), e.g., Basic Chemical Manufacturing; Resin, Synthetic Rubber and Artificial and Synthetic Fibers and Filaments Manufacturing; Pesticide, Fertilizer, and Other Agricultural

Chemical Manufacturing; Paint, Coating, and Adhesive Manufacturing; Soap, Cleaning Compound, and Toilet Preparation Manufacturing, etc.

• Petroleum Refineries (NAICS 32411), e.g., Crude Oil Refining, Diesel Fuels Manufacturing, Fuel Oils Manufacturing, Jet Fuel Manufacturing, Kerosene Manufacturing, Petroleum Distillation, etc.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in 40 CFR 710.28. If you have any questions regarding the applicability of this action to a particular entity, consult the technical 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 ID number OPPT–2005–0006. 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 the 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 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–2005–0006. 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–2005–0006. 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–2005–0006. 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 When 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 collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

F. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are 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 estimates of the burdens of the proposed collections of information.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

II. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Partial Update of the TSCA Section 8(b) Inventory Data Base, Production and Site Reports.

ICR numbers: EPA ICR No. 1884.03, OMB Control No. 2070-0162.

ICR status: This ICR is currently scheduled to expire on December 31, 2005. 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 title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable.

Abstract: TSCA requires EPA to compile and keep current a complete list of chemical substances manufactured or processed in the United States. EPA updates this inventory of chemicals every four years by requiring manufacturers, processors and importers to provide production volume, plant site information and site-limited status information. This information allows EPA to identify what chemicals are or are not currently in commerce and to take appropriate regulatory action as necessary. EPA also uses the information for screening chemicals for risks to human health or the environment, for priority-setting efforts, and for exposure estimates.

Responses to the collection of information are mandatory (see 40 CFR part 710). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

III. What are EPA's Burden and Cost Estimates for this ICR?

Under PRA, ''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. For this collection it 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.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this collection of information is estimated to range between 265 hours and 609 hours per response. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Companies that manufacture or import chemical substances, mixtures, or categories.

Estimated total number of potential respondents : 3,026.

Frequency of response: Once every four years.

Estimated total/average number of responses for each respondent: 8.9

Estimated total annual burden hours: 413,575 hours.

Estimated total annual burden costs : $28,362,706.

IV. Are There Changes in the Estimates from the Last Approval?

There is essentially no change in the total estimated burden for this request compared with that identified in the information collection request most recently approved by OMB. The estimate for this request is 413,575 hours whereas the estimate in the existing request is 413,577 hours. This minuscule difference is probably due to rounding error or some other non-significant factor.

V. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: March 7, 2005.

Margaret Schneider,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 05–5617 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2005–[0070]; FRL–7702–9]

The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Pesticide Operations and Management (WC/POM); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Pesticide Operations and Management (WC/POM) will hold a 2–day meeting, beginning on April 4, 2005 and ending April 5, 2005. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, April 4, 2005 through Tuesday, April 5, 2005 from 8:30 a.m. to 5 p.m.; ends at 12 noon on Tuesday, April 5, 2005.

ADDRESSES: The meeting will be held at The Ocean Plaza Beach Resort, Tybee Island, GA, Telephone number: (912) 786–7777.

FOR FURTHER INFORMATION CONTACT: Georgia A. McDuffie, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 605–0195; fax number: (703) 308–1850; e-mail address: *mcduffie.georgia@epa.gov* or Philip H. Gray, SFIREG Executive Secretary, P.O. Box 1249, Hardwick, VT 05843–1249; telephone number: (802) 472–6956; fax (802) 472–6957; e-mail address: *aapco@plainfield.bypass.com*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you all parties interested in SFIREG information exchange relationship with EPA regarding important issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to:

• Those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this 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 OPP–2005–0070. 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 Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

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 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.

II. Tentative Agenda

1. Update on American Agricultural Stewardship Alliance activities
2. Consumer Label Improvement Efforts by the Pesticide Program Dialogue Committee
3. 2,4-D Risk Mitigation

4. E-Labeling
5. Fumigant Cluster Review
6.Cholinesterase Testing in the State of Washington
7. Changes to Endangered Species staff and on the progress on implementation
8. Performance Measures
9. POM Working Committee Reports
10. Alternatives to address the cut in Sate and Tribal Assistance Grants (STAG) enforcement dollars
11. Pesticides and Water Issues - National Pollutant Discharge Elimination System (NPDES) and pesticides rulemaking
12. Credentialing staff, needs for health and safety training
13. Unenforceable label statements
14. Report from International Drift Conference
15.. EPA Update/Briefing: a. Office of Pesticide Programs Update b. Office of Enforcement Compliance Assurance Update.
16. POM Working Committee Workgroups issue papers/Updates.

List of Subjects

Environmental protection, insert additional terms as appropriate.

Dated: March 7, 2005.

William R. Diamond,

Director, Field External Affairs Division, Office of Pesticide Programs

[FR Doc. 05–5619 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2005–0018; FRL–7705–9]

Forum on State and Tribal Toxics Action; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing the meeting of the Forum on State and Tribal Toxics Action (FOSTTA) to enable state and tribal leaders to collaborate with EPA on environmental protection and pollution prevention issues. Representatives and invited guests of the Chemical Information and Management Project, the Pollution Prevention Project, and the Tribal Affairs Project (TAP), components of FOSTTA, will be meeting April 4–5, 2005. The meeting is being held to provide participants an opportunity to have in-depth discussions on issues concerning environmental and human health. This notice announces the location and times for the meeting and sets forth some tentative agenda topics. EPA invites all interested parties to attend the public meeting.

DATES: The three projects will meet on Monday, April 4, 2005, from 9:45 a.m. to 5 p.m., and on Tuesday, April 5, 2005, from 8 a.m. to noon. A plenary session is being planned for the participants.

Requests to participate in the meeting, identified by docket identification (ID) number OPPT–2005–0018, must be received on or before April 1, 2005.

ADDRESSES: The meeting will be held at the J.W. Marriott Hotel, 1331 Pennsylvania Ave., NW., Washington, DC 20460–0001.

Requests to participate in the meeting may be submitted to the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA–Hotline@epa.gov.*

For technical information contact: Darlene Harrod, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8814; e-mail address: *harrod.darlene@epa.gov.*

Margaret Sealey, Environmental Council of the States, 444 North Capitol Street, NW., Suite 445, Washington, DC 20001; telephone number: (202) 624–3661; fax number: (202) 624–3662; e-mail address: *msealey@sso.org.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are interested in FOSTTA and hearing about the perspectives of the states and tribes on EPA programs and information exchange regarding important issues related to human health and environmental exposure to toxic chemicals. Potentially affected entities may include, but are not limited to:

- States and federally recognized tribes.
- State, federal, and local environmental and public health organizations.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. If you have any questions regarding the applicability of this action to a particular entity, consult the technical 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 ID number OPPT–2005–0018. 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 the 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.

II. Background

The Toxic Substances Control Act, 15 U.S.C. 2609 section 10(g), authorizes

EPA and other federal agencies to establish and coordinate a system for exchange among federal, state, and local authorities of research and development results respecting toxic chemical substances and mixtures, including a system to facilitate and promote the development of standard data format and analysis and consistent testing procedures. Through FOSTTA, the Chemical Information and Management Project (CIMP) focuses on EPA's chemical program and works to develop a more coordinated effort involving federal, state, and tribal agencies. The Pollution Prevention Project (P2) promotes the prevention ethic across society, helping to integrate P2 into mainstream environmental activities at the federal level and among the states and tribes. The Tribal Affairs Project (TAP) concentrates on chemical and prevention issues that are most relevant to the tribes, including lead control and abatement, tribal traditional/subsistence lifeways, and hazard communications and outreach. FOSTTA's vision is to focus on major policy-level issues of importance to states and tribes, recruit more senior state and tribal leaders, increase outreach to all 50 states and some 560 federally recognized tribes, and vigorously seek ways to engage the states and tribes in ongoing substantive discussions on complex and oftentimes controversial environmental issues.

In January 2002, the Environmental Council of the States (ECOS), in cooperation with the National Tribal Environmental Council (NTEC), was awarded the new FOSTTA cooperative agreement. ECOS, NTEC, and EPA's Office of Pollution Prevention and Toxics (OPPT) are co-sponsoring the meetings. As part of a cooperative agreement, ECOS and NTEC facilitate ongoing efforts of the state and tribal leaders and OPPT to increase understanding and improve collaboration on toxic chemicals and pollution prevention issues, and to continue a dialogue on how federal environmental programs can best be implemented among the states, tribes, and EPA.

III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting to the technical person listed under **FOR FURTHER INFORMATION CONTACT.** Do not submit any information in your request that is considered CBI. Requests to participate in the meeting, identified by docket ID number OPPT–2005–0018, must be received on or before April 1, 2005.

IV. The Meeting

In the interest of time and efficiency, the meetings are structured to provide maximum opportunity for state, tribal, and EPA participants to discuss items on the predetermined agenda. At the discretion of the chair, an effort will be made to accommodate participation by observers attending the proceedings. The FOSTTA representatives and EPA will collaborate on environmental protection and pollution prevention issues. The tentative agenda items identified by the states and the tribes follow:

1. High Production Volume Challenge Program.
2. High Production Volume Data Users Conference.
3. Area Sources Categories - The Pollution Prevention Project will hold a discussion on voluntary, pollution prevention approaches as an alternative to the standard control technology to reduce air emissions under Section 112(d) of the Clean Air Act.
4. Discussion on mercury auto switch issue.
5. Tribal Pollution Prevention Portal Demonstration.
6. Integrated Tribal Strategy.

List of Subjects

Environmental protection, Pollution prevention, Chemical information and management.

Dated: March 14, 2005.

Barbara Cunningham,

Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics.

[FR Doc. 05–5618 Filed 3–22–05; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

March 16, 2005.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before April 22, 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, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments regarding this Paperwork Reduction Act submission to Judith B. Herman, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., DC 20554 or via the Internet to *Judith–B.Herman@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith–B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0804.

Title: Universal Service—Health Care Providers Universal Service Program.

Form Nos: FCC Forms 465, 466, 466–A, and 467.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and State, local or tribal government.

Number of Respondents: 6,450 respondents; 12,840 responses.

Estimated Time Per Response: .5–3 hours.

Frequency of Response: On occasion and one-time reporting requirement and third party disclosure requirement.

Total Annual Burden: 17,720 hours.

Total Annual Cost: Not Applicable.

Privacy Act Impact Assessment: Not applicable.

Needs and Uses: The Commission is seeking a revision to this information collection to address the following Paperwork Reduction Act implications resulting from the Second Report and Order, FCC 04–289. The Commission requires rural health care providers seeking discounts for mobile

telecommunications services to: (1) Submit to the Universal Service Administrative Company (USAC) the number of sites the mobile rural health care provider will serve during the year; (2) document and explain why satellite service are necessary to achieve the health care delivery goals of the mobile telemedicine project, if the mobile rural health care provider serves less than eight different sites per year; (3) certify that they are serving eligible rural areas; (4) retain, and make available upon request, annual logs indicating: (i) the date and locations of each stop, and (ii) the number of patients served at each clinic stop; (5) provide to USAC documentation of the price for bandwidth equivalent wireline services in the urban area in State to be covered by the project; (6) where a telemedicine project serves locations in different States, the provider must provide the price for bandwidth equivalent wireline services in the urban area, proportional to the locations served in each State; (7) retain, and make available upon request, documentation explaining their allocation methods for five years; and (8) maintain records of purchases of supported services for at least five years. The FCC Forms 465, 466, 466–A and 467 have been revised to incorporate the new information collection requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05–5735 Filed 3–22–05; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may obtain copies of agreements by contacting the Commission's Office of Agreements at 202–523–5793 or via e-mail at *tradeanalysis@fmc.gov*. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011223–030.

Title: Transpacific Stabilization Agreement.

Parties: APL Co. Pte. Ltd.; American President Lines, Ltd.; CMA CGM, S.A.; COSCO Container Lines Ltd.; Evergreen Marine Corp. (Taiwan) Ltd.; Hanjin Shipping Co., Ltd.; Hapag-Lloyd Container Linie GmbH; Hyundai Merchant Marine Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line Limited; P&O Nedlloyd B.V.; P&O Nedlloyd Limited; and Yangming Marine Transport Corp.

Filing Party: David F. Smith, Esq.; Sher & Blackwell; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment provides for the allocation of liability for regulatory penalties.

Agreement No.: 011328–001.

Title: Toko Line/Shinwa Space Charter and Cooperative Working Agreement.

Parties: Shinwa Kaiun Kaisha, Ltd. and Toko Kaiun Kaisha, Ltd.

Filing Party: Robert B. Yoshitomi, Esq.; Nixon Peabody LLP; 2040 Main Street, Suite 850; Irvine, CA 92616.

Synopsis: The amendment deletes restrictions on independent operations and the authority to discuss and agree on rates and conditions of carriage. It also authorizes counsel for the parties to file modifications.

Agreement No.: 011794–003.

Title: COSCON/KL/YMUK/Hanjin/Senator Worldwide Slot Allocation & Sailing Agreement.

Parties: COSCO Container Lines Company, Limited; Kawasaki Kisen Kaisha, Ltd.; Yangming (UK) Ltd.; Hanjin Shipping Co., Ltd.; and Senator Lines GmbH.

Filing Party: Robert B. Yoshitomi, Esq.; Nixon Peabody LLP; 2040 Main Street, Suite 850; Irvine, CA 92614.

Synopsis: The amendment modifies the reporting requirements under the agreement and revises the number of vessels used and their TEU capacities.

Agreement No.: 011852–019.

Title: Maritime Security Discussion Agreement.

Parties: China Shipping Container Lines, Co., Ltd.; CMA CGM, S.A.; Hyundai Merchant Marine Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; Nippon Yusen Kaisha; Yang Ming Marine Transport Corp.; Zim Integrated Shipping Services, Ltd.; Alabama State Port Authority; APM Terminals North America, Inc.; Ceres Terminals, Inc.; Cooper/T. Smith Stevedoring Co., Inc.; Husky Terminal & Stevedoring, Inc.; International Shipping Agency; International Transportation Service, Inc.; Lambert's Point Docks Inc.; Maersk Pacific Ltd.; Maher Terminals, Inc.; Marine Terminals Corp.; Massachusetts Port Authority; P&O Ports North America, Inc.; Port of Tacoma; South Carolina State Ports Authority; Stevedoring Services of America, Inc.; Trans Bay Container Terminal, Inc.; TraPac Terminals; Universal Maritime Service Corp.; Virginia International Terminals; and Yusen Terminals, Inc.

Filing Parties: Carol N. Lambos; Lambos & Junge; 29 Broadway, 9th Floor; New York, NY 10006 and Charles T. Carroll, Jr.; Carroll & Froelich, PLLC; 2011 Pennsylvania Avenue, NW.; Suite 301; Washington, DC 20006.

Synopsis: The amendment deletes the Maryland Port Administration as a member to the agreement.

Dated: March 18, 2005.

By order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 05–5756 Filed 3–22–05; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans. No.	Acquiring	Acquired	Entities
20050609	Brown & Brown, Inc.	Richard F. Hull	Hull and Company (California), Inc. Hull & Co., General Agency, Inc. Hull & Company, Inc. Hull & Company (Louisiana), Inc. Hull & Company (Mid-America), Inc. Hull & Company (Mid-Atlantic), Inc. Hull & Company (Montana), Inc. Hull & Company (Pacific), Ltd. Hull & Company (Rocky Mountains), Inc.
20050621	Perseus Market Opportunity Fund, L.P	Sports Capital Partners CEV, LLC	Maritime Telecommunications Network, Inc.
20050628	Guitar Center, Inc.	Kenneth Moore O'Brien	Music and Arts Center, Inc.
20050633	MLB Media Holdings, L.P	Tickets.com, Inc.	Tickets.com, Inc.
20050634	Junichi Hayashi	Kattegat Trust	CBS Personnel Holdings, Inc.
20050638	Craig J. Duchossois	AMX Corporation	AMX Corporation.
20050647	Northrop Grumman Corporation	Robert LaRose	Integic Corporation.
TRANSACTIONS GRANTED EARLY TERMINATION—03/02/2005			
20050619	Jupitermedia Corporation	MCG Capital Corporation	Creatas, L.L.C. MCG Finance Corporation IH.
TRANSACTIONS GRANTED EARLY TERMINATION—03/03/2005			
20050581	Thermo Electron Corporation	SPX Corporation	Cryonix, Inc. Kendro Laboratory Products AG. Kendro Laboratory Products GmbH. Kendro Laboratory Products (GP) Inc. Kendro Laboratory Products (H.K.) Limited. Kendro Laboratory Products, L.P. Kendro Laboratory Products plc. Key Scientific, Inc. Medical Equipment Maintenance Company. Nippon Kendro KK.
20050617	Exxel Capital Partners VI, L.P	Melvyn H. Miller	The Protective Group, Inc.
20050624	ESP Pharma Holding Company, Inc.	Johnson & Johnson	Centocor, Inc.
20050625	Protein Design Labs, Inc.	ESP Pharma Holding Company, Inc.	ESP Pharma Holding Company, Inc.
20050637	Fujikura Ltd.	Alcoa, Inc.	Newco 1 & 2.
20050646	The Coca-Cola Company	The Coco-Cola Company	CCDA Waters, LLC.
TRANSACTIONS GRANTED EARLY TERMINATION—03/04/2005			
20050593	Behrman Capital III L.P	Bea Maurer, Inc.	Bea Maurer, Inc.
20050616	American Tire Distributors Holdings, Inc.	Charlesbank Equity Fund IV, L.P	American Tire Distributors, Inc.
20050631	L–3 Communications Holdings, Inc.	Louis W. Blanco and Dorothy Blanco, husband & wife.	Mobile-Vision, Inc.
20050635	Arlington Capital Partners, L.P	Thermal Solutions, LLC	American Avionic Technologies Corporation. Brazonics, Inc. Performance Metal Fabricators, Inc. PMI Enterprises, Inc. Thermal Solutions, Inc. Thermal Solutions, LLC.
20050640	SZ Investments, L.L.C.	Danielson Holding Corporation	Danielson Holding Corporation.
20050643	Terrance D. and Judith A. Paul	AlphaSmart, Inc.	AlphaSmart, Inc.
20050645	Landry's Restaurant, Inc.	Timothy N. Poster	Poster Financial Group, Inc.
20050652	LIN TV Corp	Sumner N. Redstone	UPN Stations Group Inc.
20050664	The New York Times Company	PRIMEDIA Inc.	About, Inc.
20050667	Landry's Restaurant, Inc.	Thomas C. Breitling	Poster Financial Group, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—03/07/2005			
20041398	National-Oilwell, Inc.	Varco International, Inc.	Varco International, Inc.

Trans. No.	Acquiring	Acquired	Entities
20050162	Gannett Co., Inc.	Phillip H. Power and Kathleen K. Power	Camden Publications, Inc. Community Newspapers, Inc. HomeTown Communications Network, Inc. HomeTown Newspapers, Inc. Kentucky Directory Company Michigan Directory Company Observer & Eccentric Newspapers, Inc. The Community Press, Inc. The Community Press of Northern Kentucky, Inc. The Mirror Newspapers, Inc.
20050675	Fidelity Investors Limited Partnership VI	Banta Corporation	Banta Healthcare Group, Ltd. Banta Hong Kong, Ltd.
TRANSACTIONS GRANTED EARLY TERMINATION—03/08/2005			
20050666	Southern Wine & Spirits of America, Inc.	Mark Lauber	24 Columbia Associates, LLC. 47 Readington Associates, LLC. Lauber Imports, Ltd., Inc. Wine Preservation Systems, LLC.
TRANSACTIONS GRANTED EARLY TERMINATION—03/09/2005			
20050656	MapleWood Equity Partners, LP	Jose A. Garcia	Tropical International Corp.
20050659	William H. Gates III	Republic Services, Inc.	Republic Services, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—03/10/2005			
20050603	Citigroup, Inc.	Vollbrecht Family Investments, L.P.	Unit Parts Company.
20050650	Robert C. Fanch	Conversent Communications, Inc.	Conversent Communications, Inc.
20050663	Tomkins plc	Mellon Financial Corporation	Leland Holdings, LLC.
20050665	Third Avenue Value Fund	Danielson Holding Corporation	Danielson Holding Corporation.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative or Renee Hallman, Case Management Assistant. Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room H–303, Washington, DC 20580; (202) 326–3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 05–5732 Filed 3–22–05; 8:45 am]

BILLING CODE 6750–01–M

OFFICE OF GOVERNMENT ETHICS

Submission for OMB Review; Comment Request for Unmodified Public Financial Disclosure Access Customer Service Survey

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice.

SUMMARY: The Office of Government Ethics has submitted the Public Financial Disclosure Access Customer Service Survey to the Office of Management and Budget (OMB) for review and three-year extension of approval under the Paperwork Reduction Act. OGE proposed no changes to the survey form.

DATES: Comments by the public and agencies on this information collection should be received by April 22, 2005.

ADDRESSES: Comments should be sent to Joseph F. Lackey, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; Telephone: (202) 395–4741.

FOR FURTHER INFORMATION CONTACT: Mary T. Donovan at the U.S. Office of Government Ethics; Telephone: (202) 482–9232; TDD: (202) 482–9293; Fax: (202) 482–9237. A copy of the survey form may be obtained, without charge, by contacting Ms. Donovan.

SUPPLEMENTARY INFORMATION: The Office of Government Ethics uses the Public Financial Disclosure Access Customer Service Survey form (OMB control number 3209–0009) to assess requester satisfaction with the service provided by OGE in responding to requests by members of the public for access to copies of Standard Form (SF) 278 Executive Branch Personnel Public Financial Disclosure Reports on file with OGE. Most of the SF 278 reports available at OGE are those filed by executive branch Presidential appointees subject to Senate confirmation. Requests for access to SF 278 reports are made pursuant to the special public access provision of section 105 of the Ethics in Government Act of 1978 (the Ethics Act), as codified at 5 U.S.C. appendix § 105, and procedures in 5 CFR 2634.603 of OGE's executive branchwide regulations. Requesters ask for copies of SF 278 reports by completing an OGE Form 201, ''Request to Inspect or Receive Copies of SF 278 Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records.''

OGE distributes the survey forms to requesters along with copies of requested SF 278 reports. The instructions on the survey form ask the requester to complete and return the survey form to OGE via the self-contained postage-paid postcards (the reverse side of the survey form, when folded, becomes a pre-addressed postcard). The purpose of the survey form is to determine through customer responses how well OGE is responding to such requests and how OGE can maintain its current high level of customer satisfaction in this area. The current paperwork approval for the survey form is scheduled to expire at the end of June 2005.

On December 17, 2004, OGE issued its first round **Federal Register** notice to announce its forthcoming request to OMB for paperwork renewal of the survey form. See 69 FR 75547–75548 with comments due by March 2, 2005.

OGE received one comment; however, the comment concerned the SF 278 report, not the survey form. In that notice, and this one, OGE proposes no changes to the survey form. If OGE's current stock of survey forms is depleted within the next three years, OGE plans to reprint the form with two minor modifications (with notice to OMB at that time) without further paperwork clearance. These modifications are: updating the OGE address from ''Attn: FDD'' to ''Attn: PSD'' and, in the public burden statement, change ''Associate Director for Administration'' to ''Deputy Director for Administration and Information Management.''

Pursuant to the Paperwork Reduction Act (44 U.S.C. chapter 35), OGE is not including in its public burden estimate for the survey form the limited number of access requests filed by other Federal agencies or Federal employees. Nor is OGE including in that estimate, the limited number of requests for copies of other records covered under the special Ethics Act public access provision (such as certificates of divestiture) since the survey form is only sent to persons who request copies of SF 278 reports.

As so defined, OGE's estimate for the total number of survey forms to be filed annually at OGE over the next three years by members of the public (primarily by news media representatives, public interest group members and private citizens) is 30. This estimate is based on a calculation of the number of survey forms received at OGE between January 2001 and December 2004 (112 survey forms). This estimate is 20 less than that for the prior three-year period. The estimated average amount of time to read the instructions and complete the survey form, remains the same at three minutes. Thus, the new overall estimated annual public burden for the OGE Public Financial Disclosure Access Customer Service Survey form will be two hours (rounded up from one and a half hours (30 forms × 3 minutes per form).

In this second round notice, public comment is again invited on all aspects of OGE's customer service survey form, specifically views on: the accuracy of OGE's public burden estimate; the potential for enhancement of quality, utility, and clarity of the information to be collected; and the minimization of burden (including the possibility of use of information technology). The Office of Government Ethics, in consultation with OMB, will consider all comments received, which will become a matter of public record.

Approved: March 14, 2005.

Marilyn L. Glynn,

Acting Director, Office of Government Ethics.

[FR Doc. 05–5690 Filed 3–22–05; 8:45 am]

BILLING CODE 6345–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement AA018]

Association of Public Health Laboratories; Notice of Intent To Fund Single Eligibility Award

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the intent to fund fiscal year (FY) 2005 funds for a cooperative agreement program. The purpose of the program is to assist the Association of Public Health Laboratories (APHL), which includes two primary components, the National Laboratory Partnership (NLP) and the National Laboratory Training Network (NLTN), in promoting quality public health practice, improving the public health infrastructure, strengthening the public health laboratory system, and developing a well-trained competent laboratory work force in the United States by focusing on several keys areas. These key areas include, maintaining, monitoring, and sharing information about public health laboratories by serving as a repository of public health laboratory information; enhance communication linkages between State, local, private clinical, and Federal laboratories that perform testing for diseases of public health significance; determine the effect of public health policies on testing practices to ensure the needs of the public are met and that public health laboratories are providing essential services to meet public needs; develop disease prevention strategies based on sound scientific knowledge that will be contained in its repository of information that can be shared and disseminated to other public health laboratories and Federal agencies; develop forums, conferences, symposiums, and related meetings to build leadership and technologic capabilities concerning critical issues; and support a national training network that will provide continuing education courses and training opportunities for laboratorians performing testing for diseases of public health significance. APHL, through the NLTN, will provide timely state of the art ''hands-on'' training, training broadcasts, and develop appropriate training materials to provide continuing education to the nation's laboratorians that perform testing for diseases of health significance.

B. Eligible Applicant

Assistance will be provided only to the APHL. APHL is the appropriate and only qualified organization to address the activities described under this program announcement.

The Association of Public Health Laboratories (APHL) is the only organization that represents all public health laboratories, which is part of their mission statement and a goal of their strategic plan. By working through its own membership, the various APHL committees, and other affiliate organizations, APHL has developed a unique knowledge of the needs and operations of the public health laboratory practices. The APHL membership includes all States including the state laboratory director and three delegates. APHL represents public health laboratory science practitioners and therefore, represents officials from throughout the United States who have responsibility for all aspects of public health laboratory science, training and education, laboratory management, and policy development.

C. Funding

Approximately $4,600,000.00 is available in FY 2005 to fund this award. It is expected that the award will begin on or before July 1, 2005, and will be made for a 12-month budget period within a project period of 5 years. Funding estimates may change.

D. Where To Obtain Additional Information

For general comments or questions about this announcement, contact: Technical Information Management, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone: (770) 488–2700.

For technical questions about this program, contact: William O. Schalla, M.S., Project Officer, Division of Public Health Partnerships Mail Stop K–36, National Center for Health Marketing, Centers for Disease Control and Prevention, 4770 Buford Highway, NE., Atlanta, Georgia 30341–3717, Telephone: (770) 488–8098, E-mail: *WSchalla@cdc.gov.*

Dated: March 17, 2005.

William P. Nichols,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 05–5706 Filed 3–22–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Maternal, Infant, and Reproductive Health: National and State Coalition Capacity Building

Announcement Type: New.

Funding Opportunity Number: RFA AA004.

Catalog of Federal Domestic Assistance Number: 93.946, Safe Motherhood/Infant Health.

Key Dates: Letter of Intent Deadline (LOI): April 22, 2005.

Application Deadline: May 23, 2005.

I. Funding Opportunity Description

Authority: This program is authorized under Section 317(k)(2) [42 U.S.C. 247b(k)(2)] of the Public Health Service Act, as amended.

Purpose: The purpose of this program is to improve reproductive health through the application of science-based approaches by supporting State and major urban public health agencies, national organizations and State coalitions to improve reproductive and infant health through the application of science-based approaches. Reproductive and infant health needs to be addressed include the prevention of adverse maternal and infant health outcomes, unintended and teen pregnancy, HIV and STDs.

This cooperative agreement addresses the ''Healthy People 2010'' focus areas of Maternal, Infant and Child Health, Family Planning, Sexually Transmitted Diseases (STDs), Human Immunodeficiency Virus (HIV), Substance Abuse, Injury and Violence Prevention, Community-Based Programs, Physical Activity and Fitness, Nutrition and Overweight, Tobacco, and Mental Health and Mental Disorders.

Measurable outcomes of the program will be in alignment with one or more of the following performance goals for the National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP):

- Improve the health and well being of women, infants, children, and families
- Promote health and reduce chronic disease associated with diet and weight.
- Improve health, fitness, and quality of life through daily physical activity.
- Promote responsible sexual behaviors, strengthen community capacity, and increase access to quality services to prevent STDs and their complications.
- Reduce illness, disability, and death related to tobacco use and exposure to secondhand smoke.
- Prevent abuse and neglect among pregnant women and infants.
- Prevent HIV infection and its related illness and death.
- Improve the health and well being of minority women before, during, and after pregnancy.
- Reduce racial and ethnic disparities in maternal health outcomes.
- Reduce the number of minority women who have adverse reproductive outcomes.
- Promote health, fitness, and quality of life through daily physical activity.
- Reduce maternal mortality among minority women.
- Increase the number of minority women who have access to and use preconception counseling and related services.
- Increase the number of minority women who have access to and use prenatal care services.
- Increase the proportion of adolescents who abstain from sexual intercourse or use condoms if currently sexually active.
- Reduce pregnancies among adolescent females.
- Reduce the number of cases of HIV infection among adolescents.
- Reduce the number of STD cases among adolescents.

This announcement is only for non-research activities supported by CDC/ATSDR. If research is proposed, the application will not be reviewed. For the definition of research, please see the CDC Web site at the following Internet address: *http://www.cdc.gov/od/ads/opspoll1.htm.*

Activities: Awardees activities for this program are as follows: Parts A and B will provide support for organizations to work cooperatively with health departments and other Maternal and Child Health Programs (MCH) to promote the Safe Motherhood and Infant Health approach, enhance skill development for MCH-related public health programs, strengthen systems of services for women across their lifespan, including adolescents, assess and prevent birth defects and developmental disabilities, and establish programs to prevent behaviors that place young people, teens and those up to age 24, at risk for HIV infection, other STDs, unintended pregnancy, and other important health problems. Part A of this program targets activities for State public health agencies nationwide and Part B of this program targets activities for public health agencies in major urban areas nationwide. Recipient activities for Part A and B are:

Develop work plans that include target organizations, collaborative activities, evaluation plan and a logic model. The logic model should contain program activities, short-term, intermediate, long-term and impact outcomes (see Appendix B on the CDC Web site, Internet address: *http://www.cdc.gov*. Click on ''Funding'' then ''Grants and Cooperative Agreements).''

- Develop training initiatives to promote the capability of health departments to conduct epidemiology and surveillance and to use relevant scientific information and health data to improve maternal and child health policies and programs.
- Develop educational initiatives to promote the awareness and knowledge of the public health workforce to address current reproductive and infant health issues.
- Develop translation initiatives to translate and to promote translation of effective public health policies and practices in reproductive and infant health based on a systematic and scientific review of the published literature and consensus of national experts.
- Develop initiatives to assist federal Healthy Start communities in assessing their fetal and infant mortality and developing community action plans to address identified needs.
- Develop initiatives to assess reproductive and infant health needs and to assess the capabilities of public health agencies to address those needs. Also, initiatives to evaluate related programs.
- Develop partnership initiatives with other key national groups and organizations to promote reproductive and infant health and conduct these activities through communication, coordination and collaboration.
- Initiatives can include conferences, workshops, newsletters, publications, expert panels, year-long learning training institutes, web-casts, and distance-based offerings.

Part C will provide support for national organizations to promote safe motherhood for minority women before, during, and after pregnancy; eliminate racial and ethnic disparities in maternal health outcomes; reduce adverse reproductive outcomes; build relationships with State health departments or State coalitions and local affiliates; and strengthen systems

of services for minority women across their lifespan. Areas of interest include preconception counseling and related services, prenatal care services, maternal morbidity and mortality surveillance and prevention, substance abuse prevention, violence prevention, promotion of adequate birth intervals, pregnancy-related depression, and postpartum morbidity. Recipient activities for Part C are:

• Educational initiatives (*e.g.*, health promotion campaigns) to promote the awareness and knowledge of reproductive and health issues among minority women.

• Promote the use of services such as smoking cessation programs, alcohol and substance abuse treatment programs, and domestic violence intervention programs that provide services to pregnant minority women.

• Build capacity within local affiliates to select, implement, and evaluate science-based approaches.

• Disseminate science-based practices through a variety of channels such as newsletters, workshops, conferences, and publications.

• Collect and use standardized data to identify all high-risk minority women and monitor the effectiveness of health interventions serving these populations.

• Develop partnerships and collaborations with State health departments or State coalitions to provide educational and technical support for health promotion programs.

• Promote policy, program, and research efforts for the improvement of health status of minority women.

• Support providers in the delivery of quality reproductive health care to minority women.

• Increase access to and utilization of reproductive health care.

• Enhance or expand safe motherhood programs that target high-risk minority women.

Part D will provide support to assist national teen pregnancy prevention organizations to increase the capacity of State coalitions and local organizations to use science-based principles to prevent teen pregnancy and promote adolescent reproductive health, including abstinence, and STD and HIV prevention (see Appendix A found on the CDC Web site, Internet address: *http://www.cdc.gov*. Click on ''Funding'' then ''Grants and Cooperative Agreements.''). This will be accomplished through training, technical assistance, capacity building, and program evaluation. Recipient activities for Part D National Organizations are: Develop a work plan that includes target organizations, collaborative activities, evaluation plan, and a logic model. The logic model should contain program activities, short-term, intermediate, long-term, and impact outcomes (*see* Appendix B found on the CDC Web site, Internet address: *http://www.cdc.gov*. Click on ''Funding'' then ''Grants and Cooperative Agreements.'').

Provide training and technical assistance to State and local organizations, especially the State coalitions funded in Part E and regional training centers funded through the cooperative agreement ''Integrating HIV and Other Prevention Services into Reproductive Health and Community Settings'', Program Announcement 04073, to increase their capacity to promote the use of science-based approaches (see Appendix C found on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.'').

• Disseminate science-based practices and findings through meetings, publications, websites, conference calls, listservs, technical assistance, and other innovative means.

• Develop and implement an evaluation plan that measures the applicant's impact of training and technical assistance on State coalitions and organizations.

• Collaborate with CDC on program development, implementation, evaluation, and dissemination of the findings.

• Share lessons learned with CDC and other grantees.

Part E will provide support to assist State teen pregnancy prevention coalitions to increase the capacity of local organizations to use science-based principles to prevent teen pregnancy and promote adolescent reproductive health, including abstinence, and STD and HIV prevention (*see* Appendix A found on the CDC Web site, Internet address: *http://www.cdc.gov*. Click on ''Funding'' then ''Grants and Cooperative Agreements.''). This will be accomplished through training, technical assistance, capacity building, and program evaluation. Recipient activities for Part E State Coalitions are as follows:

Develop a strategy and work plan to increase local organizations' ability to adopt or modify current practices to include science-based principles to prevent teen pregnancy. The work plan should include target organizations, collaborative activities, evaluation plan, and logic model. The logic model should contain program activities, short-term, intermediate, long-term and impact outcomes, (*see* Appendix B found on the CDC Web site, Internet address: *http://www.cdc.gov*. Click on ''Funding'' then ''Grants and Cooperative Agreements.'').

• Provide training and technical assistance to State and local coalitions, State health departments, schools, health clinics, youth serving community and faith-based organizations, or other organizations to increase the organization's capacity to:

—Select science-based interventions or modify current practices to include science-based principles to prevent teen pregnancy, HIV and STDs, and promote adolescent reproductive health that meet the identified needs of the community.

—Design and implement an evaluation plan that contributes to program improvement and accountability.

—Translate and broadly disseminate evaluation findings and training materials for publication and use through a variety of mechanisms such as scientific journals, media, professional meetings, the internet, training manuals, curricula, toolkits, or other innovative means.

• Develop and implement an evaluation plan that measures the impact of the applicant's training and technical assistance on local organizations.

• Share lessons learned with CDC and other grantees.

• Collaborate with CDC, the organizations funded through this cooperative agreement and regional training centers funded through the existing ''Integrating HIV and Other Prevention Services into Reproductive Health and Community Settings'' Program Announcement 04073, cooperative agreement (see Appendix C found on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.'')

• Collaborate with CDC on program development, implementation, and evaluation, and disseminate lessons learned from those activities.

In a cooperative agreement, CDC staff is substantially involved in the program activities, above and beyond routine grant monitoring.

CDC Activities for this program are as follows:

Parts A and B are as follows:

• Assist with efforts to identify, prevent, and address reproductive health issues in State and local health departments by providing technical assistance and guidance on strategic planning, policy and program development, and evaluation of MCH program activities that focus on poor health outcomes.

• Provide a synthesis of known best practices and interventions regarding promotion of reproductive and infant health and development of MCH epidemiology and surveillance capacity.

• Participate in defining the scope of reproductive and infant health needs relevant to MCH populations and to provide information and technical assistance in meeting those needs.

• Provide technical assistance to State MCH programs that develop or implement partnerships with other key State and national partners related to reproductive and infant health.

• Assist with efforts to identify, prevent, and address birth defects and disabilities in State and local health departments by providing technical assistance and guidance on strategic planning, policy and program development, and evaluation of MCH and CSHCN program activities that focus on these poor health outcomes.

• Coordinate with national, State, and local education, health and social service agencies, as well as other relevant organizations, in planning and conducting national strategies designed to strengthen programs for preventing HIV infection, STDs, unintended pregnancy, and other important health risks and health problems among young people.

• Coordinate communication with other CDC programs, mainly the Divisions of Reproductive Health, Nutrition and Physical Activity, and the National Center on Birth Defects and Developmental Disabilities.

CDC Activities for Part C

• Assist with efforts to identify, prevent, and address reproductive health issues in minority women by providing technical assistance and guidance on strategic planning, policy and program development, and evaluation of MCH program activities that focus on poor health outcomes.

• Provide a synthesis of available data and interventions regarding promotion of reproductive health.

• Participate in defining the scope of reproductive health needs relevant to minority women and to provide information and technical assistance in meeting those needs.

• Provide technical assistance to national minority organizations that develop or implement partnerships with other key State and national partners related to reproductive and infant health.

• Provide scientific and programmatic consultation for development and delivery of training, technical assistance, and evaluation activities.

• Work with grantees to develop evaluation strategies.

• Coordinate communication with other CDC programs.

CDC activities for Part D National Organizations and Part E State Coalitions are as follows:

• Provide scientific and programmatic consultation for development and delivery of training, technical assistance, and evaluation activities.

• Work with recipients to develop evaluation strategies.

• Coordinate communication with other CDC programs, mainly the Divisions of Reproductive Health and Adolescent and School Health.

• Facilitate coordination of activities and communication between recipients and the regional training centers funded through the existing ''Integrating HIV and Other Prevention Services into Reproductive Health and Community Settings'' cooperative agreement (*see* Appendix C found on the CDC Web site, Internet address: *http://www.cdc.gov*. Click on ''Funding'' then ''Grants and Cooperative Agreements.'')

• Translate and disseminate lessons learned through publications, meetings, and other means on best practices to prevent teen pregnancy, HIV and STDs.

II. Award Information

Type of Award: Cooperative Agreement. CDC involvement in this program is listed in the Activities Section above.

Fiscal Year Funds: FY 2005.

Approximate Total Funding: $3,000,000; $600,000 in Part A; $450,000 in Part B; $200,000 in Part C; $600,000 in Part D; and $1,250,000 in Part E. (These amounts are an estimate, and are subject to availability of funds.)

Approximate Number of Awards: 12; 1 in Part A; 1 in Part B; 1–3 in Part C; 1–3 in Part D; and 5–8 in Part E.

Approximate Average Award: $600,000 in Part A; $450,000 in Part B; $100,000 in Part C; $300,000 in Part D; and $150,000 in Part E. (These amounts are for the first 12-month budget period, and include both direct and indirect costs)

Floor of Award Range: None.

Ceiling of Award Range: None.

Anticipated Award Date: August 1, 2005.

Budget Period Length: 12 months.

Project Period Length: five years.

Throughout the project period, CDC's commitment to continuation of awards will be conditioned on the availability of funds, evidence of satisfactory progress by the recipient (as documented in required reports), and the determination that continued funding is in the best interest of the Federal Government.

III. Eligibility Information

III.1. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies, such as:

• Public nonprofit organizations
• Private nonprofit organizations
• National Minority Organizations
• Small, minority, women-owned businesses
• Universities
• Colleges
• Research institutions
• Hospitals
• Community-based organizations
• Faith-based organizations
• Federally recognized Indian tribal governments
• Indian tribes
• Indian tribal organizations
• State and local governments or their Bona Fide Agents (this includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Marianna Islands, American Samoa, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau)
• Political subdivisions of States (in consultation with States)

A Bona Fide Agent is an agency/organization identified by the State as eligible to submit an application under the State eligibility in lieu of a State application. If you are applying as a bona fide agent of a State or local government, you must provide a letter from the State or local government as documentation of your status. Place this documentation behind the first page of your application form.

III.2. Cost Sharing or Matching

Matching funds are not required for this program.

III.3. Other

For Parts A, B, C, D and E applicants must meet the following criteria to be eligible:

• Have a documented five-year record of providing capacity-building assistance in the areas identified in the parts for which applicant is applying, including curriculum and material development, training, and technical assistance on national level in multiple States or on a State level with local organizations. Include documentation in the appendix of application.

Documentation may include educational materials, curricula, and evaluation results of trainings.

For Part A and B National Organization applicants must also meet the following criteria:

• Select whether the national organization is competing under Part A to target State public health agencies, Part B to target public health agencies in major urban areas or both. If both, you must submit a separate application for each Part.

• Have the specific charge from its Articles of Incorporation, Bylaws, or a resolution from its executive board or governing body to operate nationally, in all 50 States, within the United States or its territories. Include documentation in the appendix of application.

For Part C applicants must meet the following criteria:

• Have a currently valid Internal Revenue Service (IRS) 501(c)(3) tax-exempt status. Include documentation in the appendix of application. Any of the following also constitutes acceptable proof of such status:

—A reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code.

—A copy of a currently valid IRS tax exemption certificate.

—A statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrue to any private shareholders or individuals.

—A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.

—Any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.''

• Have a documented three-year record of providing health services to racial and ethnic/minority populations, including capacity-building assistance, curriculum and material development, training, education, coalition building, strategy development, and technical assistance to local affiliates in multiple States. Include documentation in the appendix of application.

• Have the specific charge from its Articles of Incorporation, Bylaws, or a resolution (or other written documentation) from its executive board or governing body to operate regionally, 10 more States, or nationally within the United States or its territories. Include documentation in the appendix of application.

• National organizations must be working with ethnic or minority populations or tribal entities. Include documentation of target population.

For Part D National Organizations applicants must meet the following criteria:

• Have a currently valid Internal Revenue Service (IRS) 501(c)(3) tax-exempt status. Include documentation in the appendix of application.

• Have the specific charge from its Articles of Incorporation, Bylaws, or a resolution from its executive board or governing body to operate regionally or nationally within the United States or its territories. Include documentation in the appendix of application.

For Part E State Coalitions applicants must meet the following criteria:

• Have a currently valid Internal Revenue Service (IRS) 501(c)(3) tax-exempt status. Include documentation in the appendix of application. (See list of alternative documentation on page 20).

• State or city coalitions must be working with populations of 500,000 or more based on 2000 census figures. Include documentation census figures in the appendix of application.

Special Requirements: If your application is incomplete or non-responsive to the special requirements listed in this section, it will not be entered into the review process. You will be notified that your application did not meet submission requirements.

• Late applications will be considered non-responsive. See section ''IV.3. Submission Dates and Times'' for more information on deadlines.

• **Note:** Title 2 of the United States Code Section 1611 States that an organization described in Section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

IV. Application and Submission Information

IV.1. Address To Request Application Package

To apply for this funding opportunity use application form PHS 5161–1. Application forms and instructions are available on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

Electronic Submission: CDC strongly encourages you to submit your application electronically by utilizing the forms and instructions posted for this announcement at *http://www.grants.gov,* the official Federal agency wide E-grant Web site. Only applicants who apply online are permitted to forego paper copy submission of all application forms.

Paper Submission: Application forms and instructions are available on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/forminfo.htm.*

If you do not have access to the Internet, or if you have difficulty accessing the forms on-line, you may contact the CDC Procurement and Grants Office Technical Information Management Section (PGO–TIM) staff at: 770–488–2700. Application forms can be mailed to you.

IV.2. Content and Form of Submission

Electronic Submission: You may submit your LOI electronically at *http://www.grants.gov* by filling out the required Grants.gov information and attach a word document.

Paper Submission: If submitting by paper copy, send the original and two hard copies of your LOI by mail or express delivery service. Your LOI must be written in the following format:

• Maximum number of pages: three
• Font size: 12-point unreduced
• Double spaced
• Paper size: 8.5 by 11 inches, unbound
• Page margin size: One inch
• Printed only on one side of page
• Written in plain language, avoid jargon

Your LOI must contain the following information:

• Descriptive title of the proposed research
• Name, address, E-mail address, and telephone number of the Principal Investigator
• Names of other key personnel
• Participating institutions
• Number and title of this Request for Applications

Application: Electronic Submission: You may submit your application electronically at *http://www.grants.gov.* Applications completed online through Grants.gov are considered formally submitted when the applicant organization's Authorizing Official electronically submits the application to *http://www.grants.gov.* Electronic applications will be considered as having met the deadline if the application has been submitted electronically by the applicant organization's Authorizing Official to Grants.gov on or before the deadline date and time.

It is strongly recommended that you submit your grant application using Microsoft Office products (*e.g.,* Microsoft Word, Microsoft Excel, etc.). If you do not have access to Microsoft Office products, you may submit a PDF

file. Directions for creating PDF files can be found on the Grants.gov Web site. Use of file formats other than Microsoft Office or PDF may result in your file being unreadable by our staff.

CDC recommends that you submit your application to Grants.gov early enough to resolve any unanticipated difficulties prior to the deadline. You may also submit a back-up paper submission of your application. Any such paper submission must be received in accordance with the requirements for timely submission detailed in Section IV.3. of the grant announcement. The paper submission must be clearly marked: ''BACK-UP FOR ELECTRONIC SUBMISSION.'' The paper submission must conform with all requirements for non-electronic submissions. If both electronic and back-up paper submissions are received by the deadline, the electronic version will be considered the official submission.

Paper Submission: If you plan to submit your application by hard copy, submit the original and two hard copies of your application by mail or express delivery service. Refer to section IV.6. Other Submission Requirements for submission address.

You must submit a project narrative with your application forms. The narrative must be submitted in the following format:

- Maximum number of pages: 20—If your narrative exceeds the page limit, only the first pages which are within the page limit will be reviewed.
- Font size: 12 point unreduced
- Double spaced
- Paper size: 8.5 by 11 inches
- Page margin size: One inch
- Printed only on one side of page
- Held together only by rubber bands or metal clips; not bound in any other way.

Your narrative should address activities to be conducted over the entire project period, and must include the following items in the order listed:

Narrative for Parts A and B

1. Plan and Objectives

- Define specific, measurable, achievable, and time-phased objectives to support the program goal.
- Identify and describe the activities to support the objectives.
- Explain how you will measure achievement of the objectives.
- Provide a logic model for the proposed plan. Include activities, short-term, intermediate and long-term and impact outcomes. Show how the proposed activities will aid in reaching the organization's overall project goal.
- Provide a realistic timeline for activities.
- Describe how the project will be implemented.
- Describe how the project will achieve the objectives of the overall program.
- Describe the training and technical assistance strategy including the method of delivery, potential trainers, training objectives, length of training, curriculum and materials, and evaluation plan.
- Describe any anticipated obstacles to accomplishing the proposed activities.
- Include letters of support and intention to collaborate from the directors of at least five health departments. The letters must clearly State their support and commitment to the proposed activities and the specific collaboration they agree to bring during the life of the cooperative agreement.
- Describe the translation and dissemination plan for materials, curricula, lessons learned and other information.

2. Experience

- Describe your organization's experience in providing training and technical assistance to public health agencies and their partner organizations.
- Describe any experience developing and using logic models and training others to use logic models (*See* Appendix B found on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.'')
- Describe any experience providing technical assistance to health departments to identify, select, implement, and evaluate science-based programs related to reproductive health, infant health, or other maternal and child health issue.
- Describe the results of similar efforts that used skills to provide training and technical assistance to health departments and their partner organizations.
- Describe the training and technical assistance experience of staff in science-based practices as it relates to the identified needs and proposed plan.
- Describe the experience of the staff working with the proposed target organizations.
- Provide résumés and job descriptions of key existing and new staff.
- Provide an organizational chart as an appendix that identifies lines of authority, including who will have management authority over the project.

3. Collaboration

- Describe your organization's existing networks and mechanisms to reach targeted public health agencies.
- Describe the percentage of target health departments participating in the networks and mechanisms, and the level of participation.
- Describe your organization's ability to recruit, utilize, and collaborate with essential agencies, organizations and national experts necessary to be successful in carrying out the proposal's objectives.
- Include letters of support and intent to collaborate from the directors of target public health agencies, their membership organizations, other national organizations. The letters must clearly state their support and commitment to the proposed activities, and where appropriate, the specific collaboration they agree to bring to the four-year process. Include memoranda of agreement.

4. Statement of Need

- Describe the specific public health needs to be targeted by your proposal, especially as it relates to health departments. Describe also the methodology for identifying the needs of targeted public health agencies including surveys, focus groups, leadership discussion, etc.
- Describe activities that your organization currently provides related to those identified needs and how your proposed activities will relate to or complement these activities.

5. Evaluation Plan

- Develop an evaluation plan that is consistent with CDC's Evaluation Framework for Evaluating Public Health Programs. See *http://www.cdc.gov/eval/framework.htm.*
- For each measurable objective, identify process and outcome indicators.
- Describe how the data findings and evaluation results will be shared with stakeholders and how results will be used.
- Identify the staff person who will take the lead on the project's evaluation.

6. Budget and Justification (Does Not Count Against Narrative Page Limit)

- Provide a detailed budget and line item justification for all operating expenses that are consistent with the proposed program objectives and activities for each activity.

Narrative for Part C

1. Operational Plan

- Provide a proposed plan. Include activities and plans for collaboration. Show how the proposed activities will aid in reaching the overall goal.
- Provide a realistic timeline for activities.

• Describe how the project will be implemented.
• Describe how the project will achieve the goal of the overall program.
• Describe specific activities to engage State health departments or State coalitions, and local affiliates in this project.
• Describe any anticipated obstacles to accomplishing the proposed activities.
• Include letters of support and intention to collaborate from the directors of State health departments or State coalitions. The letters must clearly state their support and commitment to the proposed activities and the specific collaboration they agree to bring to the project. Inclusion of memoranda of agreement is encouraged.
• Include letters of support from local affiliates and other stakeholders.
• Describe the translation and dissemination plan for materials, curricula, lessons learned and other information.

2. Experience

• Describe your organization's experience in working on health related issues that address minority women.
• Describe any experience providing technical assistance to other organizations to identify, select, implement, and evaluate science-based programs that promote safe motherhood activities.
• Describe the results of similar efforts that used skills to provide training and technical assistance to other organizations such as State and local coalitions, State health departments, schools, health clinics, and faith-based organizations, and to disseminate findings to a broader audience.

3. Collaboration

• Describe prior and current collaborations with State health departments or State coalitions, and local affiliates. Include information on the purpose of the collaboration, activities conducted, outcomes, and opportunities for future initiatives.

4. Objectives

• Define specific, measurable, achievable, realistic, and time-phased objectives to support the program goal.
• Identify and describe the activities to support the objectives.
• Explain how you will measure achievement of the objectives.

5. Statement of Need

• Describe the extent to which the applicant identifies specific needs of minority women related to the purposes of the program.

6. Evaluation Plan

• Develop an evaluation plan that is consistent with CDC's Evaluation Framework for Evaluating Public Health Programs. See *http://www.cdc.gov/eval/frameword.htm.*
• For each measurable objective, identify process and outcome indicators.
• Describe how the data findings and evaluation results will be shared with stakeholders and how results will be used.

7. Budget and Justification (Does Not Count Against Narrative Page Limit)

• Provide a detailed budget and line item justification for all operating expenses that are consistent with the proposed program objectives and activities for each activity.

Narrative for Part D National Organization and Part E State Coalitions

1. Plan

• Provide a logic model for the proposed plan. Include activities, short-term, intermediate and long-term and impact outcomes. Show how the proposed activities will aid in reaching the organization's overall project goal. (*See* Appendix B)
• Provide a realistic timeline for activities.
• Describe how the project will be implemented.
• Describe how the project will achieve the goal of the overall program.
• Describe the training and technical assistance strategy including the method of delivery, potential trainers, training objectives, length of training, curriculum and materials, and evaluation plan.
• Describe any anticipated obstacles to accomplishing the proposed activities.
• Include letters of support and intention to collaborate from the directors of at least five coalitions or organizations. The letters must clearly state their support and commitment to the proposed activities and the specific collaboration they agree to bring to the project. Include memoranda of agreement.
• Describe the translation and dissemination plan for materials, curricula, lessons learned and other information.

2. Experience

• Describe your organization's experience in providing training and technical assistance to State and local coalitions, State health departments, schools, health clinics, youth serving community and faith-based organizations, or other organizations in teen pregnancy, STD, and HIV prevention.
• Describe any experience developing logic models and training others to use logic models.
• Describe any experience providing technical assistance to other organizations to identify, select, implement, and evaluate science-based programs that prevent teen pregnancy, HIV and STDs, and promote adolescent reproductive health.
• Describe the results of similar efforts that used skills to provide training and technical assistance to other organizations such as State and local coalitions, State health departments, schools, health clinics, youth serving community and faith-based organizations and to disseminate findings to a broader audience.

3. Objectives

• Define specific, measurable, achievable, and time-phased objectives to support the program goal.
• Identify and describe the activities to support the objectives.
• Explain how achievement of the objectives will be measured.

4. Evaluation Plan

• Develop an evaluation plan that is consistent with CDC's Evaluation Framework for Evaluating Public Health Programs. See *http://www.cdc.gov/eval/framework.htm*
• For each measurable objective, identify process and outcome indicators.
• Describe how the data findings and evaluation results will be shared with stakeholders and how results will be used.

5. Program Staff

• Describe the training and technical assistance experience of staff in science-based practices in teen pregnancy, STD, and HIV prevention.
• Describe the experience of the staff working with the proposed target organizations.
• Provide résumés and job descriptions of existing and newly proposed staff, with prior experience in teen pregnancy, STD, and HIV prevention, identifying their role and responsibilities.
• Provide an organizational chart as an appendix that identifies lines of authority, including who will have management authority over the project.
• Identify the staff person who will take the lead on the project's evaluation.

6. Budget and Justification (Does Not Count Against Narrative Page Limit)

• Provide a detailed budget and line item justification for all operating expenses that are consistent with proposed program objectives and activities for each activity.

Additional information may be included in the application appendices. The appendices will not be counted toward the narrative page limit. This additional information may include:

• 501(3)(c)status application or any of the following constitutes acceptable proof of such status:

—A reference to the applicant organization's listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in the IRS Code.

—A copy of a currently valid IRS tax exemption certificate.

—A statement from a State taxing body, State attorney general, or other appropriate State official certifying that the applicant organization has a non-profit status and that none of the net earnings accrue to any private shareholders or individuals.

—A certified copy of the organization's certificate of incorporation or similar document that clearly establishes non-profit status.

—Any of the items in the subparagraphs immediately above for a State or national parent organization and a statement signed by the parent organization that the applicant organization is a local non-profit affiliate.

• Training needs assessments
• Surveys and survey findings
• Epidemiological data
• Training curricula or materials
• Publications or products from similar experience
• Logic models
• Evaluation results from similar experience
• Curriculum vitae/resumes
• Organizational charts
• Contact list of organizational network participants
• Letters of support
• Memoranda of agreement
• Other pertinent information requested in the narrative section of the program announcement or other relevant material and documents you want to include.

You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the Federal government. The DUNS number is a nine-digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 1–866–705–5711.

For more information, see the CDC Web site at: *http://www.cdc.gov/od/pgo/funding/pubcommt.htm.* If your application form does not have a DUNS number field, please write your DUNS number at the top of the first page of your application, or include your DUNS number in your application cover letter.

Additional requirements that may require you to submit additional documentation with your application are listed in section ''VI.2. Administrative and National Policy Requirements.''

IV.3. Submission Dates and Times

LOI Deadline Date: April 22, 2005.

CDC requests that you send a LOI if you intend to apply for this program. Although the LOI is not required, not binding, and does not enter into the review of your subsequent application, the LOI will be used to gauge the level of interest in this program, and to allow CDC to plan the application review.

Application Deadline Date: May 23, 2005.

Explanation of Deadlines: Applications must be received in the CDC Procurement and Grants Office by 4 p.m. Eastern Time on the deadline date. If you submit your application by the United States Postal Service or commercial delivery service, you must ensure that the carrier will be able to guarantee delivery by the closing date and time. If CDC receives your submission after closing due to: (1) Carrier error, when the carrier accepted the package with a guarantee for delivery by the closing date and time, or (2) significant weather delays or natural disasters, you will be given the opportunity to submit documentation of the carriers guarantee. If the documentation verifies a carrier problem, CDC will consider the submission as having been received by the deadline.

This announcement is the definitive guide on LOI and application content, submission address, and deadline. It supersedes information provided in the application instructions. If your submission does not meet the deadline above, it will not be eligible for review, and will be discarded. You will be notified that you did not meet the submission requirements.

Electronic Submission: If you submit your application electronically with Grants.gov, your application will be electronically time/date stamped which will serve as receipt of submission. In turn, you will receive an e-mail notice of receipt when CDC receives the application. All electronic applications must be submitted by 4 p.m. Eastern Time on the application due date.

Paper Submission: CDC will not notify you upon receipt of your paper submission. If you have a question about the receipt of your LOI or application, first contact your courier. If you still have a question, contact the PGO–TIM staff at: 770–488–2700. Before calling, please wait two to three days after the submission deadline. This will allow time for submissions to be processed and logged.

IV.4. Intergovernmental Review of Applications

Executive Order 12372 does not apply to this program.

IV.5. Funding Restrictions

Restrictions, which must be taken into account while writing your budget, are as follows:

• Funds may not be used for research.
• Funds may not be used for clinical or direct services.
• Funds may not be used to purchase food.
• Funds may not be used for construction.
• Reimbursement of pre-award costs is not allowed.

If you are requesting indirect costs in your budget, you must include a copy of your indirect cost rate agreement.

If your indirect cost rate is a provisional rate, the agreement should be less than 12 months of age.

Guidance for completing your budget can be found on the CDC Web site, at the following Internet address: *http://www.cdc.gov/od/pgo/funding/budgetguide.htm.*

IV.6. Other Submission Requirements

Paper Submission: LOI Submission Address: Submit your LOI by express mail, delivery service, fax, or E-mail to: Seema Gupta, CDC, NCCDPHP, 4770 Buford Highway, NE, Mail Stop K–20, Atlanta, GA 30341–3717, Telephone: 770 488–5200, Fax: 770 488 6450, E-mail address: *SGupta@CDC.GOV.*

Electronic Submission: LOIs may be submitted electronically at this time to *http://www.Grants.gov.* Fill out the required Grants.gov information and attach a word document with the necessary information from IV.2. Content and Form of Submission.

Application Submission Address: Electronic Submission: CDC strongly encourages applicants to submit electronically at: *http://www.Grants.gov.* You will be able to download a copy of the application package from *http://www.Grants.gov,* complete it offline,

and then upload and submit the application via the Grants.gov site. E-mail submissions will not be accepted. If you are having technical difficulties in Grants.gov they can be reached by E-mail at *http://www.support@grants.gov* or by phone at 1–800–518–4726 (1–800–518-GRANTS). The Customer Support Center is open from 7 a.m. to 9 p.m. Eastern Time, Monday through Friday.

Paper Submission: If you chose to submit a paper application, submit the original and two hard copies of your application by mail or express delivery service to: Technical Information Management-AA004, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341.

V. Application Review Information

V.1. Criteria

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals stated in the ''Purpose'' section of this announcement. Measures must be objective and quantitative, and must measure the intended outcome. These measures of effectiveness must be submitted with the application and will be an element of evaluation. Your application will be evaluated against the following criteria:

Parts A and B

1. Plan and Objectives (25 Points)

- Does the applicant include logic models that show how the activities will lead to reaching the overall goals?
- Are the objectives specific, time-phased, measurable, realistic, and related to the purposes of the program?
- Does the plan describe how it will achieve the overall program goals?
- Is the proposed plan feasible and consistent with the stated objectives in this proposal?
- Does the timeline incorporate major activities and milestones?
- Does the applicant include dates, tasks, and persons responsible for accomplishing tasks?

2. Experience (25 Points)

- Does the applicant provide documentation of more than five years of experience providing technical assistance for MCH programs in public health agencies serving States or major cities?
- Does the applicant provide information that specifically addresses their experience providing technical assistance and training in reproductive and infant health?
- Does the applicant describe their experience in providing training and technical assistance in science-based practices?
- Does the applicant describe the results of similar efforts using skills to provide training and technical assistance to organizations and disseminate information to a broader audience?
- Does the proposed staff have adequate training and technical assistance experience in science-based practices to successfully implement the project?
- Does the applicant provide the organizational chart, resumes and job descriptions of existing and newly proposed staff with prior training and technical assistance experience as it relates to the identified needs, proposed plan and lines of authority?

3. Collaboration (20 Points)

- Does the applicant demonstrate existing relationships with or membership that includes senior MCH public health staff from most public health agencies serving States or major cities? Does this relationship reach most public health agencies nationwide and is the level of participation sufficient to accomplish program goals?
- Does the applicant demonstrate the ability to collaborate with the organizations and experts necessary to accomplish the process and outcome objectives?
- Does the applicant include sufficient letters of support to demonstrate their ability to reach targeted health departments nationwide and to collaborate as needed to accomplish stated objectives and activities?

4. Statement of Need (20 Points)

- Does the applicant credibly identify specific reproductive and infant health needs of targeted public health agencies serving States or major urban areas?
- Do the activities that the organization currently provides relate to identified needs and will the newly proposed activities be complementary?

5. Evaluation Plan (10 Points)

- Does the applicant provide an evaluation plan that identifies measurable objectives, including process and outcome objectives and timeframes?
- Does the applicant clearly describe how the grantee will use Performance Measures to track internal processes?

6. Budget (Not Scored)

- Does the applicant provide a budget that is detailed, itemized, reasonable, clearly justified, and consistent with the intended use of funds?

Part C: National Organizations

1. Operational Plan and Timetable (25 Points)

The extent to which the applicant's plan to carry out the activities proposed is feasible and consistent with the stated objectives in this proposal. The extent to which the timetable incorporates major activities and milestones, and is specific, measurable and realistic. Dates, tasks, and persons responsible for accomplishing tasks should be included.

2. Experience (20 Points)

The extent to which the applicant documents experience in working on health related issues that target minority women and providing technical assistance to other organizations that promote safe motherhood.

3. Collaboration (20 Points)

The extent to which the organization has existing relationships with local affiliates, and State health departments and coalitions.

4. Objectives (15 Points)

The extent to which objectives are specific, time phased, measurable, realistic, and related to the purposes of the program.

5. Statement of Need (10 Points)

The extent to which the applicant identifies specific needs of minority women related to the purposes of the program.

6. Evaluation Plan (10 Points)

The extent to which the evaluation plan appears feasible for monitoring progress toward meeting project objectives. In addition to evaluating outcome-related project objectives, the plan should clearly describe how the grantee will use Performance Measures to track internal processes.

7. Budget (Not Scored)

The extent to which the budget is detailed, clear, justified, provides in-kind or direct project support, and is consistent with the proposed program activities.

Part D National Organizations and Part E State Coalitions

1. Plan (30 Points)

- Does the applicant include a logic model that shows how the activities will lead to reaching the overall goals?
- Is the timeline for the proposed activities realistic?

• Does the plan describe the training and technical assistance strategy to be used, including the method of delivery, potential trainers, training objectives, length of training, curriculum and materials, and evaluation plan?

• Does the plan describe how it will achieve the overall program goal?

• Does the plan describe any anticipated obstacles to providing training to the proposed organizations and personnel?

• Does the applicant include five letters of support that describe the intent to collaborate with the applicant?

• Does the applicant describe a plan to translate and disseminate materials, curricula, lessons learned and other information?

2. Experience (20 Points)

• Does the applicant provide information that specifically addresses:

—Their experience providing technical assistance in the areas of teen pregnancy, STD, and HIV prevention.

—Their experience providing technical assistance and training to State and local coalitions, State health departments, schools, health clinics, youth serving community and faith-based organizations, or other organizations.

• Does the applicant describe their experience in providing training and technical assistance in science-based practices in teen pregnancy, STD and HIV prevention?

• Does the applicant describe the results of similar efforts using skills to provide training and technical assistance to other organizations and disseminate information to a broader audience?

3. Objectives (20 Points)

• Does the applicant provide objectives that are specific, measurable, achievable, and time-phased?

• Does the applicant explain how objectives will be measured?

• Do the applicant's objectives and activities use the organization's strengths to meet the program goal of building capacity within communities to prevent teen pregnancy and promote adolescent reproductive health?

4. Evaluation (20 Points)

• Does the applicant provide an evaluation plan that identifies measurable objectives, including process and outcome objectives and timeframes?

• Does the applicant clearly describe how the grantee will use Performance Measures to track internal processes?

5. Program Staff (10 Points)

• Does the proposed staff have adequate training and technical assistance experience in science-based practices to successfully implement the project?

• Does the applicant provide resumes and job descriptions of existing and newly proposed staff with prior training and technical assistance experience in teen pregnancy, STD, and HIV prevention, identifying their role and responsibilities?

• Does the applicant provide an organizational chart that identifies lines of authority including who will have management authority over the project?

6. Budget and Justification (Not Scored)

• Does the applicant provide a budget that is detailed, itemized, reasonable, clearly justified, and consistent with the intended use of funds?

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff and for responsiveness by the NCCDPHP. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

An objective review panel will evaluate complete and responsive applications according to the criteria listed in the ''V.1. Criteria'' section, above. Applications will be funded in order by score and rank determined by the review panel.

V.3. Anticipated Announcement and Award Dates

August 1, 2005.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Award (NoA) from the CDC Procurement and Grants Office. The NoA shall be the only binding, authorizing document between the recipient and CDC. The NoA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

Successful applicants must comply with the administrative requirements outlined in 45 CFR Part 74 and Part 92 as appropriate. For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

An additional Certifications form from the PHS 5161–1 application needs to be included in your Grants.gov electronic submission only. Refer to *http://www.cdc.gov/od/pgo/funding/PHS5161-1Certificates.pdf.* Once the form is filled out attach it to your Grants.gov submission as Other Attachments Form.

The following additional requirements apply to this project:

• AR–4 HIV/AIDS Confidentiality Provisions
• AR–5 HIV Program Review Panel Requirements
• AR–6 Patient Care
• AR–8 Public Health System Reporting Requirements
• AR–9 Paperwork Reduction Act Requirements
• AR–10 Smoke-Free Workplace Requirements
• AR–11 Healthy People 2010
• AR–12 Lobbying Restrictions
• AR–14 Accounting System Requirements
• AR–15 Proof of Non-Profit Status
• AR–21 Small, Minority, and Women-Owned Business
• AR–23 States and Faith-Based Organizations
• AR–24 Health Insurance Portability and Accountability Act Requirements
• AR–25 Release and Sharing of Data

Additional information on these requirements can be found on the CDC Web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

VI.3. Reporting Requirements

You must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, due no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:

a. Current Budget Period Activities Objectives.

b. Current Budget Period Financial Progress.

c. New Budget Period Program Proposed Activity Objectives.

d. Budget.

e. Measures of Effectiveness.

f. Additional Requested Information.

2. Financial status report and annual progress report, no more than 90 days after the end of the budget period.

3. Final financial and performance reports, no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract Specialist listed in the ''Agency Contacts'' section of this announcement.

VII. Agency Contacts

We encourage inquiries concerning this announcement.

For general questions, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341, Telephone: 770–488–2700.

For program technical assistance, contact: Bill Sappenfield, Project Officer (Parts A & B), Seema Gupta, Project Officer (Part C), Kim Nolte, Project Officer (Parts D & E), National Center for Chronic Disease Prevention and Health Promotion, 4770 Buford Highway, NE Mail Stop K–20, Atlanta, GA 30341–3717;

Telephone: Sappenfield (770) 488–5133, Gupta (770) 488–6527, Nolte (770) 488–6318.

E-mail: Sappenfield *BSappenfield@CDC.GOV,* Gupta *SGupta@CDC.GOV,* Nolte *KNolte@CDC.GOV.*

For financial, grants management, or budget assistance, contact: Nealean Austin, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341–3717, Telephone: (770) 488–2722, E-mail: *NAustin@CDC.GOV*.

VIII. Other Information

This and other CDC funding opportunity announcements can be found on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

Dated: March 17, 2005.

William P. Nichols,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 05–5685 Filed 3–22–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: Occupational Health and Safety Research and Education

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Occupational Health and Safety Research and Education.

Times and Dates: 1:30 p.m.–5 p.m., April 7, 2005 (closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to Occupational Health and Safety Research and Education.

Contact Person for More Information: Bernadine B. Kuchinski, Ph.D., Scientific Review Administrator, National Institute for Occupational Safety and Health, CDC, 4676 Columbia Parkway, MS–C7, Cincinnati, OH 45226, telephone 513–533–8511.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: March 17, 2005.

Alvin Hall,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 05–5708 Filed 3–22–05; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Application Requirements for the Low Income Home Energy Assistance Program (LIHEAP) Model Plan.

OMB No.: 0970–0075.

Description: States, including the District of Columbia, Tribes, tribal organizations and territories applying for LIHEAP block grant funds must submit an annual application (Model Plan) that meets the LIHEAP statutory and regulatory requirements prior to receiving Federal funds. A detailed application must be submitted every 3 years. Abbreviated applications may be submitted in alternate years. There have been minor changes in the Model Plan for clarity. There have been no substantive changes.

Respondents: State, Local or Tribal Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Detailed Model Plan	65	1	1	65
Abbreviated Model Plan	115	1	.33	38

Estimated Total Annual Burden Hours: 103.

In compliance with the requirements of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, 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: *grjohnson@omb.eop.gov*.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 17, 2005

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 05–5687 Filed 3–22–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Children's Justice Act Program (CJA).

OMB No.: 0980–0196.

Description: The Program Instruction, prepared in response to the enactment of the Children's Justice Act (CJA), as set forth in Title II of Pub. L. 108–36, child Abuse Prevention and Treatment Act Amendments of 2003, provides direction to the States and the territories to accomplish the purposes of assisting States in developing, establishing and operating programs designed to improve: (1) The handling of child abuse and neglect cases, particularly child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim; (2) the handling of cases of suspected child abuse or neglect-related fatalities; (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and (4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse and neglect. This Program Instruction contains information collection requirements that are found in Pub. L. 108–36 at Sections 107(b) and 107(d), and pursuant to receiving a grant award. The information being collected is required by statute to be submitted pursuant to receiving a grant award. The information submitted will be used by the agency to ensure compliance with the statute; to monitor, evaluate and measure grantee achievements in addressing the investigation and prosecution of child abuse and neglect; and to report to Congress.

Respondents: State Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	52	1	40	2,080
Annual Report	52	1	20	1,080

Estimated Total Annual Burden Hours: 3,120.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *grjohnson@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: March 16, 2005.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 05–5688 Filed 3–22–05; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005D–0082]

Guidance for Industry and Food and Drug Administration Staff; Class II Special Controls Guidance Document: Automated Fluorescence in situ Hybridization (FISH) Enumeration Systems; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance document entitled ''Class II Special Controls Guidance Document: Automated Fluorescence *in situ* Hybridization (FISH) Enumeration Systems.'' This guidance document describes a means by which automated FISH enumeration systems may comply with the requirements of special controls for class II devices.

Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule to classify automated FISH enumeration systems into class II (special controls). This guidance document is immediately in effect as the special control for automated FISH enumeration systems, but it remains subject to comment in accordance with the agency's good guidance practices (GGPs).

DATES: Submit written or electronic comments on this guidance at any time.

ADDRESSES: Submit written requests for single copies on a 3.5'' diskette of the guidance document entitled ''Class II Special Controls Guidance Document: Automated Fluorescence *in situ* Hybridization (FISH) Enumeration Systems'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send

one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Maria M. Chan, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 240–276–0493, ext. 130.

SUPPLEMENTARY INFORMATION:

I. Background

Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule classifying automated FISH enumeration systems into class II (special controls) under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)). This guidance document will serve as the special control for automated FISH enumeration systems.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)) for a device that has not previously been classified may, within 30 days after receiving written notice classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device.

Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification. Because of the timeframes established by section 513(f)(2) of the act, FDA has determined, under § 10.115(g)(2) (21 CFR 10.115(g)(2)), that it is not feasible to allow for public participation before issuing this guidance as a final guidance document. Therefore, FDA is issuing this guidance document as a level 1 guidance document that is immediately in effect. FDA will consider any comments that are received in response to this notice to determine whether to amend the guidance document.

II. Significance of Guidance

This guidance is being issued consistent with FDA's GGPs regulation (§ 10.115). The guidance represents the agency's current thinking on automated FISH enumeration systems. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

To receive ''Class II Special Controls Guidance Document: Automated Fluorescence in situ Hybridization (FISH) Enumeration Systems'' by fax machine, call the CDRH Facts-On-Demand system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. Press 1 to enter the system. At the second voice prompt, press 1 to order a document. Enter the document number (1550) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so by using the Internet. CDRH maintains an entry on the Internet for easy access to information, including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of cleared submissions, approved applications, and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The premarket notification submission provisions addressed in the guidance have been approved by OMB under OMB control number 0910–0120. The labeling provisions addressed in the guidance have been approved by OMB under OMB control number 0910–0485.

V. Comments

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.

Dated: March 10, 2005.

Linda S. Kahan,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 05–5642 Filed 3–22–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2003D–0497]

Guidance for Industry on Pharmacogenomic Data Submissions; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Pharmacogenomic Data Submissions.'' The guidance provides recommendations to sponsors holding investigational new drug applications (INDs), new drug applications (NDAs), and biologics license applications (BLAs) on what pharmacogenomic data to submit to the agency during the drug development process, the format of submissions, and how the data will be used in regulatory decisionmaking. The guidance is intended to facilitate scientific progress in the area of pharmacogenomics.

DATES: Submit written or electronic comments on agency guidance documents at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Division of Drug Information (HFD–240), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research, Food and Drug

Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your requests. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT:

Lawrence Lesko, Center for Drug Evaluation and Research (HFD–850), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5690, or

Raj Puri, Center for Biologics Evaluation and Research (HFM–735), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–0471.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Pharmacogenomic Data Submissions.'' Although the field of pharmacogenomics is in its infancy, the promise of pharmacogenomics lies in its potential to predict sources of interindividual variability in drug response (both efficacy and toxicity), thus allowing individualization of therapy to maximize effectiveness and minimize risk. Pharmaceutical sponsors have been reluctant to embark on programs of pharmacogenomic testing during the FDA-regulated phases of drug development, due to uncertainties in how FDA will react to the data being generated. This guidance is intended to facilitate scientific progress in the area of pharmacogenomics.

The guidance is one of several efforts under way to facilitate pharmacogenomic testing. FDA will make available soon a concept paper entitled ''Concept Paper on Pharmacogenomic Drug Diagnostic Co-Development.'' The concept paper is the first step in development of a draft guidance on that topic.

On November 4, 2003 (68 FR 62461), FDA announced a document announcing the availability of the draft version of this guidance. A number of comments were received. The agency considered them carefully as it finalized the guidance and made appropriate changes. For the most part, the changes clarified statements made in the draft version. The following changes are noteworthy: (1) Appendix D (examples of pharmacogenomic data submissions) is no longer part of the guidance and has been moved into a separate document that will be available with the final guidance so that additional examples can be added over time; (2) a new appendix E has been added, a voluntary submission cover sheet, which should be used when submitting a ''voluntary'' genomic data submission to clearly distinguish such a submission from regular IND, NDA, or BLA submissions; (3) two fundamental issues regarding the procedure of submitting and reviewing voluntary genomic data submissions and the function and responsibilities of the Interdisciplinary Pharmacogenomics Review Group were addressed by creating separate internal agency procedures (i.e., the Center for Drug Evaluation and Research Manual of Policy and Procedures or the Center for Biologics Evaluation and Research Manual of Standard Operating Procedures and Policies) rather than including the information in the guidance document.

II. The Paperwork Reduction Act of 1995

In the **Federal Register** of November 4, 2003 (68 FR 62461), FDA published a 60-day notice requesting public comment on the information collection provisions of this guidance. In the **Federal Register** of August 11, 2004 (69 FR 48876), the agency announced that it was submitting the collection of information to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995. The information collection provisions related to this guidance have been approved under OMB control number 0910–0557. This approval expires December 31, 2007. 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.

This level 1 guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both.

III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the guidance at any time. Two copies of mailed comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/cder/guidance/index.htm*, *http://www.fda.gov/cber/guidelines.htm*, or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: March 10, 2005.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 05–5381 Filed 3–22–05; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Office of AIDS Research Advisory Council.

The meeting will be open to the public, 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.

Name of Committee: Office of AIDS Research Advisory Council.

Date: April 7, 2005.

Time: 9 a.m. to 5 p.m.

Agenda: A Report of the Director addressing OAR initiatives. The meeting will focus on the burden of HIV disease on women.

Place: National Institutes of Health, Building 31, 31 Center Drive, Room 6C10, Bethesda, MD 20892.

Contact Person: Jack Whitescarver, Director, Office of AIDS Research, OD, National Institutes of Health, 9000 Rockville Pike, Building 2, Room 4E14, Bethesda, MD 20892, (301) 496–0357.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-

in at the security desk upon entering the building.

Information is also available on the Institute's/Center's home page: *www.nih.gov/od/oar/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: March 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5665 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of 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 National Advisory Council for Complementary and Alternative Medicine (NACCAM) meeting.

This 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/or contract proposals and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Complementary and Alternative Medicine.

Date: July 29, 2005.

Closed: 11 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: 6707 Democracy Boulevard, Two Democracy, Room 401, Bethesda, Maryland 20892, (Telephone Conference Call).

Contact Person: Jane F. Kinsel, PhD, M.B.A., Executive Secretary, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 496–6701.

Copies of the meeting agenda and the roster of members will be furnished upon request by contacting Dr. Jane Kinsel, Executive Secretary, NACCAM, National Institutes of Health, 6707 Democracy Boulevard, Suite 401, Bethesda, Maryland 20892, 301–496–6701, Fax 301–480–0087, or via e-mail at *naccames@mail.nih.gov.*

Dated: March 16, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 05–5668 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the National Advisory Council for Complementary and Alternative Medicine (NACCAM) meeting.

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.

Name of Committee: National Advisory Council for Complementary and Alternative Medicine.

Date: April 4, 2005.

Open: 12:30 p.m. to 2:30 p.m.

Agenda: The agenda includes Opening Remarks by Director, NCCAM, and a Concept for Milk Thistle RFA.

Place: 6707 Democracy Boulevard, Two Democracy, Room 401, Bethesda, Maryland 20892, (Telephone Conference Call).

Contact Person: Jane F. Kinsel, Executive Secretary, National Center for Complementary and Alternative Medicine, National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20892, (301) 496–6701.

The meeting is being published less than 15 days prior to the meeting due to scheduling conflicts.

Copies of the meeting agenda and the roster of members will be furnished upon request by contacting Dr. Jane Kinsel, Executive Secretary, NACCAM, National Institutes of Health, 6707 Democracy Boulevard, Suite 401, Bethesda, Maryland 20892, 301–496–6701, Fax 301–480–0087, or via e-mail at *naccames@mail.nih.gov.*

Dated: March 16, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 05–5669 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel, Loan Repayment Program (L30 and L40s).

Date: April 8, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Jamie Varghese, PhD, Health Science Administrator, DHVD/HRP, NIH/NHLBI, Rockledge 2, Room 9204, 6701 Rockledge Drive, Bethesda, MD 20892–7950, 301–435–0510, *varghesej@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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Disorders Research; 93.837, Heart and Vascular Disease Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5660 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 Allergy and Infectious Diseases Special Emphasis Panel Coordinating Center for Organ Transplantation Clinical Trials.

Date: April 13, 2005.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Quirijn Vos, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, (301) 496–2550, *qvos@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5658 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; 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 Drug Abuse Special Emphasis Panel Developmental Centers for Translational Research on the Clinical Neurobiology of Drug Addiction (P20).

Date: April 14–15, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Arlington, 1325 Wilson Boulevard, Arlington, VA 22209.

Contact Person: Mark Swieter, PhD, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6101 Executive Boulevard, Suite 220, Bethesda, MD 20892–8401, (301) 435–1389, *ms80x@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: March 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5659 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–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 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 Environmental Health Sciences Special Emphasis Panel SBRP Conference Support 2004–2005.

Date: April 21, 2005.

Time: 1:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: Sally Eckert-Tilotta, PhD, Scientific Review Administrator, National Inst. of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446, *eckertt1@niehs.nih.gov.*

(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 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5662 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–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 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel.

Date: April 26, 2005.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: RoseAnne M McGee, Associate Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752.

(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 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5663 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; 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 Child Health and Human Development Special Emphasis Panel, Medical Rehabilitation Research Infrastructure.

Date: April 14, 2005.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select Bethesda, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Ann Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, MD 20892, (301) 435–6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5664 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

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 on Deafness and Other Communications Disorders Special Emphasis Panel, P30 Grant Review.

Date: April 27, 2005.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Da-yu Wu, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Activities, NIDCD, NIH, 6120 Executive Blvd., Suite 400C, Bethesda, MD 20892, 301–496–8683, *wudy@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel, NIDCD Loan Repayment Grants.

Date: May 5, 2005.

Time: 9 a.m. to 10 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Virtual Meeting).

Contact Person: Stanley C. Oaks, PhD, Scientific Review Administrator, Division of Extramural Activities, NIDCD, NIH, Executive Plaza South, Room 400C, 6120 Executive Blvd.—MSC 7180, 301–496–8683, *so14s@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 16, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5667 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meetings

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 section 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 Center for Complementary and Alternative Medicine Special Emphasis Panel Clinical Research II.

Date: April 6, 2005.

Time: 11 a.m. to 12 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: Jeanette M. Hosseini, Scientific Review Administrator, National Center for Complementary and Alternative Medicine, 6707 Democracy Blvd, Suite 401, Bethesda, MD 20892, (301) 594–9096.

Name of Committee: National Center for Complementary and Alternative Medicine

Special Emphasis Panel, Centers of Excellence for Research on Complementary and Alternative Medicine.

Date: April 13, 2005.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes fo Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Martin H. Goldrosen, PhD, Chief, Office of Scientific Review, National Center for Complementary, and Alternative Medicine, National Institutes of Health, 6707 Democracy Blvd, Ste. 106, Bethesda, MD 20892–5475, (301) 451–6331. *goldrosm@mail.nih.gov.*

Dated: March 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5666 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; 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 552(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 Dental and Craniofacial Research Special Emphasis Panel 05–61, Review R03s.

Date: April 12, 2005.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rebecca Roper, MS, MPH, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, National Inst of Dental & Craniofacial Research, National Institutes of Health, 45 Center Dr., room 4AN32E, Bethesda, MD 20892, 301 451–5096.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: March 16, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5670 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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: Center for Scientific Review Special Emphasis Panel, Angiotensin, MIF and Cardiovascular Function.

Date: March 17, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Anshumali Chaudhari, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.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: Center for Scientific Review Special Emphasis Panel, RUS SBIR/STTR and Member Conflicts.

Date: March 22, 2005.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Shirley Hilden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7814, Bethesda, MD 20892, (301) 435–1198, *hildens@csr.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: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Skeletal Muscle Biology and Exercise Physiology Study Section.

Date: March 24–25, 2005.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.

Contact Person: Richard J. Bartlett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435–6809, *bartletr@csr.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: Center for Scientific Review Special Emphasis Panel, Applications Dealing with Special Topics Outside the Scope of AARR SRGs.

Date: March 24, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinivar@csr.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: Center for Scientific Review Special Emphasis Panel, Learning and Motor-Mechanism.

Date: March 24, 2005.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255, *kenshalod@csr.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: Center for Scientific Review Special Emphasis Panel, Skeletal Biology Development and Disease Conflict.

Date: March 25, 2005.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Priscilla B. Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435–1781, *chenpacsr.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: Center for Scientific Review Special Emphasis Panel, NAED Member Conflicts.

Date: March 25, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ranga V. Srinivas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institues of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinivar@csr.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: Center for Scientific Review Special Emphasis Panel, ACE Member Conflicts.

Date: March 28, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ranga V. Srinivas, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1167, *srinivar@csr.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: Center for Scientific Review Special Emphasis Panel, Radiation Physics.

Date: April 4, 2005.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6705 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Syed M. Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, (301) 435–1211, *quadris@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Networks and Systems Biology.

Date: April 8, 2005.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sally Ann Amero, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7849, Bethesda, MD 20892, (301) 435–1159, *ameros@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, T Cell Tolerance and Immunotherapy.

Date: April 12, 2005.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Cathleen L. Cooper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892, (301) 435–3566, *cooperc@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 15, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5661 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

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: Center for Scientific Review Special Emphasis Panel, Microbial Induction of Cell Signaling.

Date: March 24, 2005.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Timothy J. Henry, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3212, MSC 7808, Bethesda, MD 20892, (301) 435–1147, *henryt@csr.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: Center for Scientific Review Special Emphasis Panel, Signaling Networks in Melanoma.

Date: March 24, 2005.

Time: 5:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Angela Y. Ng, PhD, MBA., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804, (For courier delivery, use MD 20817), Bethesda, MD 20892, 301–435–1715, *nga@csr.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: Center for Scientific Review Special Emphasis Panel, Psychiatric Genetics.

Date: March 28, 2005.

Time: 3 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Cheryl M. Corsaro, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, (301) 435–1045, *corsaroc@csr.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: Center for Scientific Review Special Emphasis Panel, Review of a Cell Biology R01.

Date: March 30, 2005.

Time: 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexandra M. Ainsztein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, 301–451–3848. *ainsztea@csr.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: Center for Scientific Review Special Emphasis Panel, Improving Functional Outcomes.

Date: April 4, 2005.

Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Jury's Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.
Contact Person: Gayle M. Boyd, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028–D, MSC 7759, Bethesda, MD 20892, 301–451–9956. *gboyd@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.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skeletal Biological Pilot/Feasibility, AREA and Small Grant Group 2.
Date: April 6, 2005.
Time: 8 a.m. to 8 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Daniel F. McDonald, PhD, Chief, Renal and Urological Sciences IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892. (301) 435–1215, *mcdonald@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Preadolescent Exposure to Tobacco Smoke.
Date: April 6, 2005.
Time: 9:30 a.m. to 10:30 a.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Gayle M. Boyd, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3028–D, MSC 7759, Bethesda, MD 20892, 301–451–9956. *gboyd@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skin Mutagenesis.
Date: April 7, 2005.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).
Contact Person: Syed M. Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6210, MSC 7804, Bethesda, MD 20892, (301) 435–1211. *quadris@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skeletal Biology Pilot/Feasibility, AREA and Small Grant Group 1.
Date: April 8, 2005.
Time: 8 a.m. to 8 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Daniel F. McDonald, PhD, Chief, Renal and Urological Sciences IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435–1215,*mcdonald@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Disease Recovery.
Date: April 8, 2005.
Time: 2 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Karen Lechter, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3128, MSC 7759, Bethesda, MD 20892, (301) 496–0726, *lechterk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Arial Remodeling.
Date: April 18, 2005.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Ai-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, (301) 435–1777, *zouai@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, 3D Morphometry.
Date: April 19, 2005.
Time: 2:30 p.m. to 3:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892, (301) 435–1850, *dowellr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Renal Related Sciences.
Date: April 19, 2005.
Time: 12 p.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: M. Chris Langub, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7814, Bethesda, MD 20892, (301) 496–8551, *langubm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Renal and Urology Member Conflict.
Date: April 22, 2005.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Shirley Hilden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7814, Bethesda, MD 20892, (301) 435–1198, *hildens@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fatty Acids and Colon Tumorigenesis.
Date: April 25, 2005.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Angela Y. Ng, PhD, MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804, (for courier delivery, use MD 20817), Bethesda, MD 20892, 301–435–1715, *nga@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business Orthopedic Medicine Applications.
Date: April 26–27, 2005.
Time: 6 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: Wyndham Washington, DC, 1400 M Street, NW., Washington, DC 20005.
Contact Person: Richard J. Bartlett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, 301–435–6809, *bartletr@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 16, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5672 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Amended Notice—Request for Public Comment

Notice is hereby given of a change in the submission date of public comments. Comments will be accepted until April 10, 2005, instead of March 31, 2005, as published in the **Federal Register** on March 9, 2005, 70 FR 4568.

The Secretary's Advisory Committee on Xenotransplantation (SACX) is

requesting public comment on two draft reports on xenotransplantation. One is on the state of the science of xenotransplantation and the other is on informed consent issued in clinical trials involving xenotransplantation.

Before the reports are finalized and transmitted to the Secretary, the SACX is requesting comments on the draft reports from members of the public. All public comments received will be considered in finalizing the reports. Comments should be submitted by March 31, 2005 [amended to April 10, 2005]. Received comments will be available for public inspection at the NIH Office of Biotechnology Activities, Monday through Friday between the hours of 8:30 a.m. and 5 p.m., at the contact address noted below.

Information: The Secretary's Advisory Committee on Xenotransplantation, Department of Health and Human Services, considers the scientific, medical, social, and ethical issues and the public health concerns raised by xenotransplantation and makes recommendations to the Secretary on policy and procedures. The Committee's charges include advising on the current state of knowledge regarding xenotransplantation and on the potential for transmission of infectious diseases as a consequence of xenotransplantation; and deliberating on medical, public health, ethical, legal and socioeconomic issues, including international policies and developments that are relevant to xenotransplantation.

Overview of Drafts: The state of the science report addresses the scientific challenges in xenotransplantation, the infectious disease risks associated with xenotransplantation, public health concerns associated with xenotourism, knowledge gaps and resource limitations, and alternative strategies to xenotransplantation. The report also proposes a series of recommendations regarding these issues.

The report on informed consent issues in clinical research involving xenotransplantation addresses the ethical foundations and functions of informed consent, components of informed consent, the informed consent process, informed consent forms, and special issues raised by xenotransplantation. The report proposes a series of recommendations regarding informed consent in xenotransplantation research.

A full draft reports are available electronically at *http://www4.od.nih.gov/oba/Sacx.htm.* A paper or electronic copy can also be requested by calling the NIH Office of Biotechnology Activities at (301) 496–9838 or by e-mailing Marcy Groesch at *groeschm@od.nih.gov*.

Contact Person: March Groesch, Executive Director, Secretary's Advisory Committee on Xenotransplantation, Office of Biotechnology Activities, Rockledge I, Room 750, Bethesda, MD 20892, (301) 496–9838.

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantages Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 16, 2005.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 05–5671 Filed 3–22–05; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comments Request

ACTION: 30-Day Notice of Information Collection Under Review: Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, Form I–687.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on March 24, 2004 at 69 FR 13865, allowed for a 60-day public comment period. The USCIS did not receive any comments on this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 22, 2005. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following points:

(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 the agency's 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, 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act.

(3) *Agency Form Number, if Any, and the Applicable Component of the Department of Homeland Security Sponsoring the Collection:* Form I–687. U.S. Citizenship and Immigration Services.

(4) *Affected Public Who Will be Asked or Required to Respond, as Well as a Brief Abstract:* Primary: Individuals and Households. The collection of information on Form I–687 is required to verify the applicant's eligibility for temporary status, and if the applicant is deemed eligible, to grant him or her the benefit sought.

(5) *An Estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent to Respond:* 100,000 responses at 1 hour and 10 minutes (1.16 hours) per response.

(6) *An Estimate of the Total Public Burden (in Hours) Associated With the Collection:* 116,000 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Director, Regulatory Management Division, Department of Homeland Security, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: March 17, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–5674 Filed 3–22–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Application to Register Permanent Residence or Adjust Status and Supplement A to Form I–485.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until May 23, 2005.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(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 the agency's 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, 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application to Register Permanent Residence or Adjust Status and Supplement A to Form I–485.

(3) *Agency Form Number, if Any, and the Applicable Component of the Department of Homeland Security Sponsoring the Collection:* Form I–485 and I–485 Supplement A. U.S. Citizenship and Immigration Services.

(4) *Affected Public Who Will be Asked or Required to Respond, as Well as a Brief Abstract:* Primary: Individuals or households. This form allows an applicant to determine whether he or she must file under section 245 of the Immigration and Nationality Act, and it allows the USCIS to collect information needed for reports to be made to different government committees.

(5) *An Estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent to Respond:* I–485 Adult respondents are 160,000 at 5.25 hours per response; I–485 Children respondents are 112,000 at 4.5 hours per response; and I–485 Supplement A respondents are 50,000 at 13 minutes (.216 hours) per response.

(6) *An Estimate of the Total Public Burden (in Hours) Associated With the Collection:* Form I–485 annual burden hours are 1,316,000 and Form I–485 Supplement A annual burden hours are 10,800.

If you have comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: March 17, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–5675 Filed 3–22–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOMELAND SECURITY

Citizenship and Immigration Services

Agency Information Collection Activities: Extension of a Currently Approved Information Collection; Comment Request

ACTION: 60-Day Notice of Information Collection Under Review: Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters, File No. OMB–25.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until May 23, 2005. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and suggestions from the public and affected agencies concerning the collection of information, should address one or more of the following four points:

(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 the agency's 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, 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.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved information collection.

(2) *Title of the Form/Collection:* Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters.

(3) *Agency Form Number, if Any, and the Applicable Component of the Department of Homeland Security Sponsoring the Collection:* No Agency Form Number (File No. OMB–25); U.S. Citizenship and Immigration Services.

(4) *Affected Public Who Will be Asked or Required to Respond, as Well as a Brief Abstract:* Primary: Individuals or Households. The information collected via the submitted supplemental documentation (as contained in 8 CFR 204.13(d)) will be used by the USCIS to determine eligibility for the requested classification as fourth preference employment-based immigrant broadcasters.

(5) *An Estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent to Respond:* 100 responses at 2 hours per response.

(6) *An Estimate of the Total Public Burden (in Hours) Associated With the Collection:* 200 annual burden hours.

If you have comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Washington, DC 20529; 202–272–8377.

Dated: March 17, 2005.

Richard A. Sloan,

Director, Regulatory Management Division, U.S. Citizenship and Immigration Services.

[FR Doc. 05–5676 Filed 3–22–05; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4972–N–04]

Notice of Proposed Information Collection: Comment Request, HUD-Administered Small Cities Program Performance Assessment Report

AGENCY: Office of the Assistant Secretary for Community Planning and Development, 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 23, 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: Shelia Jones, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room 7232, Washington, DC, 20410.

FOR FURTHER INFORMATION CONTACT: Steve Rhodeside at (202) 708–1322, Extension 7375 (this is not a toll free number) for copies of the proposed forms and other available documents:

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 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: HUD-Administered Small Cities Program Performance Assessment Report.

OMB Control Number, if applicable: 2506–0020.

Description of the need for the information and proposed use: The information collected from grant recipients participating in the state-administered CDBG program provides HUD with financial and physical development status of each activity funded. These reports are used to determine grant recipient performance.

Agency form numbers, if applicable: The Housing and Community Development Act of 1974, as amended, requires grant recipients that receive CDBG funding to submit a Performance Assessment Report (PAR), Form 4052, on an annual basis to report on program progress; and such records as may be necessary to facilitate review and aduit by HUD of the state's administration of CDBG funds (Section 104 (e)(2)).

Members of affected public: Grant recipients participating in the State-administered CDBG program.

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 estimated number of respondents is 300. The proposed frequency of the response to the collection of information is annual. Annual recordkeeping is estimated at 1,800 hours for approximately 300 grant recipients.

Status of the proposed information collection: Revision of a currently approved collection, with minor changes, and a request for OMB renewal for three years. The current OMB approval will expire in May 2005.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 16, 2005.

Nelson R. Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 05–5645 Filed 3–22–05; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4912–N–11]

Notice of Availability of the Draft Environmental Impact Statement for the Development of Stillwater Business Park, City of Redding, CA

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD gives notice to the public, agencies, and Indian tribes that the City of Redding, CA, has prepared a Draft Environmental Impact Statement (DEIS)/ Environmental Impact Report (EIR) for the Stillwater Business Park project located in Redding, CA. The City of Redding, CA has prepared the Draft EIS/EIR under its authority as the responsible entity for compliance with the National Environmental Policy Act (NEPA) in accordance with 42 U.S.C. 3547(c) and HUD regulations at 24 CFR 58.4 and under its authority as lead agency in accordance with the California Environmental Quality Act (CEQA). The draft EIS/EIS is a joint NEPA and CEQA document. The EIR will satisfy requirements of the CEQA (Public Resources Code 21000 *et seq.*) and State CEQ Guidelines (14 California Code of Regulations 15000 *et seq.*) that require that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects. Because HUD Economic Development Initiative (EDI) special project funds would be used, the proposed action is also subject to NEPA. EPA, State and Tribal Assistance Grants (STAG) will also fund water and wastewater related infrastructure. EPA is acting as a cooperating agency for this process. This notice is given in accordance with the Council on Environmental Quality regulations at 40 CFR parts 1500–1508. All interested federal, state, and local agencies, Indian tribes, groups, and the public are invited to comment on the draft EIS.

DATES: *Comments Due Date:* May 9, 2005. Written comments on the Draft EIS should be addressed to the individual named below under the

heading **FOR FURTHER INFORMATION CONTACT**.

Public Meeting: A public comment meeting will be held during the comment period in order to ensure public participation. The public meeting will be held on April 12, 2005, starting at 4 p.m. The public meeting will be held at the following location: City of Redding Council Chambers, 777 Cypress Ave, Redding, CA 96001.

FOR FURTHER INFORMATION CONTACT: Nathan Cherpeski, City of Redding, 777 Cypress Avenue, Redding, CA 96001, (530) 225–4519. The DEIS is available on the Internet and can be viewed or downloaded at: *http://ci.redding.ca.us/cm/major_pr/still_buspk.html.* Copies of the Draft EIS/EIR are also available for review at the following locations: City of Redding, Permit Center, 777 Cypress Ave, Redding, CA 96001; Shasta County Department of Resource Management, Planning Division, 1855 Placer Street, Redding, CA 96001; City of Anderson Planning Department, 1887 Howard Street, Anderson, CA 96007; Shasta County Library, 1855 Shasta Street, Redding, CA 96001; and Shasta County Library—Anderson Branch, 3200 West Center, Anderson, CA 96007.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare a draft EIS was published May 11, 2004. The proposed action is the development of a large parcel business park through the acquisition of land and the construction of major infrastructure components and the provision of public services and utilities to serve the development. The City of Redding is proposing the development of the area east and northeast of the Municipal Airport in Redding, California. The proposed action study area is located on the Enterprise and Cottonwood, California 7.5-minute USGS quadrangles, Township 31 North, Range 4 West, Sections 2, 3, 10, 14, 15, 22, 23, 26, 34, and 35. The proposed location is classified a portion as industrial and a portion as park under the Redding General Plan, adopted in 2000. The purpose and need for this project is to increase the activity of contributory economic sectors by constructing a business park within the city of Redding sphere of influence capable of attracting and accommodating diverse business and industrial users.

Multiple alternatives were identified and discussed via the scoping process. After preliminary review, four alternatives were considered for full evaluation. They are:

Alternative 1—Development of a large lot business park capable of accommodating a broad range of industries near the Redding Municipal airport. This proposal would result in an approximate 687-acre business park consisting of 383 acres of developable land for a total of 4,410,400 sq. ft. of improvements for professional offices and industrial users. About 250 acres in the northern portion will be preserved as open space to protect the vernal pool and wetland features in the area. The proposal includes parcels ranging from 4 acres to more than 100 acres. An extensive trail system, for pedestrians and bikes, will wind throughout the project and the open space preserve. Part of this trail will also serve as a utility access road for a proposed 115Kv transmission line that runs through the northern open space area and then down the east side of the project area. This alternative involves two bridge crossings of Stillwater Creek and the construction of a backbone road, trunk sewer lines, water lines, traffic improvement, and other utilities. This alternative could also have impacts on vernal pool features and other jurisdictional waters. A portion of the site lies within Critical habitat for vernal pool species.

Alternative 2: (Preferred Alternative): An onsite variation of Alternative 1, the overall project is 687 acres with approximately 383 acres of developable land. The major change for this alternative is that it relocates the 115Kv transmission lines away from the open space area to the west side of the property near the proposed backbone road. A portion of the northern phase will be preserved as open space to protect the vernal pool wetland features in the area. The trail system was rerouted to protect sensitive open space areas. This alternative involves two bridge crossings of Stillwater Creek and the construction of a backbone road, trunk sewer lines, water lines, traffic improvement, and other utilities. This alternative could also have impacts on vernal pool features and other jurisdictional waters. A portion of the site lies within Critical habitat for vernal pool species.

Alternative 3: This offsite alternative includes the combination of separately owned parcels into a large (approximately 395 developable acres) potentially available site northwest of the Redding Municipal Airport. It is anticipated that this site could provide parcels ranging from 1.5 acres to 100 acres to meet the community's need. Based on projections for professional office and industrial users this could provide up to 4,499,000 sq. ft. of development. This alternative involves one bridge crossing of Clover Creek and the construction of a backbone road, sewer lines, water lines, traffic improvement, and other utilities. This alternative could also have impacts on vernal pool features and other jurisdictional waters. The site lies within the area designated as Critical habitat for vernal pool species.

No Project—No Action. No action would be taken. The land for all alternatives zoned for development will likely develop over the next 20 years in some fashion regardless of this proposal. An approximate 218-acre portion of Alternative 1 and 2 is designated as Park and would be developed in that fashion.

Actions common to all alternatives include certain traffic, electrical transmission lines, water, wastewater, and other utility improvements.

The DEIS/DEIR addresses the following environmental issues: Air quality, cultural resources, flood hazard, hydrology, noise, hazardous materials, biological resources, traffic, land use, erosion control, environmental justice, housing and population, growth inducing effects, and secondary and cumulative impacts.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Dated: March 16, 2005.

Nelson R. Bregón,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. E5–1253 Filed 3–22–05; 8:45 am]

BILLING CODE 4210–27–P

INTER-AMERICAN FOUNDATION

Agenda for Meeting of the Board of Directors; Sunshine Act

DATE: April 1, 2005; 1 p.m.–4 p.m.

The meeting will be held at the Inter-American foundation, 901 N. Stuart Street, 10th Floor Arlington, Virginia 22203.

The meeting will be closed as provided in 22 CFR Part 1004.4(f) to discuss matters related to the evaluation of candidates for the position of President of the Inter-American Foundation.

1 p.m.—Call to order Begin executive session.

4 p.m.—Adjourn.

Jocelyn Nieva,

Acting General Counsel.

[FR Doc. 05–5893 Filed 3–21–05; 3:54 pm]

BILLING CODE 7025–01–M

DEPARTMENT OF THE INTERIOR

Call for Nominations for the Bureau of Land Management's California Desert District Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management's California Desert District is soliciting nominations from the public for five members of its District Advisory Council to serve the 2006–2008 three-year term. Council members provide advice and recommendations to BLM on the management of public lands in southern California.

DATES: Nominations will be accepted through Tuesday, May 31, 2005.

ADDRESSES: Nominations should be sent to the District Manager, Bureau of Land Management, California Desert District Office, 22835 Calle San Juan De Los Lagos, Moreno Valley, California 92553.

FOR FURTHER INFORMATION CONTACT: Mr. Doran Sanchez, BLM California Desert District External Affairs (951) 697–5220.

SUPPLEMENTARY INFORMATION: The three-year term would begin January 1, 2006.

The five positions to be filled include:

— One recreation

— One transportation/rights-of-way

— One renewable resources (botanical interests)

— Two public-at-large, one of which will represent Native American interests

The California Desert District Advisory Council is comprised of 15 private individuals who represent different interests and advise BLM officials on policies and programs concerning the management of 11.5 million acres of public land in southern California. The Council meets in formal session three to four times each year in various locations throughout the California Desert District. Council members serve without compensation except for reimbursement of travel expenditures incurred in the course of their duties. Members serve three-year terms and may be nominated for reappointment for an additional three-year term.

Section 309 of the Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of BLM administered lands. The Secretary also selects council nominees consistent with the requirements of the Federal Advisory Committee Act (FACA), which requires nominees appointed to the council be balanced in terms of points of view and representative of the various interests concerned with the management of the public lands.

The Council also is balanced geographically, and BLM will try to find qualified representatives from areas throughout the California Desert District. The District covers portions of eight counties, and includes 10.4 million acres of public land in the California Desert Conservation Area and 300,000 acres of scattered parcels in San Diego, western Riverside, western San Bernardino, Orange, and Los Angeles Counties (known as the South Coast).

Any group or individual may nominate a qualified person, based upon their education, training, and knowledge of BLM, the California Desert, and the issues involving BLM-administered public lands throughout southern California. Qualified individuals also may nominate themselves.

Nominations must include the name of the nominee; work and home addresses and telephone numbers; a biographical sketch that includes the nominee's work and public service record; any applicable outside interests or other information that demonstrates the nominees qualifications for the position; and the specific category of interest in which the nominee is best qualified to offer advice and council. Nominees may contact the BLM California Desert District External Affairs staff at (909) 697–5220 or write to the address above and request a copy of the nomination form.

All nominations must be accompanied by letters of reference from represented interests, organizations, or elected officials supporting the nomination. Individuals nominating themselves must provide at least one letter of recommendation. Advisory Council members are appointed by the Secretary of the Interior, generally in late January or early February.

Dated: December 9, 2004.

Linda Hansen,

District Manager.

[FR Doc. 05–5731 Filed 3–22–05; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–924–1430–EU; MTM–93823]

Notice of Application for Disclaimer of Interest; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The State of Montana has submitted an application for a recordable disclaimer of interest pursuant to section 315 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1745) and the regulations contained in 43 CFR 1864. A recordable disclaimer, if issued, will confirm that the United States has no valid interest in the subject lands. This notice is intended to inform the public of the pending application and the state's grounds for supporting it.

DATES: A final decision on the merit of the application will not be made until 90 days after the date of publication of this notice. During the 90-day period, interested parties may submit comments on the state's application, with a reference to serial No. MTM 93823.

ADDRESSES: Comments should be sent to: Cindy Staszak, Chief, Branch of Land Resources, BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101.

FOR FURTHER INFORMATION CONTACT: Dee Baxter, BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101; 406–896–5044.

SUPPLEMENTARY INFORMATION: On May 30, 2003, the State of Montana, Department of Natural Resources and Conservation, filed an application for disclaimer of interest for the lands described as follows:

Principal Meridian, Montana,

T. 26 N., R. 59 E.,
Sec. 5, portion of the SW¼SE¼; and
Sec. 8, portion of the N½NE¼.

Dr. Ray Breuninger, PhD, geologist, performed on-site research, literature review, and aerial photography review of islands, sand bars, and adjacent floodplains to produce a geologic analysis of the origin of land along the Missouri River in Richland County, northwest of Sidney, Montana. The data sources include the Missouri River Commission Survey of 1891, the 1901 meander map and field notes, a 1947 resurvey, and the 1958 resurvey, field notes, and related correspondence. He also analyzed aerial photos for 11 separate years between 1937 and 1997.

Based upon Dr. Breuninger's investigation, a review of the records and reports in the BLM Cadastral Survey office, and the investigation of Cadastral Survey Riparian Specialist, Mr. Frank Hardt, the State of Montana has proven its case by a preponderance of evidence. The BLM survey conducted in 1958 erred in surveying all of the lands in question as normal accretions to the Federal uplands. The lands encompassed by the above description, and now designated as tracts 37 and 38

and the easterly portion of tract 39, did originally form by vertical accretion below the low-water mark of the Missouri River (after statehood) to become islands and were not accretions to the Federal uplands.

The approximate acreage in the application is 40 acres. The westerly portion of tract 39 remains as accretion to lot 13, section 5, T. 26 N., R. 59 E., PMM.

All persons who wish to present comments, suggestions, or objections, in connection with the proposed disclaimer, by do so by writing to the undersigned authorized officer at the above address.

Dated: August 31, 2004.

Cindy Staszak,

Chief, Branch of Land Resources.

Editorial Note: This document was received at the Office of the Federal Register March 17, 2005.

[FR Doc. 05–5673 Filed 3–22–05; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 5, 2005. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St., NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St., NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by April 7, 2005.

Carol D. Shull,

Keeper of the National Register of Historic Places.

ARIZONA

Apache County

Painted Desert Community Complex Historic District, One Park Rd., Petrified Forest National Park, 05000284

CALIFORNIA

San Francisco County

Spencer, John, House, 1080 Haight St., San Francisco, 05000273

GEORGIA

Fulton County

Brazeal, Dr. Brailsford R., House, 193 Joseph E. Lowery Blvd., Atlanta, 05000278

IOWA

Crawford County

Carey, John T. and Marietta (Greek) House, 1502 1st Ave. N, Denison, 05000276

Dubuque County

Upper Main Street Historic District, 1000's–1100's Main St., Dubuque, 05000275

MASSACHUSETTS

Norfolk County

Vine Like Cemetery, Main St., Medfield, 05000277

MISSISSIPPI

Neshoba County

Downtown Philadelphia Historic District, Roughly bounded by Myrtle, Peachtree, Walnut, and Pecan, Philadelphia, 05000280

Tippah County

Ripley Historic District, Roughly bounded by North St., Siddall St., MS and Middle St., Ripley, 05000281

MONTANA

Daniels County

LaPierre Barn, Approx. 3.5 mi. NW of Scobey on Tande Ranch Rd., Scobey, 05000279

SOUTH DAKOTA

Brookings County

Vostad Farm, 2905 16th Ave. W, Brookings, 05000283

Roberts County

Knapp Ranch, 13168 450th Ave., Ortley, 05000282

[FR Doc. 05–5757 Filed 3–22–05; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before March 12, 2005. Pursuant to section 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, (202) 371–6447. Written or faxed comments should be submitted by April 7, 2005.

Carol D. Shull,

Keeper of the National Register of Historic Places.

Alabama

Jefferson County

22nd Avenue Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 2614 22nd Ave. N, Birmingham, 05000302

Bethel AME Church, (Civil Rights Movement in Birmingham, Alabama MPS), 1524 Avenue D, Ensley, Birmingham, 05000287

Canaan Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 824 Fifteenth Street North, Bessemer, 05000290

Christian Valley Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 3104 33rd Terrace N, Birmingham, 05000286

East End Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 2609 Sixth Ave. S, Birmingham, 05000292

First Baptist Church, East Thomas, (Civil Rights Movement in Birmingham, Alabama MPS), 419 11th Court West, Birmingham, 05000291

First Baptist Church, Kingston, (Civil Rights Movement in Birmingham, Alabama MPS), 4600 Ninth Ave. N, Birmingham, 05000300

First Ebenezer Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 420 Graymont Ave. North, Smithfield, Birmingham, 05000299

Metropolitan AME Church, (Civil Rights Movement in Birmingham, Alabama MPS), 1733 Eighteenth St., Ensley, 05000294

Metropolitan Community Church, (Civil Rights Movement in Birmingham, Alabama MPS), 335 64th St. S, Birmingham, 05000308

Mount Ararat Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 1920 Slayden Ave., Ensley, Birmingham, 05000307

New Pilgrim Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 903 Sixth Ave S, Birmingham, 05000306

New Rising Star Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 3104 33rd Place N, Collegeville, Birmingham, 05000305

Jefferson County

Oak Street Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 3224 Virginia Ave. N, Collegeville, Birmingham, 05000304

Peace Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 302 Sixth St. N, Birmingham, 05000293

Sardis Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 1240 Fourth St. N, Birmingham, 05000298

Shady Grove Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 3444 31st Way North, Collegeville, Birmingham, 05000297

St. Luke AME Church, (Civil Rights Movement in Birmingham, Alabama MPS), 2803 21st Ave. N, Birmingham, 05000296
St. Luke AME Zion Church, (Civil Rights Movement in Birmingham, Alabama MPS), 3937 12th Ave. N, Birmingham, 05000295
St. Peter Primitive Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 2115 Fourth Ave. N, Bessemer, 05000301
West End Hills Missionary Baptist Church, (Civil Rights Movement in Birmingham, Alabama MPS), 1680 19th Place SW, Birmingham, 05000303

Mobile County

Church Street East Historic District (Boundary Increase), 66 and 68 S. Royal St., Mobile, 05000289

St. Clair County

Ashville Historic District, (Civil Rights Movement in Birmingham, Alabama MPS), Bounded by AL 23, Greensport Rd., 8th Ave., Waldrop Dr., AL 231, and 5th St., Ashville, 05000288

Alaska

Wrangell-Peterburg Borough-Census Area

F/V CHARLES W (Schooner), Middle Harbor, W Float, Slip 299, Petersburg, 05000285

Colorado

Chaffee County

Hutchinson Ranch (Boundary Increase), 8911 W. I–50, Salida, 05000309

Florida

Flagler County

Dixie Highway—Hastings, Espanola and Bunnell Road, Roughly Espanola (Flagler County to Cty Rte 204 (St. Johns County), Espanola, 05000311

St. Johns County

St. Augustine Civic Center, (Florida's New Deal Resources MPS), 10 Castillo Dr., St. Augustine, 05000316

Volusia County

Ormond Yacht Club, 63 N. Beach St., Ormond Beach, 05000310

Indiana

Vigo County

Twelve Points Historic District, Lafayette Ave. from Linden to 13th St. and Maple Ave. from Garfield to 13th St., Terre Haute, 05000314

Whitley County

Souder, Dr. Christpher, House, 214 W. Main St., Larwill, 05000315

Iowa

Story County

Henryson, Henry T. and Emilie (Wiese), House, 619 Grad Ave., Story City, 05000317

New York

Nassau County

Sea Cliff Village Hall, Library and Museum Complex, 300 Sea Cliff Ave., Sea Cliff, 05000328

Saratoga County

West, George, House, 801 NY 29, Rock City Falls, 05000312

Suffolk County

Brecknock Hall, North Rd. near Manhassett Ave., Stirling/Town of Southold, 05000331
Hallock, Joseph Nelson, House, Main Rd. and Maple Ave., Southold, 05000330
Landon, Samuel, House, Main Rd Bet. Hobart Rd. and Maple Ln., Southold, 05000329

North Carolina

Buncombe County

Municipal Golf Course, 226 Fairway Dr., Asheville, 05000318

Martin County

Robersonville Primitive Baptist Church, 107 N. Outterbridge St., Robersonville, 05000322
Smithwick's Creek Primitive Baptist Church, Jct. of NC 1106 at NC 1516, Farm Life, 05000324
Spring Green Primitive Baptist Church, Jct. of NC 1409 and NC 903, Hamilton, 05000323

Orange County

Beta Theta Pi Faternity House, 114 South Columbia St., Chapel Hill, 05000325

Randolph County

Randleman Graded School, 130 W. Academy St., Randleman, 05000326

Richmond County

Bostick School, 604 Clayton Carriker Rd., Ellerbe, 05000327

Rockingham County

Washington Mills—Mayodan Plant, 7801 NC 35, Mayodan, 05000319

Wake County

Lawrence, Dr. Elmo N., House, (Wake County MPS), 2121 Lake Wheeler Rd., Raleigh, 05000320
Rothstein, Mae and Philip, House, (Early Modern Architecture Associated with NCSU School of Design Faculty MPS), 912 Williamson Dr., Raleigh, 05000321

Pennsylvania

Montgomery County

Evans, William and Mordecai, House, 1206 Main St., Linfield, Limerick Township, 05000332

Virginia

Albemarle County

Bentival (002–0127), 1601 Bentivar Farm Rd., Charlottesville, 05000333

Washington

King County

Covenant Beach Bible Camp, Cliff Ave. and 220th St., Des Moines, 05000313

Wisconsin

Racine County

Mitchell Lewis Building, 85 Eighth St., Racine, 05000334

[FR Doc. 05–5758 Filed 3–22–05; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for 1029–0083

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request renewed authority for 30 CFR 955 and the Form OSM–74, Certification of Blasters in Federal program States and on Indian lands.

DATES: Comments on the proposed information collection must be received by April 22, 2005, to be assured of consideration.

ADDRESSES: Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 202–SIB, Washington, DC 20240. Comments may also be submitted electronically to *jtreleas@osmre.gov.*

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease, at (202) 208–2783.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (*see* 5 CFR 1320.8 (d)). This notice identifies an information collection that OSM will be submitting to OMB for approval. This collection is contained in Form OSM–74 which incorporates the requirements of 30 CFR 955. OSM will request a 3-year term of approval for each information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

The following information is provided for the information collection: (1) Title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

Title: Certification of Blasters in Federal program States and on Indian lands, 30 CFR 955.

OMB Control Number: 1029–0083.

Summary: This information is being collected to ensure that the applicants for blaster certification are qualified. This information, with blasting tests, will be used to determine the eligibility of the applicant.

Bureau Form Number: OSM–74.

Frequency of Collection: On occasion.

Description of Respondents: Individuals intent on being certified as blasters in Federal program States and on Indian lands.

Total Annual Responses: 29.

Total Annual Burden Hours: 76.

Dated: March 17, 2005.

John R. Craynon,

Chief, Division of Regulatory Support.

[FR Doc. 05–5692 Filed 3–22–05; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–308–310, 520, and 521 (Second Review)]

Carbon Steel Butt-Weld Pipe Fittings From Brazil, China, Japan, Taiwan, and Thailand

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determinations to conduct full five-year reviews concerning the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on carbon steel butt-weld pipe fittings from Brazil, China, Japan, Taiwan, and Thailand would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews 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, D, E, and F (19 CFR part 207).

EFFECTIVE DATE: March 7, 2005.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), 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 these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION: On March 7, 2005, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that the domestic interested party group response to its notice of institution (69 FR 69952, December 1, 2004) was adequate and that the respondent interested party group responses were inadequate. The Commission also found that other circumstances warranted conducting full reviews.[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 17, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–5702 Filed 3–22–05; 8:45 am]

BILLING CODE 7020–02–P

[1] Chairman Stephen Koplan and Commissioner Jennifer A. Hillman dissenting.

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–385 and 386 (Second Review)]

Granular Polytetrafluoroethylene Resin From Italy and Japan

AGENCY: United States International Trade Commission.

ACTION: Notice of Commission determination to conduct full five-year reviews concerning the antidumping duty orders on granular polytetrafluoroethylene resin from Italy and Japan.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)) to determine whether revocation of the antidumping duty orders on granular polytetrafluoroethylene resin from Italy and Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date. For further information concerning the conduct of these reviews 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, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* March 7, 2005.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202) 205–3193, 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 these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On March 7, 2005, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c)(5) of the Act. The Commission found that both the domestic response and the respondent interested party group response with respect to Japan to its notice of

institution (69 FR 69954, December 1, 2004) were adequate but found that the respondent interested party group response with respect to Italy was inadequate. However, the Commission determined to conduct a full review concerning subject imports from Italy to promote administrative efficiency in light of its decision to conduct a full review with respect to subject imports from Japan. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: March 17, 2005.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 05–5701 Filed 3–22–05; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 7, 2005, a proposed Consent Decree in *Kewanee Industries, Inc.* v. *Browning-Ferris Industries of Ohio, et al.,* Civil Action No. 5:03CV1325, was lodged with the United States District Court for the Northern District of Ohio.

In a Complaint in Intervention also filed in this action on March 7, 2005, the United States sought recovery, under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607(a), of response costs incurred in connection with the Krejci Dump Site in Summit County, Ohio (''Site''). The United States' claims were brought on behalf of the U.S. Department of the Interior, which has managed the Site since acquiring it by condemnation in 1980 for inclusion in the Cuyahoga Valley National Recreation Area (now Cuyahoga Valley National Park). Already pending in this action are claims by Kewanee Industries, Inc. (''Kewanee'') under section 113(f) of CERCLA for contribution towards response costs incurred by Kewanee in connection with the site.

The proposed Consent Decree resolves Kewanee's claims and (subject to certain reservations set forth in the Consent Decree) the claims filed by the United States against the three original Defendants in this action—Browning-Ferris Industries of Ohio, Gould Electronics, Inc. (through its alleged successor, Nikko Materials USA, Inc. dba Gould Electronics), and Paciv Corporation—and two additional defendants named in the United States' Complaint in Intervention—Garfield Alloys, Inc. and General Electric Company. Under the proposed Decree, the five settling defendants will pay a total of $300,000 to the United States (of which $270,000 is for reimbursement of response costs and $30,000 is for natural resource damages) and $600,000 to Kewanee.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *Kewanee Industries, Inc.* v. *Browning-Ferris Industries of Ohio, et al.,* D.J. Ref. No. 90–11–3–768/2.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 801 West Superior Avenue, Suite 400, Cleveland, Ohio. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy of each Consent Decree, exclusive of exhibits and defendants' signatures, please enclose a check in the amount of $7.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *Kewanee Industries, Inc.* v. *Browning-Ferris Industries of Ohio, et al.,* D.J. Ref. No. 90–11–3–768/2.

William D. Brighton,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 05–5768 Filed 3–22–05; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Between the United States and The GHK Company, L.L.C. and GHK/Potato Hills Limited Partnership Under the Clean Water Act

Under 28 CFR 50.7, notice is hereby given that on March 15, 2005, a proposed consent decree (''Consent Decree'') between The GHK Company, L.L.C. and GHK/Potato Hills Limited Partnership, Civil Action No. 05–116–W, was lodged with the United States District Court for the Eastern District of Oklahoma.

The Consent Decree would resolve claims asserted by the United States in a Complaint filed on the same day against The GHK Company, L.L.C. and GHK/Potato Hills Limited Partnership (collectively, ''GHK''), seeking injunctive relief and the assessment of civil penalties for the discharge of pollutants without a permit in violation of sections 301 and 404 of the Clean Air Water Act, 33 U.S.C. 1311, 1344(a), and for failure to respond fully to a request for information regarding potential violations, issued by EPA pursuant to section 308 of the Clean Water Act, 33 U.S.C. 1318.

The Complaint filed by the United States alleges that due to construction activity at eight (8) of GHK's natural gas drilling sites, located in Oklahoma's Pushmataha and Latimer Counties, GHK was required to obtain coverage under the National Permit Discharge Elimination System (''NPDES'') General Permit for Construction Activities (or obtain an individual NPDES permit) and to develop and implement a stormwater pollution prevention plan (SWPPP). In addition, the United States alleges that GHK was required to obtain a permit under § 404 of the CWA at five (5) natural gas drilling sites, located in Oklahoma's Pushmataha and Latimer Counties, at which GHK discharged dredged or fill material into nearby streams. Finally, the United States alleges that in the course of investigating GHK's construction activities, EPA issued several information requests to GHK, pursuant to CWA § 308, 33 U.S.C. 1318, to which GHK provided an insufficient response.

The Consent Decree provides for the payment of a civil penalty of $325,000 and embodies a comprehensive plan for remedial work to be performed at 32 sites under the operational control and ownership of GHK and GHK/Potato Hills in the Latimer and Pushmataha counties in the State of Oklahoma. In addition, the Consent Decree requires GHK to implement a stormwater

corporate compliance program to ensure compliance with the Clean Water Act at all of its drilling sites in the future.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistance Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *GHK Company, L.L.C. and GHK/Potato Hills Limited Partnership,* D.J. Ref. No. 90–5–1–1–07654.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Oklahoma, 1200 West Okmulgee Street, Muskogee, OK 74401, and at U.S. EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202–2733. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http//www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $19.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Thomas A. Mariani, Jr.,

Assistant Section Chief, Environment Section, Environment and Natural Resources Division.

[FR Doc. 05–5770 Filed 3–22–05; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Amendment Under the Clean Air Act

Under 28 C.F.R. § 50.7, notice is hereby given that on March 11, 2005, a First Amendment to the August 2001 Consent Decree in the matter of *United States, et al.* v. *Marathon Ashland Petroleum LLC,* Civil Action No. 4:01–CV–40119–PVG, was lodged with the United States District Court for the Eastern District of Michigan.

The First Amendment to the August 2001 Consent Decree (''First Amendment'') amends a consent decree entered among the United States, as Plaintiff, the County of Wayne, the State of Louisiana, and the State of Minnesota, as Plaintiff-Intervenors, and Marathon Ashland Petroleum LLC (''MAP''), as Defendant. In the August 2001 Consent Decree, MAP agreed, to undertake, *inter alia,* numerous projects to reduce emissions of air pollutants at seven refineries that MAP owns and operates. The proposed First Amendment exclusively involves MAP's refinery in Texas city, Texas. Under the First Amendment, MAP will: (1) Receive an exemption from compliance with the sulfur dioxide emissions limits of the New Source Performance Standards, 40 CFR 60.104(a)(1), at two of MAP's heaters at the Texas City Refinery during limited periods between March 1, 2005, and February 28, 2006, provided that MAP meets certain requirements during those limited periods; (2) accept a permanent reduction of the emissions limitation at the Refinery's fluidized catalytic cracking unit (''FCCU'') from 25 ppm to 20 ppm on 365-day rolling average basis, at 0% oxygen; (3) advance by six months the NSPS compliance date of a new sulfur recovery plant that MAP will be installing at the Refinery; (4) advance by five months the NSPS compliance date of six heaters and boilers at the Refinery that currently are not subject to NSPS; (5) limit total sulfur dioxide emissions from the Texas City Refinery to those set forth in MAP's current Texas state permit; and (6) spend no less than $100,000 to install diesel retrofit technologies on no less than seven sanitation trucks owned and operated by Texas City, Texas.

The Department of Justice will receive for a period of fifteen (15) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States, et al.* v. *Marathon Ashland Petroleum LLC,* D.J. Ref. No. 90–5–2–1–07247.

The First Amendment may be examined at the Office of the United States Attorney, 211 W. Fort St., Suite 2300, Detroit, Michigan 48226, and at U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. During the public comment period, the First Amendment may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $2.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Robert D. Brook,

Assistant Section Chief, Environment Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 05–5769 Filed 3–22–05; 8:45 am]

BILLING CODE 4410–IS–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Under 42 U.S.C. section 9622(d)(2) and 28 CFR 50.7, notice is hereby given that on March 2, 2005, a proposed Consent Decree in *United States* v. *Waste Management of Wisconsin, Inc.,* Civil Action Number 3:05cv00128, was lodged with the United States District Court for the Western District of Wisconsin.

The consent decree resoles claims against Waste Management of Wisconsin, Inc. (''WMWI'') on behalf of the Environmental Protection Agency (''EPA'') under sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9606 and 9607, for response action to be taken and response costs to be incurred in responding to the release and threatened release of hazardous substances at the City Disposal Corporation Landfill Superfund Site (''Site'') in the Town of Dunn, Dane County, Wisconsin.

WMWI has been performing the remedial action for the site under a unilateral administrative order issued by EPA. Under the consent decree, WMWI will complete performance of the Site remedy and will reimburse the United States for response costs the United States will incur it the site. The consent decree also provides for disbursement to WMWI, if specified conditions are met, of approximately $1.97 million credited to the site from the proceeds of a prior, separate settlement in *In re U.E. Systems, Inc.,* et al., No. 91–32791 (Bankr. N.D. Ind.). The *U.E. Systems* settlement required that amounts recovered therein ''shall reduce the liability of the non-settling potentially responsible parties * * * by the amount of the credit.'' The proposed consent decree with WMWI will implement that provision of the *U.E. Systems* settlement while also providing the United States with full recovery of

all response costs incurred or to be incurred by the United States in connection with the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Waste Management of Wisconsin, Inc.,* DOJ Ref. #90–11–2–07850.

The Consent Decree (including all its Appendices A through G) may be examined at the Office of the United States Attorney for the Western District of Wisconsin, Madison, Wisconsin, and at the Region 5 Office of the Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, Illinois 60604. During the public comment period, the Consent Decree and all Appendices may also be examined on the following Department of Justice Web site: *www.usdoj.gov/enrd.open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood, *tonia.fleetwood@usdoj.gov,* Fax No. (202) 514–0097, phone confirmation number (202) 514–1547. Please enclose a check for $20.25 for the Consent Decree text only, or for $146.75 for the Consent Decree including all attachments (25 cents per page reproduction costs), payable to the U.S. Treasury.

W. Benjamin Fisherow,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 05–5767 Filed 3–22–05; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application No. D–10993, et al.]

Proposed Exemptions; PAMCAH–UA Local 675 Pension Plan (Pension Plan) (Collectively the Plans)

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. ____, stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via e-mail or FAX. Any such comments or requests should be sent either by e-mail to: ''*moffitt.betty@dol.gov*'', or by FAX to (202) 219–0204 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations. PAMCAH–UA Local 675 Pension Plan (Pension Plan); PAMCAH–UA Local 675 Training Fund (Training Fund) (Collectively the Plans) Located in Honolulu, Hawaii [Exemption Application Nos. D–10993 & L–10994].

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) The Training Fund's purchase (the Purchase) of an improved parcel of real property (the Property) located at 731 Kamehameha Highway, Pearl City, Hawaii from the Pension Plan; and (2) a loan (the Loan) from the Pension Plan to the Training Fund to finance the Purchase. This proposed exemption is subject to the following conditions:

(a) The fair market value of the Property is established by an independent, qualified, real estate appraiser that is unrelated to the Plans or any party in interest;

(b) The Training Fund pays no more, and the Pension Plan receives no less than the fair market value of the Property as determined at the time of the transaction;

(c) The Pension Plan will, on irreversible default of the Training Fund, reassume the ownership of the Property automatically without

requirement of a foreclosure and cancel the promissory note;

(d) Under the terms of the Loan, the Pension Plan in the event of default by the Training Fund has recourse only against the Property and not the against the general assets of the Training Fund;

(e) The terms and conditions of the Loan are not less favorable to the Plans than those obtained in arm's-length transactions with unrelated parties;

(f) The Plans will not pay any commissions or other expenses with respect to the transaction;

(g) The Bank of Hawaii (BOH), acting as an independent, qualified fiduciary for the Training Fund, has determined that the transactions are in the best interest of the Training Fund and its participants and beneficiaries;

(h) The First Hawaiian Bank (FHB), acting as an independent, qualified fiduciary for the Pension Plan, has determined that the transactions are in the best interest of the Pension Plan and its participants and beneficiaries; and

(i) FHB will monitor the terms and conditions of the Loan throughout the duration of the Loan and take whatever actions are necessary to protect the rights of the Pension Plan.

Summary of Facts and Representations

1. The Plans are jointly trusteed Taft-Hartley style plans formed and maintained pursuant to section 302(c)(5) of the Labor Management Relations Act, as amended. The Plans are operated pursuant to a collective bargaining agreement by and between Local Union 675 of the United Association of Journeymen and Apprentice Plumbers and Pipefitters of the United States and Canada AFL–CIO (the Union) and various employers.

As of July 30, 2004, the Pension Plan had approximately 2,000 participants and total assets of $346,501,758 and the Training Fund had approximately 1,030 participants and total assets of $1,858,697. The participants of the Plans are engaged as plumbers, pipefitters, steam fitters, welders, air condition, refrigeration and fire sprinklers mechanics. The Union is headquartered in Honolulu, Hawaii, and collectively bargains on behalf of the employees it represents in the state of Hawaii.

2. The Plans are administered by an administrative office (Ad Office) located in Honolulu, Hawaii. The geographical jurisdiction of both Plans includes the state of Hawaii. The Ad Office is under the control of a committee comprised of an employer trustee and a union trustee (Ad Committee). The Ad Committee allocates the operating expenses of the Ad Office by a reasonable charge to the various funds and programs utilizing its services, subject to the approval of the respective Plan for which administrative services are performed.

3. The Property consists of a 36,791 square foot land area with a metal frame warehouse building with four individual bay units that are adjacent to each other. Since September 1, 1991, the Training Fund has leased a 15,840 square foot unit of the warehouse owned by the Pension Plan. The Training Fund pays fair market value rent for the leased premises. However, because the trustees of the Plans are the same, the trustees were concerned about the leasing arrangement being a potential prohibited transaction under 406(b)(2) of the Act. The Training Fund applied for and received a prohibited transaction exemption from the Department (Prohibited Transaction Exemption (PTE)) 93–80 (58 FR 60216, November 15, 1993) for the leasing arrangement.

4. The Training Fund now seeks to purchase a fee simple interest in the Property that includes the portion currently being leased from the Pension Plan at fair market value.[1] The Pension Plan owns the Property in fee simple.

5. The Property was appraised by the real estate appraisal firm of Yamaguchi & Yamaguchi, Inc. (the Appraiser). In an appraisal report dated April 18, 2002, the Appraiser utilized the income approach to place the fair market value of the Property at $2,500,000. On July 1, 2004, the Appraiser updated the appraisal report to reflect the Property as valued at $2,590,000.

6. The Training Fund seeks to purchase the Property to have a rent-free training facility; while the Pension Plan wishes to sell the Property at fair market value and reinvest the proceeds in a potentially higher yielding investment. The Training Fund currently pays the Pension Plan $16,292.83 per month in rent and monthly common area maintenance (CAM) for space it occupies on the Property. The Pension Fund rents a 4,200 sq., ft. unit to an unrelated third party for $4,578 per month in rent (including CAM). Additional potential revenue may be realized from a 3,200 sq. ft. vacant unit located on the Property.

7. BOH, acting as independent fiduciary for the Training Fund, represents that under the terms of the Purchase, the Training Fund will make a 10% down payment of the purchase price to the Pension Plan and the balance will be financed by the Pension Plan pursuant to a purchase money mortgage at 7% simple interest, for a term of 30 years, with monthly payments estimated at $14,969.31 or $179,631.72 per annum. The mortgage payment will be approximately $15,872.28 less per annum than the current rent paid by the Training Fund.

As the landlord, the Training Fund will be responsible for CAM on the vacant space, currently projected at $384 per month or $4,608 per annum. Therefore, it is projected that the Training Fund will save $11,264.28 per annum from the current rent payments. In addition, the Training Fund will avoid increased rental rate increases. BOH, represents; (a) That an independent appraisal has determined a market value of the Property; (b) the Training Fund will secure a permanent home for training the plumbers and pipefitters; (c) the mortgage payments are estimated to be less than current rent payments resulting in lower out of pocket expense for the Training Fund and (d) there is a potential for increased income for the Training Fund when the vacant space is leased. Based upon the review of the information submitted to BOH, BOH represents that the Purchase of the Property and the Loan is in the best interest of the Training Fund.

The applicant represents that if the Property had no other tenants, the Training Fund would still be able to pay the debt service on its own, since it is paying less for the debt service than it is paying in rent. In addition, the common area maintenance expenses for the building are paid by the tenant under the requirements of the tenant lease, so there is an insignificant risk of repair and maintenance costs reducing the cash flow to an extent which would prevent the Training Fund from meeting its debt service requirements.

The Training Fund has been and is financially stable. The Labor Agreement (the Agreement) covers a 5 year period beginning January 5, 2003 and ending January 5, 2008. The Agreement has been in existence for approximately 40 years. The rate paid to the Training Fund has been relatively stable for many years and is scheduled to increase

[1] The Department notes that the Purchase of the Property involves a substantial percentage of Training Fund assets. The Department expresses no opinion herein concerning the application of section 404 of the Act to the amount of expenditure of Training Fund assets for the Purchase of the Property. In this regard, the Department notes that the fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve fiduciaries or other parties in interest from the general fiduciary responsibility provisions of section 404 of the Act. Section 404(a)(1)(A) and (B) of the Act requires, among other things, that a fiduciary discharge his duties with respect to a plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion. Accordingly, it is the responsibility of the fiduciaries to ensure that the purchase of the Property is prudent, taking into account the costs and benefits associated with the ownership of the Property.

incrementally over the 5-year term of the Agreement from $1.20 to $1.60 per hour, an average increase of 7% per year. The Agreement resulted in strengthening the Training Fund's ability to generate sufficient cash flow for debt service purposes. Net assets available for benefits have been increasing since the year 2000. As a practical matter, since the leaders of the plumbing and pipefitting industry are the trustees of the Plans in addition to being the employer's collective bargaining representatives, it is anticipated that the Training Fund has sufficient funding to meet its obligations by adjusting the contribution rate as needed.

8. FHB will serve as the independent fiduciary for the Pension Plan. FHB has determined the proposed interest rate for the Loan is at market. Additionally, the current cash flow and liquidity of the Training Fund are adequate to service a 30-year loan at a 7% interest rate. The loan documents supporting the Loan adequately secure the Pension Plan's lien position. Assuming the purchase price will be fair market value at the time of the transaction, FHB is of the opinion that the sale is prudent and beneficial to the Pension Plan. FHB will monitor the terms and conditions of the Loan throughout the duration of the Loan and take whatever actions are necessary to protect the rights of the Pension Plan.

9. If the Training Fund becomes unable to pay the debt service, the Pension Plan would either foreclose on the mortgage or negotiate a work out agreement with the Training Fund to pay the delinquency. FHB represents that the Pension Plan will, on irreversible delinquency of the Training Fund, reassume the ownership of the Property automatically without requirement of a foreclosure and cancel the promissory note. Notwithstanding the foregoing, the Pension Fund is entitled to all moneys owed up to the date of default.

10. In summary, the applicant states that the transactions have satisfied the statutory criteria of section 408(a) of the Act because: (a) The fair market value of the Property is established by an independent, qualified, real estate appraiser that is unrelated to the Plans or any party in interest; (b) the Training Fund pays no more, and the Pension Plan receives no less than the fair market value of the Property as determined at the time of the transaction; (c) the Pension Plan will, on irreversible default of the Training Fund, reassume the ownership of the Property automatically without requirement of a foreclosure and cancel the promissory note; (d) under the terms of the Loan, the Pension Plan in the event of default by the Training Fund has recourse only against the Property and not against the general assets of the Training Fund; (e) the terms and conditions of the Loan are not less favorable to the Plans than those obtained in arm's-length transactions with unrelated parties; (f) the Plans will not pay any commissions or other expenses with respect to the transaction; (g) BOH, acting as an independent, qualified fiduciary for the Training Fund, has determined that the transactions are in the best interest of the Training Fund and its participants and beneficiaries; (h) FHB, acting as an independent, qualified fiduciary for the Pension Plan, has determined that the transactions are in the best interest of the Pension Plan and its participants and beneficiaries; and (i) FHB will monitor the terms and conditions of the Loan throughout the duration of the Loan and take whatever actions that are necessary to protect the rights of the Pension Plan.

Notice to Interested Persons: Notice of the proposed exemption shall be given to all interested persons in the manner agreed upon by the applicant and Department within 15 days of the date of publication in the **Federal Register**. Comments and requests for a hearing are due forty-five (45) days after publication of the notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Khalif I. Ford of the Department, telephone (202) 693–8540. (This is not a toll-free number.) R.G. Dailey Company, Inc. Defined Benefit Plan (the Plan) Located in Ann Arbor, Michigan [Application No. D–11212].

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code [2], shall not apply to the in kind contributions made to the Plan on August 12, 1999, June 12, 2000, May 17, 2001, and March 21, 2002 by the Employer, a disqualified person with respect to the Plan, of certain publicly-traded securities (the Securities), provided: (a) Each contribution was a one-time transaction; (b) the Securities were valued at their fair market value as of the date of the contribution, as listed on a national securities exchange; (c) no commissions were paid in connection with the transactions; (d) the terms of the transactions between the Plan and the Employer were no less favorable to the Plan than terms negotiated at arm's length under similar circumstances between unrelated parties; and (e) Mr. Dailey, who was the only person affected by the transactions, believes that the transactions were in the best interest of the Plan.

Effective Date: If granted, this proposed exemption will be effective as of August 12, 1999, June 12, 2000, May 17, 2001, and March 21, 2002 for in kind contributions of Securities to the Plan occurring on these dates.

Summary of Facts and Representations

1. The Employer, which is no longer in existence, was a Michigan corporation located at 1523 Edinborough Road, Ann Arbor, Michigan. The Employer was a manufacturer's representative company. The firm represented companies which molded plastics and were engaged in metal stamping (primarily, but not exclusively) of automotive parts.

2. The Plan, which is also no longer in existence, was a defined benefit plan established by the Employer effective April 1, 1995. The Plan was always a sole participant plan. Mr. Robert M. Dailey, the President and sole shareholder of the Employer, was the trustee of the Plan as well as its only participant. On May 31, 2002, the Plan was terminated, after Mr. Dailey decided to dissolve the Employer. Also as of that date, the Plan had $572,730 in aggregate assets.

3. In order to satisfy the Employer's contribution requirements to the Plan, Mr. Dailey, on behalf of the Employer, transferred certain publicly-traded securities to the Plan's trust account between August 12, 1999 and March 21, 2002. The Securities were issued by unrelated companies and held in the Employer's corporate account with Morgan Stanley. Specifically,

a. On August 12, 1999, the Employer contributed to the Plan 2,300 shares of stock issued by America Service Group, Inc. (ASGR) and 4,500 shares of Matria Healthcare, Inc. (MATR) stock. The ASGR stock is listed on the National Association of Securities Dealers Automatic Quotation System (NASDAQ). The MATR stock is also listed on the NASDAQ.

[2] Because Mr. Robert M. Dailey was the sole sponsor of R.G. Dailey Company, Inc. (the Employer) and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

On the date of contribution, the ASGR stock had a fair market value of $14 per share (or an aggregate fair market value of $32,200) [3] and the MATR stock had a fair market value of $5.94 per share (or a total fair market value of $26,730). (Thus, the total amount of the contribution was $58,930). At the time of the contribution, the Plan had total assets of $201,065.

b. On June 12, 2000, the Employer contributed to the Plan 4,000 shares of stock issued by Input/Output, Inc. (IO), an additional 2,000 shares of ASGR stock, and 500 shares of Countrywide Credit Industries, Inc. (CFC) stock. The IO is listed on the New York Stock Exchange (NYSE). As noted above, the ASGR stock is listed on the NASDAQ. The CFC stock is listed on the NYSE.

On the date of contribution, the IO stock had a fair market value of $7.25 per share (or an aggregate fair market value of $29,000), the ASGR stock had a fair market value of $16.00 per share (or an aggregate fair market value of $32,000),[4] and the CFC stock had a fair market value of $33.75 per share (or a total fair market value of $16,875). (Thus, the total amount of the contribution was $77,875). At the time of the contribution, the Plan had total assets of $260,495, excluding the aforementioned contributed Securities.

c. On May 17, 2001, the Employer contributed to the Plan 2,000 shares of stock issued by Navigant Consulting, Inc. (NCI), an additional 1,000 shares of IO stock, and 8,000 shares of stock issued by Champion Enterprises, Inc. (CHB). The NCI is listed on the NYSE. As noted above, the IO stock is listed on the NYSE. The CHB stock is listed on the NYSE.

On the date of contribution, the NCI stock had a fair market value of $7.00 per share (or an aggregate fair market value of $14,000), the IO stock had a fair market value of $12.55 per share (or an aggregate fair market value of $12,550), and the CHB stock had a fair market value of $10.96 per share (or a total fair market value of $87,680). (Thus, the total amount of the contribution was $114,230). At the time of the contribution, the Plan had total assets of $316,432, excluding the aforementioned contributed Securities.

d. On March 21, 2002, the Employer contributed to the Plan 3,000 shares of stock issued by Fleetwood Enterprises, Inc. (FLE) and 800 shares of stock issued by Patterson UTI Energy, Inc. (PTEN). The FLE stock is listed on the NYSE. The PTEN stock is listed on the NASDAQ.

On the date of contribution, the FLE stock had a fair market value of $9.72 per share (or an aggregate fair market value of $29,160) and the PTEN stock had a fair market value of $27.30 per share (or a total fair market value of $21,840). (Thus, the total amount of the contribution was $51,000). At the time of the contribution, the Plan had total assets of $337,669, excluding the aforementioned contributed Securities.

4. The Plan paid no fees or commissions in connection with the in kind contribution transactions, each of which was a one-time transaction. The Securities were valued at their closing prices, as listed on the applicable exchanges, on the date of each transaction. Accordingly, an administrative exemption is requested from the Department. If granted, the exemption would be effective on August 12, 1999, June 12, 2000, May 17, 2001 and March 21, 2002, which are the dates the Employer contributed the Securities to the Plan.

5. Mr. Dailey represents that he made the in kind contributions of the Securities in error. However, he indicates that he first consulted with his accountant, Mr. Philip R. Heller of Heller & Wetzler of Ypsilanti, Michigan, regarding the form of the contribution. Mr. Dailey states that he was advised by Mr. Heller that care would need to be taken to ensure that the Securities were appropriately valued and the Employer could recognize the capital gains accrued as of the date of the transfer. In the years thereafter, Mr. Dailey says he again caused the Employer to make in kind contributions of Securities to the Plan after consulting with Mr. Heller. Mr. Dailey asserts that at no time was he ever informed by Mr. Heller that the transactions were prohibited. Upon learning from his attorney that the in kind contributions were prohibited transactions, Mr. Dailey explains that he instructed his legal counsel to request an administrative exemption from the Department.

6. Mr. Heller explains that he first became aware of the in kind contribution transactions while performing year-end accounting services for the Employer. At that time, he states that he was not aware that such transactions were prohibited because his only concerns were that the transfers were properly treated as sales on the Employer's books, that gains or losses were properly recognized, and that the Employer's pension expense was properly valued. Mr. Heller indicates that he discussed these matters with Mr. Dailey.

Mr. Heller also states that while he was generally aware of the prohibited transaction rules of the Act and the Code, he never conceived that the transfers were prohibited because Mr. Dailey was the only employee of the Employer, the sole participant in the Plan, and the Plan Administrator. As Plan Administrator, Mr. Heller states that Mr. Dailey was highly-qualified to evaluate and select investments for the Plan. Mr. Heller further states that the only benefit derived by either the Employer or the Plan from the in kind contributions was the avoidance of transaction costs.

7. In summary, it is represented that the transactions have satisfied or will satisfy the statutory requirements for an exemption under section 4975(c)(2) of the Code because:

(a) Each contribution was a one-time transaction.

(b) The Securities were valued at their fair market value as of the date of the contribution as listed on a national securities exchange.

(c) No commissions were paid in connection with the transactions.

(d) The terms of the transactions between the Plan and the Employer were no less favorable to the Plan than terms negotiated at arm's length under similar circumstances between unrelated parties.

(e) Mr. Dailey, who was the only person affected by the transactions, believes that the transactions were in the best interest of the Plan.

Notice to Interested Persons

Because Mr. Dailey was the only participant in the Plan who was affected by the transactions, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Therefore, comments and requests for a hearing are due 30 days after publication of the notice of pendency in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Arjumand A. Ansari of the Department at (202) 693–8566. (This is not a toll-free number.)

Mutual Service Life Insurance Company (MSL), Located in Arden Hills, MN

[Application No. D–11267]

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 408(a) of the Act (or ERISA) and section 4975(c)(2) of the Code and in accordance with the procedures set

[3] On the date of contribution, ASGR stock had a trading volume of 10,800 shares.

[4] On the date of contribution, ASGR stock had a trading volume of 21,00 shares.

forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990).[5]

Section I. Covered Transaction

If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply, effective January 1, 2005, to the receipt of cash (Cash) or policy credits (Policy Credits) by any eligible member (Eligible Member), including an Eligible Member which is an employee benefit plan (within the meaning of section 3(3) of Act), an individual retirement annuity (within meaning of section 408(b) or 408(A) of the Code), or a tax sheltered annuity (within the meaning of section 403(b) of the Code)(each a Plan), including Plans sponsored by MSL for its employees (the MSL Plans), in exchange for the termination of such Eligible Member's membership interest in MSL, in accordance with the terms of a plan of conversion (the Plan of Conversion) adopted by MSL and implemented pursuant to Minnesota Statues Section 60A.075 (2003).

Section II. General Conditions

This proposed exemption is subject to the following conditions:

(a) The Plan of Conversion was subject to approval, review and supervision by the Minnesota Commissioner of Commerce (the Commissioner) and was implemented in accordance with procedural and substantive safeguards that are imposed under the laws of the State of Minnesota.

(b) The Commissioner reviewed the terms of the options that were provided to Eligible Members of MSL as part of such Commissioner's review of the Plan of Conversion, and approved the Plan of Conversion following a determination that such Plan of Conversion was fair and equitable to all Eligible Members.

(c) Each Eligible Member had an opportunity to vote at a special meeting to approve the Plan of Conversion after full written disclosure was given to the Eligible Member by MSL.

(d) Any determination to receive Cash or Policy Credits by an Eligible Member, which was a Plan, pursuant to the terms of the Plan of Conversion, was made by one or more Plan fiduciaries that were independent of MSL and its affiliates, and neither MSL nor any of its affiliates exercised any discretion or provided investment advice, within the meaning of 29 CFR 2510.3–21(c), with respect to such decisions.

(e) After each Eligible Member was allocated a fixed amount of consideration (Fixed Consideration) equivalent to approximately $400, such Eligible Member also received a variable amount of consideration (Variable Consideration) for each policy owned by the Eligible Member on September 30, 2003 (the Record Date) (Variable Component Policy) to reflect the Eligible Member's estimated past and future contributions to surplus as determined by an actuarial formula (approved by the Commissioner) based on specific features of the policies owned by the Eligible Member on September 30, 2003 (the Actuarial Calculation Date).

(f) In the case of a MSL Plan, the independent Plan fiduciary (the Independent Fiduciary):

(1) Voted on whether to approve or not to approve the demutualization;

(2) Elected between consideration in the form of Cash or Policy Credits on behalf of such MSL Plans;

(3) Reviewed and approved MSL's allocation of Cash or Policy Credits received for the benefit of the participants and beneficiaries of the MSL Plans;

(4) Would provide the Department with a complete and detailed final report as it related to the MSL Plans prior to the granting of the exemption; and

(5) Would take all actions that were necessary and appropriate to safeguard the interests of the MSL Plans and their participants and beneficiaries.

(g) All Eligible Members that were Plans participated in the transaction on the same basis as all Eligible Members that were not Plans.

(h) No Eligible Member paid any brokerage commissions or fees in connection with the receipt of Policy Credits.

(i) All of MSL's policyholder obligations remained in force and were not affected by the Plan of Conversion.

(j) The terms of the transactions were at least as favorable to the Plans as an arm's length transaction with an unrelated party.

Effective Date: If granted, this proposed exemption will be effective as of January 1, 2005.

Section III. Definitions

For the purposes of this proposed exemption,

(a) The term ''MSL'' means Mutual Service Life Insurance Company and any affiliate of MSL, as defined below in Section III(b).

(b) An ''affiliate'' of a person includes:

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with MSL; and

(2) Any officer, director, or partner in any such person.

(c) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(d) The term ''Independent Fiduciary'' means a fiduciary who is: (1) Independent of and unrelated to MSL and its affiliates, and (2) appointed to act on behalf of the MSL Plans with respect to the demutualization of MSL. For purposes of this proposed exemption, a fiduciary will not deemed to be independent of and unrelated to MSL if: (1) Such fiduciary directly or indirectly controls, is controlled by or is under common control with MSL; (2) such fiduciary directly or indirectly receives any compensation or other consideration in connection with any transaction described in this proposed exemption, except that an Independent Fiduciary may receive compensation for acting as an Independent Fiduciary from MSL in connection with the transactions contemplated herein if the amount of payment of such compensation is not contingent upon or in any way affected by the Independent Fiduciary's ultimate decision; and (3) the annual gross revenue received by such fiduciary from MSL and its affiliates during any year of its engagement, does not exceed 5 percent (5%) of the Independent Fiduciary's annual gross revenue from all sources for its prior tax year.

(e) An ''Eligible Member'' means a person (an individual, corporation, joint venture, limited liability company, association, trust, trustee, unincorporated entity, organization or government or any department or agency thereof) who is an owner of a policy that is in force on the Record Date, *i.e.*, September 30, 2003.

(f) ''Policy Credit'' means consideration to be paid in the form of an increase in cash value, account value, dividend accumulations, face amount, extended term period or benefit payment, as appropriate, depending on the policy.

(g) ''Effective Date'' means the date of the demutualization, which occurred on January 1, 2005.

(h) ''The Plan of Conversion'' means the process by which MSL will convert from a mutual life insurance company to a stock life insurance company, and following consummation of the Stock Purchase Agreement, will thereafter continue its corporate existence without interruption as a wholly owned subsidiary of Country Life Insurance

[5] For purposes of this proposed exemption, references to provisions of Title I of the Act, unless otherwise specified, refer also to corresponding provisions of the Code.

Company (CLIC). MSL's conversion to a stock insurance company occurred on the Effective Date (*i.e.*, January 1, 2005) and was subject to the conditions contained in the Plan of Conversion.

Summary of Facts and Representations

MSL and Affiliated Entities

1. MSL was formerly a mutual life insurance company organized under Chapter 300 and 60A of the Minnesota Statutes. It has been part of an affiliated group of companies (herein, the MSI Group)[7] since inception. MSL was incorporated in Minnesota in 1934, and since its incorporation, MSL has been closely affiliated with Mutual Service Casualty Insurance Company (MSCIC), a mutual insurance company formed in Minnesota in 1919. Later, MSL became affiliated with Mutual Service Cooperative (MSC), a service cooperative formed in Minnesota in 1941. The MSI Group arose during the farmer cooperative movement of the early twentieth century and both MSL and MSCIC were originally created to provide insurance for agricultural associations, cooperatives and individual farmers. The MSI Group was operated independently until it entered into certain alliances with the companies that comprise COUNTRY Insurance & Financial Services (herein, the Country Group).

As a mutual insurance company, MSL did not have capital stock but instead had members (Members) who were the owners of policies and contracts issued by MSL. A policyholder's membership interest in MSL included the right to vote in membership meetings and the right to participate in the distribution of MSL's surplus in the event of MSL's voluntary dissolution or liquidation.

2. MSL's core function in the MSI Group was to sell life insurance and annuity products, while the purpose of MSCIC was to sell property and casualty insurance. The two companies maintained a separate existence because life insurance companies may not lawfully sell property casualty insurance, and property and casualty insurance companies may not sell life insurance. MSC served as the link between the two companies. Through MSC, MSL and MSCIC shared common management, common board members, and distributed products through the same captive agency system. Certain policyholder members of each of the mutual insurance companies became members of the MSC cooperative. Together, MSL, MSCIC, and MSC[8] (collectively, the MSI Group), developed strategic business plans and implemented such plans as an integrated organization. Many policyholders of MSL are also policyholders of MSCIC.

3. Between 1999 and later in 2002, the MSI Group entered into a series of agreements and relationships with CLIC, a stock life insurance company organized under the laws of Illinois, and CLIC's affiliates. These became known as the First and Second Alliances. Under these agreements, CLIC agreed to provide MSL with various administrative services, reinsurance, and surplus contributions in exchange for notes. Among other things, the agreements required MSL to issue a Surplus Note and Guaranty Fund Certificate to CLIC in the aggregate amount of $5,000,000. Under the terms of the Guaranty Fund Certificate and as required by Minnesota Law, CLIC was given control of a majority of the Board of Directors of MSL.

Background Leading to the First Alliance

4. During the late 1990s, property and casualty losses for MSCIC exceeded projections, leading to a decrease in available surplus at MSCIC. Given the decrease in available surplus at MSCIC, the MSI Group considered its options to strengthen MSCIC's financial position, and led ultimately to the negotiations of an alliance with the Country Group.

5. The Country Group consists of a number of companies engaged in financial and insurance services. The ultimate controlling entity of the Country Group is the Illinois Agricultural Association, located in Bloomington, Illinois, a not-for-profit agricultural membership organization, more commonly known as the ''Illinois Farm Bureau.'' One of the companies within the Country Group is CLIC. More than 98% of CLIC's voting securities are indirectly owned (through a subsidiary) by the Illinois Agricultural Association. The MSI Group and the Country Group had similar histories, philosophies and agribusiness market focus and were well known to each other. On November 30, 1999, the MSI Group and the Country Group signed the First Alliance Agreements. The Country Group agreed to infuse cash of $5 million into MSL and $17 million into MSCIC in the form of surplus notes, and the MSI Group agreed to make its captive agency distribution system available to the Country Group. There were no changes in the governance structure or management team of the MSI Group. The First Alliance became effective in June 2000.

Because CLIC was perceived by the MSI Group sales force as having life insurance and annuity products superior to those offered by MSL, and because it would have been extremely expensive for MSL to develop comparable products, the MSL Board of Directors concluded, as a part of the First Alliance, that it would no longer sell MSL insurance products in any state in which CLIC products could be offered. At the same time, CLIC agreed to reinsure to MSL 40% of the risks arising from the sale of CLIC products through the MSI Group distribution system. This reinsurance arrangement allowed MSL to share in 40% of the profits and losses for those products.

Also as part of the First Alliance, a new entity, MSI Preferred Services, Inc. (MSI Preferred), was formed. MSI Preferred is owned 60% by the Country Group's primary property casualty insurer, Country Mutual Insurance Company, and 40% by MSCIC. MSI Preferred serves as general agent for the MSI Group to conduct captive agency sales, including sales on behalf of MSL. In accordance with the First Alliance, MSC assigned all agency contracts and appointments to MSI Preferred.

Background Leading to the Second Alliance

6. The MSI Group continued to incur financial losses after the First Alliance became effective. In January 2001, the A.M. Best Company advised the MSI Group management that MSCIC's rating was in danger of being reduced from ''B++'' to ''B+'' based upon year-end surplus projections. The boards of directors of the MSI Group companies concluded that this rating downgrade might force the MSI Group to exit the property and casualty insurance

[7] The MSI Group, as of 1999, prior to entering into the alliances described herein, formerly consisted of two mutual insurance companies (Mutual Service Life Insurance Company and MSCIC), two stock insurance companies (MSI Insurance Company and Modern Service Insurance Company), MSC, Cornwall and Stevens (a specialty agribusiness insurance broker), Pension Solutions, Inc. (PSI) (an organization that administered pension plans); and the MSI Insurance Foundation.

[8] MSC historically served as fiscal agent for both mutual companies, MSCIC and MSL, such that neither company had any employees of its own. All MSI Group employees were employees of MSC and MSC employees conducted the day-to-day operations of the insurance companies pursuant to a management contract. MSC also controlled governance of the companies through its appointment as attorney in fact for policyholders. Applicants for policies with MSL and MSCIC were asked, as part of their application, to name the board of directors of MSC as attorney in fact for the purpose of appointing proxies to vote at annual meetings of both companies. Each year the MSC board of directors would designate a representative to vote proxies at the annual meetings of MSL and MSCIC and would thereby create a unified board of directors for the two insurance companies. MSC has also served as general agency for both, MSL and MSCIC.

marketplace. The Country Group expressed willingness to infuse additional surplus into the MSI Group, but only on the condition that the Country Group obtain management and board control of all MSI Group companies, including MSL.

After careful consideration of its strategic alternatives, including the possible sale of MSL, the boards of directors of each of the MSI Group companies agreed to the Country Group's control-related conditions. A restructuring of the First Alliance was signed on July 26, 2001. The restructuring and change of control of MSL was approved by the policyholder members of MSL in a special meeting of the members held on October 23, 2001, and was approved by the Minnesota Department of Commerce on November 2, 2001. This series of inter-related agreements became known as the Second Alliance, which became effective November 15, 2001.

7. Under the Second Alliance, the $5 million surplus note that CLIC received from MSL under the First Alliance Agreement was restructured into a $4.5 million surplus note and guaranty fund certificate of $500,000. As permitted by Minnesota law, the guaranty fund certificates permitted CLIC to elect a majority of the MSL Board of Directors. (CLIC currently appoints four of MSL's directors and MSC appoints the remaining three.) [9]

As part of the Second Alliance, the Country Group was also given the future right to acquire the employees and certain assets of MSC. The Country Group exercised these rights on September 1, 2002 pursuant to an Assignment and Assumption Agreement and Bill of Sale. Under this agreement, MSC transferred all rights and interests in its relationships with MSI Group employees, including sponsorship of all employee benefit plans, to MSI Preferred.[10]

Also as part of the Second Alliance, MSL entered into a series of new service and expense allocation agreements with CLIC and the Country Group affiliates. MSL entered into management and expense agreements with MSI Preferred under which MSL and MSCIC continued to share services of MSI Group employees. MSL also entered into agreements with CLIC and Country Trust Bank through which those entities provide various financial, investment advisory, marketing, information, trustee, and operational services.[11]

Background to the Sponsored Demutualization

8. After reviewing MSL's strategic alternatives [12] throughout 2003, the MSL Board of Directors (the MSL Board) ultimately concluded that a sponsored demutualization [13] represented the best course of action for MSL's Members. There were two primary considerations in the MSL Board's analysis. First, because MSL was not writing any significant number of new policies, no new Members were being added. Since the number new MSL Members would only decrease over time as policies were paid or lapsed, the MSL Board concluded that a demutualization would potentially benefit a larger number of Members than would be the case in the future. Second, CLIC expressed an interest in purchasing, which action was thought to be a logical extension of the prior affiliation, with the benefit to CLIC being a simplified structure and governance.

Therefore, the MSL Board believed a sponsored demutualization would be an extension of the First Alliance and the Second Alliance between the MSI Group and the Country Group. Given that the MSI Group entities were already controlled by the Country Group, and given the increased integration between the two groups, the MSL Board believed it would be a logical progression for CLIC to consider the purchase and ownership of MSL.

9. On August 28, 2003, the MSL Board decided to pursue the possibility of a sponsored demutualization with CLIC. Because the MSL Board was controlled by CLIC pursuant to the Second Alliance, the MSL Board appointed a Special Committee of Independent Members of the Board of Directors (the Special Committee) to represent the interests of MSL policyholders. The Special Committee was comprised of the three MSL directors who previously had been appointed by policyholder action and who had not been appointed by CLIC. Prior to CLIC obtaining control of the MSL Board, none of these three individuals had any prior relationship with the Country Group.

10. The Special Committee was asked to review, consider, and negotiate a possible transaction with CLIC. Because the Minnesota Conversion Act (the Conversion Act) requires the full board of directors of a converting mutual insurance company to adopt a plan of conversion, the Special Committee was required to recommend (either favorably or unfavorably) such a transaction to the MSL Board following completion of the Special Committee's work. Once established, the Special Committee retained its own expert actuarial, financial and legal advisors to assist it in its review of the proposed sponsored demutualization.

The Special Committee concluded that it was appropriate for MSL to undertake a sponsored demutualization whereby MSL would convert from a mutual life insurance company into a stock life insurance company (the Conversion), and immediately following the Conversion, would issue its entire capital stock to the sponsor of the demutualization, CLIC, in accordance with the provisions of a Plan of Conversion and Section 60A.075 [14] of the Minnesota Statutes.

11. As an insurance company, MSL provides a variety of insurance products to ERISA-covered employee benefit plans and to other plans described under the Code. MSL has marketed its products to employee benefit plans, and had, as of December 31, 2003, 430 in force policies and contracts held on behalf of employee pension and profit sharing plans (including Code Section 401(k) plans) and 10 contracts providing welfare benefit plan coverage such as group life, short and long term disability, accidental death and dismemberment, and group health coverage.

[9] MSC has assigned its power of attorney to elect board members on behalf of policyholders to the respective boards of the insurance companies.

[10] The assignment and assumption agreement was actually between MSC and ''MSI Subsidiary''; MSI Subsidiary, in turn, was merged into MSI Preferred in a simultaneous transaction dated September 1, 2002.

[11] MSL experienced three significant developments related to its business operations after the Second Alliance became effective. First, the pension business conducted by a subsidiary of MSL, PSI, was discontinued due to a lack of profitability and its assets were sold to an unrelated party on June 2, 2003. Second, the number of states in which the MSI Group agency force sold MSL products dwindled as CLIC received approval to sell insurance in an increasing number of states. Third, effective January 1, 2003, MSL and CLIC entered into a reinsurance agreement whereby the MSL transferred 90% of its risk on both in force and new business to CLIC on a modified coinsurance basis.

[12] MSL represents that the strategic alternatives considered by the MSL Board included: (a) The sale of MSL to an unrelated entity, (b) the merger or consolidation of MSL with other mutual insurance companies, (c) a possible liquidation under the provisions of Minnesota law, (d) a sponsored demutualization (with Country purchasing the stock of MSL at fair value), or (e) maintaining the status quo.

[13] A sponsored demutualization occurs when a mutual insurance company is converted to a stock company and then the stock is immediately sold to a third party. The conversion of MSL is considered a sponsored demutualization with the sponsor being CLIC. Under the Plan of Conversion, which was approved by the Commissioner on December 21, 2004, CLIC purchased all of the voting stock MSL and became its sole shareholder as of January 1, 2005.

[14] Section 60A.075 of the Conversion Act sets forth procedural and substantive requirements to ensure that the Conversion will be fair and equitable to MSL Members.

Although a wholly owned subsidiary of MSL, PSI, formerly provided certain administrative services and record-keeping services to many of these pension and profit sharing plans. On April 15, 2003 the assets of PSI, including all customer contracts, were sold to Alerus Financial, National Association, an unrelated party. Thus, neither MSL nor any affiliated company currently remains in the business of ERISA plan administration.

12. In its capacity as a business, MSL does not have any employees. Instead, all employees of the MSI Group are employees of MSI Preferred. As of September 30, 2003, MSI Preferred sponsored the following MSL Plans that will qualify as Eligible Members under the Plan of Conversion:

Plan name	Plan type	Participant totals	Asset totals	Expected consideration
MSI Employees Capital Accumulation Plan and Trust.	Defined Contribution with CODA	542 (7/4/04)	$33,368,551 (7/4/04)	$400
MSI Employees Defined Contribution Retirement Plan.	Defined Contribution	526 (7/4/04)	29,004,089 (7/4/04)	400
MSI Employees' Life Insurance Plan	Life Insurance Welfare Benefit Plan	364 (7/4/04)	0	326,979.53
Mutual Service Agent's Group Insurance Plan (Terminated 12/31/03).	Life Insurance Welfare Benefit Plan	73 (12/31/03)	0	275,880.67

13. MSL believes that it has never directly provided plan administration services to Plan policyholders and that none of its affiliates currently provides such services to Plan policyholders. However, MSL cannot rule out the possibility that it has provided some services to one or more Plan policyholders. Accordingly, while MSL believes that it is not a party in interest with respect to any such Plans under section 3(14)(A) and (B) of the Act or the related ''derivative'' provisions of section 3(14) of the Act, it cannot rule out the possibility that such a party in interest relationship may be found to exist. MSL notes that on the Record Date, PSI sponsored four employee benefit plans that utilized, at least in part, MSL policies. Therefore, MSL is seeking an exemption in order to avoid the occurrence of inadvertent prohibited transactions in connection with the implementation of the Plan of Conversion. If granted, the proposed exemption would cover the receipt of Cash or Policy Credits by all Eligible Members that are Plans, in exchange for such Plan's existing membership interests and rights in MSL's surplus.

The proposed exemption has been made retroactive to January 1, 2005, the Effective Date of the demutualization. It includes a requirement that distributions to Plans pursuant to the exemption were on terms no less favorable to the Plans than an arm's length transaction between unrelated parties. In this regard, Eligible Members that are Plans to which MSL is a party in interest were not treated differently from any other Eligible Member, except that some Eligible Members which were Plans, were entitled to receive Policy Credits rather than Cash.

The MSL Demutualization

14. Pursuant to Chapters 300 and 60A of the Minnesota Statutes, MSL converted to a stock company. In the event of such a demutualization, Eligible Members were entitled to receive consideration in the form of stock, cash, or such other consideration permitted under Minnesota Statutes and approved by the Commissioner.

Also, in accordance with the Plan of Conversion, MSL converted from a mutual life insurance company to a stock life insurance company and thereafter is continuing its corporate existence without interruption as a wholly owned subsidiary of CLIC. The corporate existence of MSL is a continuation of MSL's corporate existence without interruption from its original date of incorporation, and all of MSL's rights, privileges, powers, permits and licenses and all of its duties, liabilities and obligations will remain as they were immediately prior to the Conversion and continue unaffected by the Conversion, except that all membership interests have been extinguished.

15. In addition, all MSL policies in force on the Effective Date of the Conversion will remain in force under the terms of those policies, except that any voting rights of the members provided for under the terms of those policies were extinguished on such Effective Date. All other instruments in force at Conversion and not considered policies such as certificates of coverage will likewise continue in full force and effect and all contract rights under those instruments will remain as they existed prior to Conversion.

Because all membership interests by Eligible Members of MSL have been extinguished, as soon as reasonably practicable following Conversion (but in any event no more than 75 days following the Effective Date unless an extension of time is approved by the Commissioner), MSL is required to (a) issue Policy Credits to Eligible Members that are entitled to receive Policy Credits and deliver a policy statement to each of those Eligible Members confirming the effect of the Policy Credits on the policy's value or benefits; and (b) distribute Cash, by check, net of any applicable withholding tax, to Eligible Members that are to receive Cash consideration pursuant to the proposed Plan of Conversion.[15]

16. Immediately following the Conversion, in consideration of CLIC's payment of the purchase price, MSL issued and delivered two million shares of its Class A Common Stock to CLIC, representing all of MSL's voting stock then issued and outstanding, all in accordance with the terms and subject to the conditions contained in the Stock Purchase Agreement between MSL and

[15] ''The proceeds of the demutualization will belong to the Plan if they would be deemed to be owned by the Plan under ordinary notions of property rights. See ERISA Advisory Opinion 92–02A, January 17, 1992 (assets of plan generally are to be identified on the basis of ordinary notions of property rights under non-ERISA law). It is the view of the Department that, in the case of an employee welfare benefit plan with respect to which participants pay a portion of the premiums, the appropriate plan fiduciary must treat as plan assets the portion of the demutualization proceeds attributable to participant contributions. In determining what portion of the proceeds are attributable to participant contributions, the plan fiduciary should give appropriate consideration to those facts and circumstances that the fiduciary knows or should know are relevant to the determination, including the documents and instruments governing the plan and the proportion of total participant contributions to the total premiums paid over an appropriate time period. In the case of an employee pension benefit plan, or where any type of plan or trust is the policyholder, or where the policy is paid for out of trust assets, it is the view of the Department that all of the proceeds received by the policyholder in connection with a demutualization would constitute plan assets.'' See ERISA Advisory Opinion 2001–02A, February 15, 2001.

CLIC. The closing date, as described in the Stock Purchase Agreement, was the Effective Date of the Conversion as agreed upon by MSL and CLIC subject to the Commissioner's approval.

17. The MSL Board believed the Conversion would serve the best interests of MSL and its policyholders by (a) making MSL a member of the Country Group; (b) enabling MSL to benefit from efficiencies derived from direct ownership by CLIC and being a member of the Country Group; (c) allowing for distribution of the embedded value of MSL to policyholders in the form of Cash or Policy Credits, as described in the proposed Plan of Conversion; and (d) distributing MSL's value to policyholders in an equitable manner and at an appropriate time prior to significant runoff of policies following discontinuation of the sale of new business.

Procedural Requirements Under Minnesota Law for Demutualization

18. Section 60A.075 of the Conversion Act sets forth procedural and substantive requirements to ensure that the Conversion would be fair and equitable to MSL policyholders. The Conversion Act generally provides that a mutual life insurance company may become a stock life insurance company under a Plan of Conversion established and approved in the manner provided by the Conversion Act. The Commissioner is required to approve the fairness and equity of a Plan of Conversion with respect to policy-owners of a company undergoing demutualization. More specifically, Section 4(e) of the Conversion Act requires that the Commissioner review the Plan of Conversion to determine whether it complies with all provisions of law and is fair and equitable to the mutual company and its policy owners. Additionally, the Commissioner may order a hearing on the fairness and equity of the terms of the Plan of Conversion. Eligible Members and other interested persons would have a right to appear at the hearing.

Section 5(d)(1) of the Conversion Act requires that the Plan of Conversion be approved by majority of the Eligible Members of the mutual company who vote on it. The statute requires that notice be given to the Eligible Members and permits voting by ballot, in person, or by proxy. The notice of meeting and election must contain a copy of the Plan of Conversion or a summary of such Plan.[16]

Section 13 of the Conversion Act provides that, after the Plan of Conversion has been approved by the Commissioner and the policyholders, the reorganized company will be a continuation of the mutual company and that the conversion will not annul or modify any of the mutual company's existing suits, contracts, or liabilities except as provided in the Plan of Conversion. Furthermore, all rights, franchises, and interests of the mutual company in and to property, assets, and other interests will be transferred to and vest in the reorganized company, and the reorganized company will assume all obligations and liabilities of the mutual company. However, the policyholder membership rights will be extinguished.

Consistent with these requirements, the Plan of Conversion generally provided for MSL to file an application with the Commissioner to reorganize as a stock company. MSL also requested that the Commissioner hold a public hearing on the fairness and equity of the terms of the Plan of Conversion.

The Plan of Conversion provided for Eligible Members to be able to comment on such Plan at the hearing, for the Eligible Members to vote on the Plan of Conversion at a Members' meeting and for MSL to provide notice to its Eligible Members of both the public hearing and the Members' meeting. A final order by the Commissioner to approve an application pursuant to the Conversion Act was subject to the administrative appeal procedures, as described in Minnesota Statute sections 14.63 to 14.68.

As far as the timing of MSL's Conversion was concerned, on September 13, 2004, the MSL Board adopted the Plan of Conversion and submitted it to the Commissioner. On November 23, 2004, the Commissioner scheduled a public hearing. On November 24, 2004, a special meeting of Eligible Members entitled to vote on the Plan of Conversion occurred. On December 21, 2004, the Commissioner approved the Plan of Conversion, and the effective date of the demutualization was January 1, 2005.[17]

Distributions to Eligible Members

19. As noted above, the consideration given to Eligible Members in exchange for extinguishing their Membership Interests was MSL's Distributable Net Worth, such consideration was paid in the form of Cash or Policy Credits. For this purpose, an Eligible Member generally was the owner of one or more policies in force on the Record Date. The amount of consideration received by each Eligible Member, whether in the form of Cash or Policy Credits, was comprised of a fixed component and, under some circumstances, a variable component.

Each Eligible Member received Fixed Consideration. In addition, an Eligible Member could also receive Variable Consideration for each policy owned by such Eligible Member on the Record Date (*i.e.*, the Variable Component Policy) to reflect the Eligible Member's estimated past and future contributions to surplus, as determined by an actuarial formula based on specific features of the policies owned by the Eligible Member on the Actuarial Calculation Date (which under the Plan of Conversion was set at September 30, 2003). The total amount of Cash or Policy Credits distributed as Variable Consideration (the Aggregate Variable Component) was allocated to Eligible Members with respect to their Variable Component Policies as follows: (a) The Aggregate Variable Component allocation was made by multiplying each Eligible Member's Actuarial Contribution by the ratio of the Aggregate Variable Component to the sum of all Actuarial Contributions of all policies; (b) then, MSL made reasonable determinations of the dollar amount of Actuarial Contribution, which was zero or a positive number, for each Variable Component Policy, according to the principles and methodologies set forth in detail in the Actuarial Contribution Memorandum attachment to the proposed Plan of Conversion; and (c) each Actuarial Contribution was determined on the basis of MSL's records as of the Actuarial Calculation Date without regard to any changes in the status of, or premiums in excess of those required on the policies that occur subsequent to the Actuarial Calculation Date.

20. Eligible Members received consideration in the form of Cash, except that certain Eligible Members received consideration in the form of Policy Credits, and not Cash, to the extent consideration was allocable to the Eligible Member based on

[16] The Conversion Act defines the class of policyholders entitled to receive notice and to vote on the Plan of Conversion, Eligible Members, as generally including policyholders whose policies or contracts are in force on the Record Date, which is the date of adoption of the Plan of Conversion or another date as approved by the Commissioner. (MSL had requested and received approval from the Commissioner for a Record Date of September 30, 2003.)

[17] Presently, the proceeds from the demutualization are being held in an interest-bearing escrow account with Wells Fargo, an unrelated party with respect to MSL, for the benefit of Plans that are Eligible Members. The proceeds will be distributed to such Plans once the Department grants MSL's pending exemption request.

ownership of a policy of the following types: (a) A policy that was an individual retirement annuity contract within the meaning of section 408(b) or 408A of the Code or a tax sheltered annuity contract within the meaning of section 403(b) of the Code; (b) a policy that was an individual annuity contract issued directly to the Plan participant pursuant to a Plan qualified under section 401(a) or 403(a) of the Code; or (c) a policy that was an individual life insurance policy issued directly to the Plan participant pursuant to a plan qualified under section 401(a) or 403(a) of the Code.

All Eligible Members that owned the types of policies described in (a), (b), or (c) above, and all Eligible Members that were Plans that held group policies issued by MSL participated in the demutualization transaction on the same basis and within their class groupings as other Eligible Members that were not Plans.

21. If any policy had matured by death or otherwise been surrendered or terminated prior to the date on which the Policy Credits would have been credited, Cash in the amount of the Policy Credits was paid in lieu of the Policy Credits to the person to whom the surrender value or other payment at termination was made under the policy or to the estate of the person if the policy matured by death.

In the event that more than one person constituted a single owner of a policy, consideration was distributed jointly to such persons. If an Eligible Member who was an owner of more than one policy was entitled to receive consideration both in the form of Policy Credits and in the form of Cash, the Fixed Consideration was payable only with respect to one of the policies for which such Eligible Member was entitled to receive cash. In the event an Eligible Member was the owner of two or more policies, all of which would be credited Policy Credits, then the Fixed Consideration was payable only with respect to the policy with the earliest issue date.

Payment of Cash was made by check, net of any applicable withholding tax. If the Policy Credit was applicable to a policy in the course of annuity payments, the Policy Credit was added to the next practicable benefit payment. If the Policy Credit was in the form of additional insurance or dividends with interest, as appropriate, under a policy that was a life insurance policy, the amount of the Policy Credit was determined by applying the amount of consideration in a manner that was consistent with the application of dividends towards additional insurance or dividends with interest, as appropriate.

22. Decisions on voting whether to approve the Plan of Conversion and on making an election as to the form of consideration received or as to any matter in connection with such Plan was made by one or more Plan fiduciaries which were independent of MSL. In this regard, the Chairman of the Board of Directors of MSI Preferred appointed a fiduciary committee for the MSI Employees, Life Insurance Plan and the Mutual Service Agent's Group Insurance Plan (together, the MSL Welfare Plans) to exercise such Plans' rights in connection with the Conversion.[18] The committees for the MSL Welfare Plans and the Administrative Committees for the MSL Pension Plans have each retained Consulting Fiduciaries, Inc. (CFI) to act as Independent Fiduciary for all four of the MSL Plans in connection with the implementation of the Plan of Conversion. CFI exercised full and exclusive discretionary authority on behalf of each of the MSL Plans to vote for or against the implementation of the Plan of Conversion. Neither MSL nor its affiliates exercised discretion or provided ''investment advice,'' within the meaning of 29 CFR 2510.3–21(c), with respect to any determination by the Independent Fiduciary to vote for or against the Plan of Conversion.

CFI represents that it was qualified to act as an independent fiduciary in connection with the transaction. CFI states that it is an Illinois corporation which has been providing independent fiduciary services exclusively for over ten years. CFI explains that it has previously served as an independent fiduciary to plans with respect to an earlier demutualization process for an unrelated insurance company. CFI explains that it is independent of MSL and MSI and has no business, ownership or control relationship, nor is it otherwise affiliated with either MSI or MSL. CFI also states that it derives less than 3% of its annual income from MSI and that it receives no income from MSL.

CFI explains that it was retained to consider, on behalf of the MSL Plans, whether to approve the transaction and how the Plans should vote their interest at the Special Meeting of Members of MSL which occurred on November 24, 2004. Additionally, CFI states that it reviewed with MSI the various issues related to the allocation among eligible participants of any Cash proceeds received by the MSL Plans. In a letter to the Department dated October 29, 2004, CFI describes the process it had undertaken to determine whether the demutualization was fair and in the interests of the MSL Plans and their participants and beneficiaries.

CFI represents that the transaction would provide that the consideration to be paid to Eligible Members would be in the form of Cash, except for certain Eligible Members whose policies had a tax-favored status that could be jeopardized by the receipt of Cash, in which case, they would receive Policy Credits. CFI notes that Eligible Members would not be given a choice of whether to receive Cash or Policy Credits, and in no event, would Eligible Members receive shares of MSL stock. CFI further notes that the consideration that would be paid to Eligible Members would consist of a fixed component and a variable component. According to CFI, the fixed component would be determined by the Board of Directors of MSL and would be paid to Eligible Members for giving up their membership interest and their voting rights. The variable component would be paid to certain Eligible Members based on a formula taking into account the estimated past and future contributions by such Eligible Members, to MSL's surplus.

23. CFI states that Willamette Management Associates of Arlington, VA (Willamette) was retained on behalf of the MSL Plans to review the financial consideration being offered to Eligible Members by MSL and to render a financial fairness opinion with respect to the effect of the transaction on the Plans. CFI explains that Willamette reviewed and issued an opinion prior to CFI's submitting the vote on behalf of the Plans. Pending Willamette's review and opinion, CFI states that it preliminarily reviewed various documents related to the transaction including, but not limited to, the following: (a) The Plan of Conversion; (b) the Notice of Special Meeting of Members; (c) the Notice of Public Hearing Before the Commissioner; (d) a Summary of the MSL Conversion; (e) financial information of MSL; (f) the exemption request; and (g) legal, actuarial and financial opinions regarding MSL's Conversion.

24. In addition to the documents reviewed, CFI states that it had discussions with various officers of MSI and with certain of the advisers to MSI and MSL regarding the history of the companies, the current situation, the

[18] The members of the committee for the MSI Welfare Plans were the same three individuals who comprised the membership of the Administrative Committees for the MSI Employees Capital Accumulation Plan and the MSI Employees Defined Contribution Retirement Plan (together, the MSL Pension Plans).

prospects for the future and the events leading to the consideration and structuring of the transaction. CFI represents that it preliminarily concluded that the transaction was structured in a manner similar to other prior demutualizations. In this regard, CFI explains that the transaction was also subject to the approval of the Commissioner.

Furthermore, CFI states that it preliminarily determined that the concept of the transaction was fair and in the interest of the Plans and their participants and beneficiaries. Based on Willamette's favorable financial fairness opinion, CFI stated that it voted in favor of the transaction on November 24, 2004. Following the completion of the vote, CFI engaged in discussions with MSI regarding the issues related to the allocation of consideration among the eligible participants in the MSL Plans.

CFI states that as an Independent Fiduciary it (a) voted on whether to approve or not to approve the demutualization; (b) elected between consideration in the form of Cash or Policy Credits on behalf of such Plans; (c) reviewed and approved MSL's allocation of Cash or Policy Credits received for the benefit of the participants and beneficiaries of the MSL Plans; (d) would provide the Department with a complete and detailed final report as it relates to the MSL Plans prior to the granting of the exemption; and (e) would take all actions that were necessary and appropriate to safeguard the interests of the MSL Plans and their participants and beneficiaries.

25. In summary, it is represented that the transaction satisfied or will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Plan of Conversion was subject to approval, review and supervision by the Commissioner and was implemented in accordance with procedural and substantive safeguards that are imposed under the laws of the State of Minnesota.

(b) The Commissioner reviewed the terms of the options that were provided to Eligible Members of MSL as part of such Commissioner's review of the Plan of Conversion, and approved the Plan of Conversion following a determination that such Plan of Conversion was fair and equitable to all Eligible Members (including Eligible Members that were Plans).

(c) Each Eligible Member had an opportunity to vote at a special meeting to approve the Plan of Conversion after full written disclosure was given to the Eligible Member by MSL.

(d) Any determination to receive Cash or Policy Credits by an Eligible Member which was a Plan, pursuant to the terms of the Plan of Conversion, was made by one or more Plan fiduciaries that were independent of MSL; and neither MSL nor its affiliates exercises any discretion or provides investment advice, with the meaning of 29 CFR 2510.3–21(c), with respect to such decisions.

(e) After each Eligible Member was allocated an amount of Fixed Consideration equivalent to approximately $400, such Eligible Member was considered to receive an amount of Variable Consideration for each policy owned by the Eligible Member on the Record Date to reflect the Eligible Member's estimated past and future contributions to surplus, as determined by an actuarial formula (approved by the Commissioner) based on specific features of the policies owned by the Eligible Member on the Actuarial Calculation Date.

(f) In the case of a MSL Plan, the Independent Fiduciary:

(1) Voted on whether to approve or not to approve the demutualization;

(2) Elected between consideration in the form of Cash or Policy Credits on behalf of such MSL Plans;

(3) Reviewed and approved MSL's allocation of Cash or Policy Credits received for the benefit of the participants and beneficiaries of the MSL Plans;

(4) Will provide the Department with a complete and detailed final report as it related to the MSL Plans prior to the granting of the exemption; and

(5) Took or will take all actions that were necessary and appropriate to safeguard the interests of the MSL Plans and their participants and beneficiaries.

(g) All Eligible Members that were Plans participated in the transaction on the same basis as all Eligible Members that were not Plans.

(h) No Eligible Member paid any brokerage commissions or fees in connection with the receipt of Policy Credits.

(i) All of MSL's policyholder obligations remained in force and were not affected by the Plan of Conversion.

(j) The terms of the transactions were at least as favorable to the Plans as an arm's length transaction with an unrelated party.

Notice to Interested Persons

Notice of the proposed exemption will be given to interested persons within 14 days of the publication of the notice of pendency in the **Federal Register**. The notice will include a copy of the notice of proposed exemption, as published in the **Federal Register**, as well as a supplemental statement, as required pursuant to 29 CFR 2570.43(b)(2), which shall inform interested persons of their right to comment. Comments with respect to the proposed exemption are due 44 days after the date of publication of the proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Arjumand A. Ansari of the Department at (202) 693–8566. (This is not a toll-free number.) Liberty Media International, Inc. (LMI) Located in Englewood, CO, [Application No. D–11277].

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act shall not apply,[19] effective July 26, 2004, to (1) the acquisition by the Liberty Cablevision of Puerto Rico 401(k) Savings Plan (the Plan) of certain stock rights (the Rights) pursuant to a stock rights offering (the Offering) by LMI, the Plan sponsor and a party in interest with respect to the Plan; (2) the holding of the Rights by the Plan during the subscription period of the Offering; and (3) the disposition or exercise of the Rights by the Plan.

This proposed exemption is conditioned upon the following requirements:

(a) The Rights were acquired by the Plan pursuant to Plan provisions for individually-directed investment of participant accounts;

(b) The Plan's receipt of the Rights occurred in connection with the Rights Offering made available to all shareholders of LMI common stock;

(c) All decisions regarding the holding and disposition of the Rights by the Plan were made in accordance with Plan provisions for individually-directed investment of participant accounts by the individual participants whose accounts in the Plan received Rights in the Offering, and if no instructions were received, the Rights were sold;

[19] It is represented that because the fiduciaries for the Plan have not made an election under section 1022(i)(2) of the Act, whereby the Plan would be treated as a trust created and organized in the United States for purposes of tax qualification under section 401(a) of the Code, jurisdiction under Title II of the Act does not apply. Therefore, LMI is not requesting, nor is the Department providing, exemptive relief under the provisions of Title II of the Act. The Department is, however, providing exemptive relief under Title I of the Act.

(d) The Plan's acquisition of the Rights resulted from an independent act of LMI as a corporate entity, and all holders of the Rights, including the Plan, were treated in the same manner with respect to the acquisition; and

(e) The Plan received the same proportionate number of the Rights as other owners of LMI Series A common stock (the Series A Stock).

EFFECTIVE DATE: If granted, this proposed exemption will be effective as of July 26, 2004.

Summary of Facts and Representations

1. LMI, located in Englewood, Colorado, is a publicly-traded company with majority and minority interests in international distribution and programming companies. LMI's stock is traded on the Nasdaq National Market under the symbol ''LBTYA.'' Among LMI's principal assets is Liberty Media International Holdings, LLC (LMIH), a wholly owned subsidiary, which, in turn, wholly owns Liberty Cablevision of Puerto Rico, Ltd. (LCPR). LCPR is located in Luquillo, Puerto Rico. LCPR provides cable television, long distance telephone, and Internet access services to customers.

2. LMI maintains the Plan for the benefit of LCPR employees. The Plan is a defined contribution plan that complies with the requirements of sections 1165(a) and (e) of the Puerto Rico Internal Revenue Code of 1994, as amended.[20] As of July 26, 2004, the Plan had approximately 241 participants and total assets of $2,315,009. Also as of July 26, 2004, the Plan held approximately 9,428 shares of LMI-issued Series A Stock valued at $298,671 on such date. The Series A Stock comprised approximately thirteen percent (13%) of the total Plan assets and it represented less than 1/10th of 1% of the total outstanding issue of Series A Stock, which consisted of 139,915,585 shares.

Eurobank, a banking corporation organized under the laws of the Commonwealth of Puerto Rico, is the Plan's trustee (Trustee). The Trustee holds legal title to the Plan's assets. Fidelity Investments Institutional Operations Company, Inc. (Fidelity) of Boston, Massachusetts, is the Plan's administrator. The Plan administrative committee (the Plan Administrative Committee) is the fiduciary responsible for Plan matters. The Plan Administrative Committee is comprised of Messrs. David Leonard, Bernard Dvorak, and Jose Alegria. Messrs. Leonard and Dvorak are LMI officers. Mr. Alegria is LCPR's general manager. At the time of the Offering, none of these individuals were on LMI's Board of Directors.

3. The Plan permits participants to contribute a portion of their respective annual compensation to the Plan as pre-tax salary reduction contributions and as after-tax contributions. LMI then makes a matching contribution to the Plan. Participant salary reduction contributions are immediately 100% vested, while LMI's matching contributions vest according to a three-year vesting schedule, which is based on the years of service each participant has completed.[21]

The Plan provides for participants to direct investments of their own contributions into one of 18 investment categories, including the Liberty Media International Stock Fund (the LMI Stock Fund). LMI matching contributions are always invested in the LMI Stock Fund if the account is not 100% vested. If the participant's LMI matching contributions account is 100% vested, the participant may direct the investment of the entire account into any of the investment options available under the Plan.

4. On July 26, 2004, LMI announced a special rights offering (*i.e.*, the Offering) which expired on August 23, 2004 (the Expiration Date). The Rights Offering period was determined solely by LMI. Holders of record of Series A Stock as of July 26, 2004 (the Record Date), each received 0.20 of a transferable subscription Right for each share of Series A Stock held. Such Rights were traded on NASDAQ. Each whole Right entitled the holder to purchase one share of Series A Stock at a subscription price of $25 per share (the Subscription Price). LMI's Board of Directors determined the Subscription Price. The Offering also gave LMI shareholders the right to purchase additional shares of Series A Stock up to the number of shares that were not purchased by the other shareholders (the Over Subscription Privilege).

5. Because the Plan was the holder of record of Series A Stock, LMI represents that the granting of a Right to the Plan by LMI was the grant of an ''employer security'' under section 407(d)(1) of the Act.[22] However, LMI explains that the Rights were not ''qualifying employer securities'' under section 407(d)(5) of the Act.[23] Therefore, LMI indicates that its granting of the Rights to the Plan and the subsequent exercise of the Rights by the Plan participants, would violate sections 406(a), 406(b)(1), and 406(b)(2) of the Act. Therefore, LMI requests an administrative exemption from the Department for such transactions. If granted, the exemption would be effective as of July 26, 2004.[24]

6. As part of the Rights Offering process, the Plan established two temporary funds to administer the Rights, the ''Rights Holding Fund'' and the ''Liberty Media Receivable Fund.'' The Rights Holding Fund was established to hold the Rights when they were issued. Rights were then credited to participants' accounts based on their respective balances in the LMI Stock Fund on July 26, 2004. The Liberty Media Receivable Fund, following the exercise of Rights as directed by the Plan participants, reflected the approximate value of the LMI Stock due from the subscription agent.

7. Under the terms of the Plan, the Trustee had the option of either ''passing-through'' its right to vote to the Plan participants or taking action on the Series A Stock on behalf of such participants. However, the Plan Administrative Committee elected to have each participant determine whether to exercise or sell the Rights attributable to the shares of the Series A Stock allocated to the participant's Plan account. The elections applied to both the Series A Stock held in the participant's account that were attributable to the participant's own pre-

[20] It is represented that the Puerto Rico Tax Code provides ''qualification'' rules for retirement plans that cover employees who reside in Puerto Rico. The qualification rules are similar, but not identical to, the requirements of section 401(a) of the Code. In order to permit permit pre-tax contributions by employees, and to allow deductions of contributions by the employer, Puerto Rico law also requires that the Plan qualify under the applicable sections of the Puerto Rico Tax Code.

[21] Series A Stock acquired by a Plan participant through the exercise of the Rights was vested based on the vested status of the Series A Stock on which the Right was granted. For example, Series A Stock acquired through the exercise of the Rights and held in a participant's employee contributions account became 100% vested. Series A Stock acquired through the exercise of the Rights and held in a participant's employer matching contributions account (which could be 33%, 66%, or 100% vested, depending on the participant's years of service) was vested in the same percentage as the employer matching contribution account.

[22] An ''employer security'' is defined under section 407(d)(1) of the Act as a security issued by an employer of employees covered by the Plan, or by an affiliate of such employer.

[23] Section 407(d)(5) of the Act defines the term ''qualifying employer security'' as an employer security which is (a) stock, (b) a marketable obligation, or (c) an interest in a publicly traded partnership, but only if such partnership is an existing partnership as defined in the Code.

[24] To avoid engaging in a prohibited transaction, the Plan Administrative Committee considered refusing to accept the Rights. However, since participation in the Offering was structured to allow participants to purchase shares of Series A Stock at a discount from market price, the Plan Administrative Committee concluded that a refusal to accept the Rights could constitute a breach of fiduciary duty under the Act.

tax and after-tax contributions and to matching employer contributions (including vested and nonvested matching contributions).

The passing-through of the election to exercise or sell the Rights was determined by the Plan Administrative Committee to be in the best interests of the Plan participants. This was because in order for a participant to exercise the Rights to acquire additional shares of Series A Stock, other assets in the Plan and in the participant's account, had to be liquidated. Therefore, by passing through this exercise election to each Plan participant, the participant could make an independent decision on whether to liquidate the assets in his or her Plan account to purchase additional shares of Series A Stock at a discount.

8. To facilitate the pass through of the election, the Plan prepared and provided to participants detailed explanations of the participant's alternatives with respect to the Rights. In this regard, the Plan prepared and furnished Questions & Answers to Plan participants. Among other things, the Questions & Answers explained the Rights Offering and the participant's option to exercise or sell the Rights attributable to the Series A Stock allocated to such participant's Plan account. In addition, participants received the Rights Offering Instructions, which explained the steps a participant would take to exercise or sell the Rights. Further, participants were provided a prospectus describing the Rights issued by LMI.

9. Fidelity required a considerable amount of administrative time to receive the Rights from LMI, to determine the Rights allocable to each participant based on the quantity of Series A Stock held in the participant's account, and then to allocate the Rights to the participant in the Rights Holding Fund. Fidelity was eventually able to commence taking exercise or sell directions from the participants on August 2, 2004.

10. All LMI shareholders, including the Trustee, could exercise or sell the Rights through the close of business on the Expiration Date, which was implemented solely by LMI. To meet this deadline, Fidelity was required to collect all of the participants' elections, liquidate sufficient account assets of the participants who elected to exercise their Rights, and then provide the exercise instructions along with the exercise funds to the subscription agent, EquiServe Trust Company, N.A. (EquiServe), of Canton, Massachusetts, for LMI by the Expiration Date. Plan participants were also required to have their exercise or sell elections to Fidelity by the close of business on August 17, 2004 (the Election Close-Out Date) to give Fidelity sufficient time to liquidate other assets so that cash would be available for participants to exercise their Rights.

11. Under the Oversubscription Privilege, LMI shareholders could subscribe to purchase additional shares of Series A Stock up to the number of shares that were not purchased by the other shareholders. However, the Plan Administrative Committee determined that the Oversubscription Privilege would result in a number of prohibited transactions and fiduciary breaches for which retroactive exemptive relief from the Department might not be obtainable. This was because in order to subscribe for the Oversubscription Privilege, the Trustee would have been required to liquidate Plan assets in order to remit cash to LMI in anticipation of the possibility of purchasing additional Series A Stock. Then, the liquidated Plan assets would have been held in an interest-bearing account and commingled with LMI's general assets. In addition, the interest would have been paid to LMI.

Furthermore, it is represented that the liquidated assets might not have been used to purchase additional Series A Stock because the Oversubscription Privilege was conditioned on the Plan exercising all the issued subscription Rights. Thus, in the instance where the Plan did not exercise all its issued subscription Rights, the Oversubscription Privilege could not be exercised.[25]

12. Each Plan participant had the option to exercise any percentage of the Rights granted on such participant's Series A Stock allocated to the participant's Plan account. By speaking to a Fidelity representative at any time prior to 4 p.m. Eastern Daylight Time, a Plan participant could elect to exercise a Right on the Election Close-Out Date. Participants had the opportunity prior to the Election Close-Out Date to revoke or change instructions to exercise by (a) electing a new percentage; (b) placing an order to sell; or (c) a combination of both.

The dollar amount required to exercise the Rights was exchanged from other investments in the participant's account into the Receivable Fund. The required dollar amount equaled the percentage of Rights exercised (as elected by the participant) multiplied by the number of Rights credited to the participant's account and multiplied by the exercise price for the Rights Offering. The dollar amount was exchanged from the other investment categories in which the account was invested on a proportional basis by source. The Liberty Media Stock Fund and the LMI Stock Fund were not included unless sufficient funds did not exist in the other investment categories under the participant's account. For those individuals with insufficient funds to permit exercise of the entire elected amount, Fidelity exercised as many rights as the account balance permitted.

13. On or about August 20, 2004, the Rights to be exercised and the necessary funds were submitted to EquiServe for the purchase of Series A Stock. The participants' balances in the Rights Holding Fund were reduced by the number of Rights exercised on a participant's behalf. Fidelity then sold all remaining Rights on the open market between August 18, 2004 and August 23, 2004, at which time the Rights expired. Upon receipt of the new Series A Stock, the Liberty Media Receivable Fund was closed and the newly-received shares were transferred into the LMI Stock Fund and allocated to the participants' Plan accounts.

For any Rights sold by the Plan, a commission of 2.9 cents per Right was charged to the Plan account from which the Right was sold. The commission was disclosed to participants, in the materials provided explaining the Rights Offering. The commission was not paid to LMI but to the broker-dealer, National Financial Services (NFS) of New York City, New York, for the sale transaction. NFS is an affiliate of Fidelity and is wholly owned by Fidelity Global Brokerage Group, Inc. The Plan Administrative Committee determined, after reasonable consideration of the alternatives, that the use of NFS was in the best interests of the Plan for the following reasons:[26] (a) Brokerage services required to effect the sales transaction were considered necessary services for the operation of the Plan; (b) the reputation of NFS as a reputable broker; (c) the already established procedures between Fidelity and NFS for the prompt execution of the sale transactions; (d) the ability of NFS

[25] It is represented that LMI stated in the Prospectus for the Rights Offering that the Oversubscription Privilege could be exercised only if the shareholder exercised basic subscription Rights in full. Because the Trustee is the shareholder of the Plan's shares of Series A Shares, the Trustee would have had to exercise every Right issued on every share of Series A Stock held by the Plan in order to take advantage of the Oversubscription Privilege. Because this did not occur, the Oversubscription Privilege was not available to the Plan.

[26] The Department expresses no opinion herein on whether the selection of NFS meets the statutory conditions contained in section 408(b)(2) of the Act.

to accept the engagement upon very short notice (the short notice provided by the issuer of the Rights); (e) the reasonable price charged for the brokerage services when compared with other unrelated brokers; and (f) the short-term nature of the arrangement. Although Fidelity is affiliated with NFS, it is represented that Fidelity did not use any discretion to select NFS as broker for the Rights. Moreover, it is represented that the participants paid commissions in the sale of their Rights in the same manner as any other shareholder paid commissions in the sale of their rights.

14. Those participants who elected to exercise only a portion of their Rights later could elect to exercise additional Rights if sufficient time existed prior to the Election Close-Out Date. The Election Close-Out Date was established to permit sufficient time to liquidate the other assets in an orderly manner so that the necessary cash would be available to exercise the Rights before the Rights offering Expiration Date (August 23, 2004). Unexercised Rights as of 4 p.m. Eastern Time, August 17, 2004, were offered for sale on the open market by Fidelity from August 18, 2004, through August 23, 2004. Rights that remained unsold at the close of the market on August 23, 2004, expired.

A participant who elected to sell, rather than exercise the Rights allocated to his or her Plan account, was required to (a) contact a Fidelity representative; and (b) specify the percentage (in whole amounts) of the Rights he or she desired to sell.

15. It is represented that the Rights Offering and the resulting transactions were protective, in the best interests of, and beneficial to the Plan and its participants and beneficiaries because participants in the Plan were treated in a similar manner as other LMI shareholders who received the Rights, with the sole exception that the Plan participants were not entitled to participate in the Oversubscription Privilege. Additionally, no expenses were incurred by the Plan from the Rights Offering, and full disclosure of the Rights Offering was made in the public documents filed with the Securities and Exchange Commission. With respect to the Plan participants, it is represented that all participants were notified in advance of the procedures for instructing Fidelity of the participant's desires for exercise or sale under the Rights offering, and all instructions given by the involved participants to Fidelity were properly executed. Further, all actions by Fidelity and the Trustee with respect to the Rights Offering were made pursuant to express instructions, except when the involved participant failed to act or acted in violation of the published procedures. Under such circumstances, the Rights were placed on the open market for sale and any unsold rights were allowed to expire unexercised. It is represented that the instructions for the disposition of the Rights upon the failure of the involved participant to act or to give valid instructions were fully disclosed in the procedural instructions given to the involved participants. Furthermore, it is represented that the instructions were consistent with the nature of participant-directed investments under a plan.

16. In summary, it is represented that the transactions have satisfied the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Rights were acquired by the Plan pursuant to Plan provisions for individually-directed investment of participant accounts;

(b) The Plan's receipt of the Rights occurred in connection with the Rights Offering made available to all shareholders of Series A Stock;

(c) All decisions regarding the holding and disposition of the Rights by the Plan were made in accordance with Plan provisions for individually-directed investment of participant accounts by the individual participant whose account in the Plan received Rights in the Offering, and if no instructions were received the Rights were sold;

(d) The Plan's acquisition of the Rights resulted from an independent act of LMI as a corporate entity, and all holders of the Rights, including the Plan, were treated in the same manner with respect to the acquisition; and

(e) The Plan received the same proportionate number of the Rights as other owners of Series A Stock.

Notice to Interested Persons

Notice of proposed exemption will be provided to all interested persons by first class mail within 4 days of publication of the notice of pendency in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption, as published in the **Federal Register**, and a supplemental statement, as required pursuant to 29 CFR 2570.43(b)(2), which will inform interested persons of their right to comment on the proposed exemption and/or to request a hearing. Comments and hearing requests are due within 34 days of the date of publication of the proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Ms. Silvia M. Quezada of the Department, telephone number (202) 693–8553. (This is not a toll-free number.) Riggs Bank N.A., Washington, DC; and the PNC Financial Services Group, Inc. (PNC), Pittsburgh, Pennsylvania (together, the Applicants), [Application No. D–11310].

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

Section I. Riggs Bank N.A.

If the exemption is granted, Riggs Bank N.A. (''Riggs Bank'') shall not be precluded from functioning as a ''qualified professional asset manager'' pursuant to Prohibited Transaction Exemption 84–14 (49 FR 9494, March 13, 1984) (''PTE 84–14'') beginning on the date of the acquisition of Riggs National Corporation, the parent of Riggs Bank, by PNC, solely because of a failure to satisfy section I(g) of PTE 84–14 as a result of the conviction of Riggs Bank for the felony described in the January 27, 2005 felony information (the ''Information'') entered in the U.S. District Court for the District of Columbia, provided that:

(a) This exemption is not applicable if Riggs becomes affiliated with any person or entity convicted of any of the crimes described in section I(g) of PTE 84–14, unless such person or entity already has been granted an exemption to continue functioning as a QPAM pursuant to PTE 84–14;

(b) This exemption is not applicable if Riggs is convicted of any of the crimes described in section I(g) of PTE 84–14, other than the specific felony charged in the Information;

(c) An independent auditor, who has appropriate technical training or experience and proficiency with Title I of ERISA's fiduciary responsibility provisions, shall conduct an audit of Riggs Bank's ERISA custody and fiduciary asset management functions. This audit will be commenced not later than June, 2005. It will be completed and a report setting forth the procedures conducted and the results obtained will be sent to the Department as soon as possible, but in no event later than September 30, 2005;

(d) The audit described above will cover the following areas for the period commencing in March, 1999 and ending with the date of the closing of the Riggs-PNC transaction (the Time Period): reconciliations (to determine that reconciliations and settlements are performed accurately and timely, and outstanding items are monitored and

cleared in a timely manner); unitizations (to determine that daily processes, including trade requests, valuation and reconciliation of unitized assets are authorized and properly performed, are consistent with liquidity requirements and to ensure that unitized assets evaluations are valid); conversions (to determine that adequate controls are in place and working effectively to ensure that conversions are completed accurately, in a timely manner, and in accordance with the client's contract); fees (to determine that controls over the fee assessment and collection process are adequately designed and operating accurately and effectively); annual and monthly statements (to determine that statements are prepared accurately and distributed to clients independently and within the required frequency and time frame); training (to determine that account administrators and administrative assistants are adequately trained, including with respect to the requirements of ERISA); system authorization (to determine whether there are controls in place to ensure access to systems is authorized, approved and limited based on employees' particular duties and responsibilities); new accounts (to determine controls in place to ensure new accounts receive appropriate approvals and are accurately set up for future required reviews and other account activities); the adequacy of the written policies and procedures adopted by Riggs to ensure compliance with the terms of the QPAM exemption (other than paragraph 1(g) of PTE 84–14), and the requirements of Title I of ERISA (including ERISA's prohibited transaction provisions and applicable statutory and administrative exemptions); and compliance (through a test of a representative sample of transactions of client plans during the Time Period) with: (i) The written policies and procedures that it has adopted and (ii) the objective requirements of Title I of ERISA and PTE 84–14 (other than paragraph 1(g) of PTE 84–14);

(e) Any irregularities identified as a result of the audit will be promptly corrected; and

(f) On the closing of the acquisition transaction, PNC will apply the same internal control and audit policies and procedures applied and enforced with respect to its pre-existing ERISA fiduciary asset management functions to the ERISA custody and fiduciary asset management functions formerly associated with Riggs Bank.

Section II. PNC

If the exemption is granted, PNC and its affiliates shall not be precluded from functioning as a ''qualified professional asset manager'' pursuant to PTE 84–14 beginning on the date of the acquisition of Riggs National Corporation, the parent of Riggs Bank, by PNC, solely because of a failure to satisfy section I(g) of PTE 84–14 as a result of the conviction of Riggs Bank for the felony described in the Information entered in the U.S. District Court for the District of Columbia, provided that:

(a) This exemption is not applicable if PNC or any affiliate becomes affiliated with any person or entity convicted of any of the crimes described in section I(g) of PTE 84–14, unless such person or entity already has been granted an exemption under PTE 84–14; and

(b) This exemption is not applicable if PNC or any affiliate is convicted of any of the crimes described in section I(g) of PTE 84–14, other than the conviction of Riggs Bank for the specific felony charged in the Information.

Section III. Definitions

(a) For purposes of this exemption, the term ''Riggs'' means and includes Riggs Bank and any entity that was affiliated with Riggs Bank, including but not limited to its corporate parent Riggs National Corporation, prior to the date of acquisition of Riggs National Corporation by PNC.

(b) For purposes of this exemption, the term ''PNC'' includes PNC Financial Services Group, Inc. and any entity that was affiliated with PNC Financial Services Group, Inc. prior to the date of acquisition of Riggs National Corporation by PNC, and any future affiliates, other than Riggs Bank, as defined in subsection (a).

(c) The term ''affiliate'' of a person means—

(1) Any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with the person,

(2) Any director of, relative of, or partner in, any such person,

(3) Any corporation, partnership, trust or unincorporated enterprise of which such person is an officer, director, or a 5 percent or more partner or owner, and,

(4) Any employee or officer of the person who—

(A) is a highly compensated employee (as defined in section 4975(e)(2)(H) of the Code) or officer (earning 10 percent or more of the wages of such person) or,

(B) has direct or indirect authority, responsibility or control regarding the custody, management or disposition of plan assets.

(d) The term ''control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(e) The term ''Corporate Probation Period'' means the five-year period of corporate probation provided for in the plea agreement entered into between Riggs Bank, the United States Attorney for the District of Columbia and the United States Department of Justice and filed with the United States District Court for the District of Columbia on January 27, 2005; provided that if Riggs Bank or its corporate parent Riggs National Corporation is sold to a party unaffiliated with it as of the date of the plea agreement, whether by sale of stock, merger, consolidation, sale of a significant portion of its assets, or other form of business combination, or otherwise undergoes a direct or indirect change of control within the five-year corporate probation period, the corporate probation period shall terminate upon the closing of any such transaction or the occurrence of any such change of control.

Summary of Facts and Representations

1. Riggs Bank is a national bank located in Washington, DC. The Applicants represent that the clientele served by Riggs Bank includes employee benefit plans subject to the Act. Riggs Bank maintains that, given the size and number of the plans which Riggs Bank represents, the number of financial service providers engaged by such plans, the breadth of the definition of ''party in interest'' under the Act, and the array of services offered by Riggs Bank, it would not be uncommon for Riggs Bank to propose a transaction involving a party in interest with respect to a plan for which Riggs Bank is acting in a fiduciary capacity. Riggs Bank represents that such transactions are necessary to offer plan clients adequate investment diversification opportunities, and that such opportunities will be missed if Riggs is not permitted to function as a QPAM pursuant to PTE 84–14.

2. The Applicants represent that Riggs National Corporation, the corporate parent of Riggs Bank, currently has an agreement with Pittsburgh-based PNC that provides for Riggs National Corporation and Riggs Bank to be acquired by PNC. PNC is more than ten times larger than Riggs Bank, and is one of the largest financial services holding companies in the United States. As of June 30, 2004, PNC had total assets of approximately $73.1 billion and had 775 branches in six states, with a total deposit base of more than $50 billion.

As further discussed below, Riggs Bank represents that, absent an individual exemption, any acquiring entity would be barred from functioning as a QPAM pursuant to PTE 84–14, and that, accordingly, the provision of a QPAM exemption would facilitate the consummation of a change of control transaction.

3. On January 27, 2005, the United States Attorney for the District of Columbia filed the felony information (the Information) in the United States District Court for the District of Columbia describing violations of 31 U.S.C. 5322(b) & 5318(g) (''the Title 31 Felony''). The Information charges Riggs Bank with failing to report suspicious banking transactions. That same day, Riggs Bank entered a plea of guilty to the charge in the Information pursuant to a written plea agreement with the United States Attorney for the District of Columbia and the Department of Justice (the ''Plea Agreement''). In the Plea Agreement, Riggs Bank agreed to pay a fine of $16 million and agreed to the Corporate Probation Period.

4. The conduct that is the subject of the Information and the Plea Agreement involved compliance with Title 31 Bank Secrecy Act reporting requirements. Specifically, the Plea Agreement sets forth that Riggs Bank failed to file required reports with government authorities when certain of its customers, including foreign government officials such as Augusto Pinochet of Chile and senior officials in the government of the Republic of Equatorial Guinea, engaged in suspicious banking transactions involving the movement of funds between and among various accounts and banks.

5. Riggs Bank represents that the Title 31 Felony did not relate in any way to the conduct of any investment adviser or fiduciary of an employee benefit plan. Riggs Bank maintains, however, that although none of the unlawful conduct involved investment management activities of Riggs Bank or its subsidiaries, or any plans covered by the Act, the Title 31 Felony could preclude Riggs from serving as a ''qualified professional asset manager'' (''QPAM''), due to the provisions of sections I(g) and V(d) of PTE 84–14. Section I(g) of PTE 84–14 precludes a person who otherwise qualifies as a QPAM from serving as a QPAM if such person or an affiliate thereof has within the ten years immediately preceding the transaction been either convicted or released from imprisonment, whichever is later, as a result of certain specified criminal activity. Because the Title 31 Felony involved a crime described in PTE 84–14, the Applicants represent that Riggs may be barred from qualifying as a QPAM.

6. Accordingly, the Applicants request an exemption to enable Riggs and its affiliates to function as QPAMs despite Riggs Bank's failure to satisfy section I(g) of PTE 84–14 as a result of the judgment of conviction to be entered against Riggs Bank on the charges set forth in the Information. The proposed exemption is also requested on behalf of such entities that may become affiliated with Riggs Bank, including, but not limited to, PNC and its affiliates. The transactions covered by the proposed exemption would include the full range of transactions that can be executed by investment managers who qualify as QPAMs pursuant to PTE 84–14 and satisfy the conditions contained therein. If granted, the exemption will enable Riggs to qualify as a QPAM by satisfying all of the conditions of PTE 84–14, except the condition stated in section I(g) of PTE 84–14.

7. Riggs Bank represents that the Title 31 Felony does not create any concern that it will endanger employee benefit plans for which Riggs Bank or its subsidiaries propose to serve as a QPAM. Riggs Bank represents that none of the conduct that is set forth in the Plea Agreement involved any aspect of the investment management or investment advisory functions of Riggs Bank or its subsidiaries. Moreover, the individuals known to have been directly involved in the transactions set forth in the Plea Agreement, the managers of the divisions and subsidiaries where these individuals worked, and the managers of Riggs Bank's compliance staff during the relevant period, are no longer employed by Riggs Bank. Riggs Bank further represents that the Embassy Banking and International Private Banking divisions of Riggs Bank, the London Branch of Riggs Bank, and Riggs Bank's Edge Act subsidiary, Riggs International Banking Corporation, where the conduct that is set forth in the Plea Agreement transpired, have been closed or are in the process of being sold or closed, and that these operations were both operationally and physically separate from the investment management and advisory functions of Riggs Bank and its subsidiaries. Furthermore, Riggs Bank represents that it is committed to a strong legal compliance program. To address the Bank Secrecy Act compliance issues highlighted by the Information and prior regulatory enforcement actions, Riggs Bank has invested more than 50 million dollars in technological and system upgrades as well as the wholesale replacement and upgrade of its compliance personnel and systems. As the Plea Agreement reflects, these investments by Riggs Bank bore directly on the discovery of certain conduct set forth in the Plea Agreement, and certain conduct set forth in the Plea Agreement was first uncovered by internal investigations undertaken by Riggs Bank.

8. Riggs Bank has agreed that an independent auditor, who has appropriate technical training or experience and proficiency with ERISA's fiduciary responsibility provisions, shall conduct an audit of Riggs Bank's ERISA fiduciary asset management functions. This audit will be commenced not later than June 2005. It will be completed and a report setting forth the procedures conducted and the results obtained will be sent to the Department as soon as possible, but in no event later than September 30, 2005.

9. The audit described above will cover the following areas for the Time Period: reconciliations (to determine that reconciliations and settlements are performed accurate and timely, and outstanding items are monitored and cleared in a timely manner); unitizations (to determine that daily processes, including trade requests, valuation and reconciliation of unitized assets are authorized and properly performed, are consistent with liquidity requirements and to ensure that unitized assets evaluations are valid); conversions (to determine that adequate controls are in place and working effectively to ensure that conversions are completed accurately, in a timely manner, and in accordance with the client's contract); fees (to determine that controls over the fee assessment and collection process are adequately designed and operating accurately and effectively); annual & monthly Statements (to determine that statements are prepared accurately and distributed to clients independently and within the required frequency and time frame); training (to determine that account administrators and administrative assistants are adequately trained, including with respect to the requirements of ERISA); system authorization (to determine whether there are controls in place to ensure access to systems is authorized, approved and limited based on employees' particular duties and responsibilities); new accounts (to determine controls in place to ensure new accounts receive appropriate approvals and are accurately set up for future required reviews and other account activities); the adequacy of the written policies and procedures adopted by Riggs to ensure compliance with the

terms of the QPAM exemption (other than paragraph 1(g) of PTE 84–14), and the requirements of Title I of ERISA (including ERISA's prohibited transaction provisions and applicable statutory and administrative exemptions), and compliance (through a test of a representative sample of transactions of client plans during the Time Period) with: (i) the written policies and procedures that it has adopted and (ii) the objective requirements of Title I of ERISA and PTE 84–14 (other than paragraph 1(g) of PTE 84–14). Any irregularities will be promptly corrected.

10. On the closing of the acquisition transaction PNC will apply the same internal control and audit policies and procedures applied and enforced with respect to its pre-existing ERISA fiduciary asset management functions to the ERISA fiduciary asset management functions formerly associated with Riggs Bank.

11. In summary, the Applicants represent that the criteria of section 408(a) of the Act are satisfied for the following reasons: (a) The Title 31 Felony involved areas of business unrelated to employee benefit plans; (b) Riggs Bank has committed to a legal compliance program featuring written policies and procedures to prevent future illegal activity; (c) an independent audit requirement will further protect plans and their plan participants; (d) Riggs Bank's substantial investment in technological and system upgrades, as well as the wholesale replacement and upgrade of its compliance personnel and systems; and (e) the exemption will permit the bank(s) to engage in a broader variety of investments and services on behalf of client employee benefit plans which demand diverse investment opportunities.

Notice to Interested Persons

With respect to notification of interested persons, Riggs Bank will distribute this notice of proposed exemption by first class mail to an independent plan fiduciary for all ERISA pension plans for which Riggs Bank and its subsidiaries provide fiduciary services, including trustee services and/or the provision of investment advice. All notifications will be mailed within three business days after publication of the proposed exemption in the **Federal Register**. Comments and requests for a hearing must be received by the Department within 28 days of the date of publication of this proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Gary H. Lefkowitz of the Department, telephone (202) 693–8546. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 18th day of March, 2005.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 05–5744 Filed 3–22–05; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–059]

The Aeronautics Research Advisory Committee, Council of Deans Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: The National Aeronautics and Space Administration, Aeronautics Research Advisory Committee, announces a forthcoming meeting of the Council of Deans Subcommittee.

DATES: Wednesday, April 13, 2005, 12:30 p.m. to 5:15 p.m.; and Thursday, April 14, 2005, 8:30 a.m. to 12 Noon.

ADDRESSES: Westward Look Resort, 245 E. Ina Road, Tucson, Arizona 85704.

FOR FURTHER INFORMATION CONTACT: Mrs. Mary-Ellen McGrath, Office of Aeronautics Research, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–4729.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Opening Remarks
- Aeronautics Mission Directorate Budget Update
- Task Force Reports
- Safety and Security Program Overview
- NASA Office of Education Overview
- Assessment of the Current Aeronautics Mission University Program
- Closing Comments

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: March 17, 2005.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 05–5771 Filed 3–22–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–056]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that the Modine Manufacturing

Company of Racine, Wisconsin, has applied for a partially exclusive license to practice the NASA inventions disclosed in (1) Patent No. U.S. 6,399,020 B1, entitled Aluminum-Silicon Alloy Having Improved Properties at Elevated Temperatures and Articles Cast Therefrom; (2) Patent No. U.S. 6,419,769 B1, entitled Aluminum-Silicon Alloy Having Improved Properties at Elevated Temperatures and Process for Producing Cast Articles Therefrom; and (3) PCT International Application No. PCT/US03/10372 entitled, High Strength Aluminum Alloy for High Temperature Application filed April 3, 2003, for European Patent Organizations (EPO), Australia, Brazil, Canada, Japan, Columbia, India, Indonesia, Mexico, Philippines, and Vietnam. All three inventions are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. Jerry L. Seemann, Chief Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATE(S): Responses to this notice must be received by May 23, 2005.

FOR FURTHER INFORMATION CONTACT: Sammy A. Nabors, Technology Transfer Department/ED02, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226.

Dated: March 15, 2005.

Keith T. Sefton,

Deputy General Counsel, Administration and Management.

[FR Doc. 05–5711 Filed 3–22–05; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 05–057]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Phoenix Systems International, Inc. of Pine Brooke, NJ, has applied for an exclusive license to practice the invention described and claimed in NASA Case No. KSC–12664–3–CIP entitled ''Emission Control System,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of an exclusive license to Phoenix Systems International, Inc. should be sent to Assistant Chief Counsel/Patent Counsel, NASA, Mail Code: CC–A, Office of the Chief Counsel, John F. Kennedy Space Center, Kennedy Space Center, FL 32899.

DATES: Responses to this Notice must be received within 15 days from date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Randall M. Heald, Patent Counsel/Assistant Chief Counsel, NASA, Office of the Chief Counsel, John F. Kennedy Space Center, Mail Code: CC–A, Kennedy Space Center, FL 32899, telephone (321) 867–7214.

Dated: March 14, 2005.

Keith T. Sefton,

Deputy General Counsel, Administration and Management.

[FR Doc. 05–5710 Filed 3–22–05; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR part 75—Safeguards on Nuclear Material, Implementation of US/IAEA Agreement

2. Current OMB approval number: 3150–0055

3. How often the collection is required: Installation information is submitted upon written notification from the Commission. Changes are submitted as they occur. Nuclear material accounting and control information is submitted in accordance with specified instructions.

4. Who is required or asked to report: All persons licensed or certified by the Commission or Agreement States to possess source or special nuclear material at an installation specified on the U.S. eligible facilities list as determined by the Secretary of State or his designee and filed with the Commission, as well as holders of construction permits and persons who intend to receive source material.

5. The number of annual respondents: Seven, one of which perform the reporting and recordkeeping and the other six perform the recordkeeping only. The NRC-licensed facilities selected for inspection will be reporting or updating design information. This one facility and the six facilities selected pursuant to a separate protocol will maintain transfer and material balance records, but reporting to the IAEA will be through the U.S. State system (Nuclear Materials Management and Safeguards System).

6. The number of hours needed annually to complete the requirement or request: 2,800 (.2 hours for reporting and 2,800 hours for recordkeeping [400 hours per recordkeeper]).

7. Abstract: 10 CFR part 75 establishes requirements to implement the agreement between the United States and the International Atomic Energy Agency (IAEA). Under that agreement, NRC is required to collect information and make it available to the IAEA. Currently, the IAEA has selected and is inspecting two NRC-licensed facilities pursuant to 10 CFR 75.41.

Submit, by May 23, 2005 comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, MD. OMB clearance requests are available at the NRC Worldwide 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 about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E 6,

Washington, DC 20555–0001, by telephone at (301) 415–7233, or by Internet electronic mail at *infocollects@nrc.gov.*

Dated at Rockville, Maryland, this 14th day of March 2005.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 05–5680 Filed 3–22–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–20]

Department of Energy; Three Mile Island 2 Independent Spent Fuel Storage Installation; Notice of Docketing of Materials License SNM–2508 Amendment Application

AGENCY: Nuclear Regulatory Commission.

ACTION: License Amendment.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sebrosky, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415–1132; fax number: (301) 415–1179; e-mail: *jms3@nrc.gov.*

SUPPLEMENTARY INFORMATION: By letter dated January 31, 2005, the Department of Energy (DOE or licensee) submitted an application to the U.S. Nuclear Regulatory Commission (NRC or the Commission), in accordance with Title 10 of the Code of Federal Regulations (10 CFR) 72.56, requesting the amendment of the Three Mile Island 2 (TMI–2) Independent Spent Fuel Storage Installation (ISFSI) license for the ISFSI located in Butte County, Idaho. DOE proposes to change the technical specification corrective actions if the 5 year leak test of the dry shielded canisters fails.

This application was docketed under 10 CFR part 72; the ISFSI Docket No. is 72–20 and will remain the same for this action. Upon approval of the Commission, the TMI–2 ISFSI license, SNM–2508, would be amended to allow this action.

The Commission may issue either a notice of hearing or a notice of proposed action and opportunity for hearing in accordance with 10 CFR 72.46(b)(1) regarding the proposed amendment or, if a determination is made that the proposed amendment does not present a genuine issue as to whether public health and safety will be significantly affected, take immediate action on the proposed amendment in accordance with 10 CFR 72.46(b)(2) and provide notice of the action taken and an opportunity for interested persons to request a hearing on whether the action should be rescinded or modified.

For further details with respect to this amendment, see the application dated January 31, 2005, which is publically available in the records component of NRC's Agencywide Documents Access and Management System (ADAMS). The NRC maintains ADAMS, which provides text and image files of NRC's public documents. These documents may be accessed through the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, (301) 415–4737 or by email to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 15th day of March 2005.

For the Nuclear Regulatory Commission.

John D. Monninger,

Chief, Licensing Section, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 05–5681 Filed 3–22–05; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. Vermont Yankee Nuclear Power Station; Exemption

1.0 Background

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (Entergy or the licensee) are the holders of Facility Operating License No. DPR–28 which authorizes operation of the Vermont Yankee Nuclear Power Station (VYNPS). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a boiling-water reactor located in Vernon, Vermont.

2.0 Request/Action

Title 10 of the Code of Federal Regulations (10 CFR), section 50.54(o), requires primary reactor containments for water-cooled power reactors to be subject to the requirements of Appendix J to 10 CFR part 50. Appendix J specifies the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Option B of Appendix J is titled ''Performance-Based Requirements.'' Option B, section III.A., ''Type A Test,'' requires that the overall integrated leakage rate must not exceed the allowable leakage rate (La) with margin, as specified in the Technical Specifications (TSs). The overall integrated leakage rate, as specified in the 10 CFR part 50, Appendix J, Option B, definitions, means the total leakage rate through all tested leakage paths. The licensee is requesting a permanent exemption from Option B, section III.A., requirements to permit exclusion of the main steam pathway leakage contributions from the overall integrated leakage rate Type A test measurement. Main steam leakage includes leakage through all four main steam lines and the main steam drain line.

Option B, Section III.B of 10 CFR part 50, Appendix J, ''Type B and C Tests,'' requires that the sum of the leakage rates of all Type B and Type C local leak rate tests be less than the performance criterion (La) with margin, as specified in the TSs. The licensee also requests exemption from this requirement, to permit exclusion of the main steam pathway leakage contributions from the sum of the leakage rates from Type B and Type C tests.

The main steam leakage effluent has a different pathway to the environment, when compared to a typical containment penetration. It is not directed into the secondary containment and filtered through the standby gas treatment system as is other containment leakage. Instead, the main steam leakage is collected and treated via an alternative leakage treatment (ALT) path having different mitigation characteristics.

In performing accident analyses, it is appropriate to group various leakage effluents according to the treatment they receive before being released to the environment (*e.g.*, from main steam pathways). The proposed exemption would more appropriately permit ALT pathway leakage to be independently grouped with its unique leakage limits. In this manner, the VYNPS containment leakage testing program will be made more consistent with the limiting assumptions used in the associated accident consequence analyses.

The licensee has analyzed the main steam leakage pathway (with an increase in leakage from 62 standard cubic feet per hour (scfh) to 124 scfh at

the calculated peak containment internal pressure (Pa)), the secondary containment bypass leakage pathways, and the containment leakage pathway (La) separately in their dose consequence analyses. The calculated radiological consequences of the combined leakages are within the criteria of 10 CFR 50.67. The NRC staff reviewed the licensee's analyses and found them acceptable.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50 when (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security, and (2) when special circumstances are present. Special circumstances are present whenever, according to 10 CFR part 50.12(a)(2)(ii), ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. * * *''

The licensee's exemption request was submitted in conjunction with a TS amendment application to increase the allowable leak rate for the main steam isolation valves (MSIVs). The proposed amendment will be issued concurrently with this exemption. The exemption and amendments together would implement the recommendations of Topical Report NEDC–31858, ''BWR Report for Increasing MSIV Leakage Rate Limits and Elimination of Leakage Control Systems.'' The topical report was evaluated by the NRC staff and accepted in a safety evaluation dated March 3, 1999. The special circumstances associated with MSIV leakage testing are fully described in the topical report. These circumstances relate to the monetary costs and personnel radiation exposure involved with maintaining MSIV leakage limits more restrictive than necessary to meet offsite dose criteria and control room habitability criteria.

The underlying purpose of the rule which implements Appendix J (*i.e.*, 10 CFR 50.54(o)) is to assure that containment leak tight integrity is maintained (a) as tight as reasonably achievable and (b) sufficiently tight so as to limit effluent release to values bounded by the analyses of radiological consequences of design basis accidents. The NRC staff has determined that the intent of the rule is not compromised by the proposed action.

Based on the foregoing, the separation of the main steam pathways from the other containment leakage pathways is warranted because a separate radiological consequence term has been provided for these pathways. The revised design basis radiological consequences analyses address these pathways as individual factors, exclusive of the primary containment leakage. Therefore, the NRC staff finds the proposed exemption from Appendix J to be acceptable.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR part 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Entergy an exemption from the requirements of sections III.A and III.B of Option B of Appendix J to 10 CFR part 50 for VYNPS.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (69 FR 67612).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 17th day of March 2005.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 05–5679 Filed 3–22–05; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Draft 2005 Report to Congress on the Costs and Benefits of Federal Regulations

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of availability and request for comments.

SUMMARY: OMB requests comments on 2005 Draft Report to Congress on the Costs and Benefits of Federal Regulation. The full Draft Report is available at *http://www.whitehouse.gov/omb/inforeg/regpolreports_congress.html,* and is divided into three chapters. Chapter I presents estimates of the costs and benefits of Federal regulation and paperwork, with an emphasis on the major regulations issued between October 1, 2003 and September 31, 2004. Chapter II reports the latest results of our ongoing historical examination of the trends in Federal regulatory activity and explores what we know about the validation of ex ante estimates of costs and benefits of Federal regulation by ex post studies. Chapter III includes a discussion of the implementation of the Information Quality Act.

DATES: To ensure consideration of comments as OMB prepares this Draft Report for submission to Congress, comments must be in writing and received by June 21, 2005.

ADDRESSES: We are still experiencing delays in the regular mail, including first class and express mail. To ensure that your comments are received, we recommend that comments on this draft report be electronically mailed to *OIRA_BC_RPT@omb.eop.gov,* or faxed to (202) 395–7245. You may also submit comments to Lorraine Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10202, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Lorraine Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, NEOB, Room 10202, 725 17th Street, NW., Washington, DC 20503. Telephone: (202) 395–3084.

SUPPLEMENTARY INFORMATION: Congress directed the Office of Management and Budget (OMB) to prepare an annual Report to Congress on the Costs and Benefits of Federal Regulations. Specifically, Section 624 of the FY 2001 Treasury and General Government Appropriations Act, also known as the ''Regulatory Right-to-Know Act,'' (the Act) requires OMB to submit a report on the costs and benefits of Federal regulations together with recommendation for reform. The Act states that the report should contain estimates of the costs and benefits of regulations in the aggregate, by agency and agency program, and by major rule, as well as an analysis of impacts of Federal regulation on State, local, and tribal governments, small businesses, wages, and economic growth. The Act also states that the report should go through notice and comment and peer review.

Donald R. Arbuckle,

Deputy Administrator, Office of Information and Regulatory Affairs.

[FR Doc. 05–5651 Filed 3–22–05; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of A Revised Collection: RI 20–64, RI 20–64A, and RI 20–64B

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. RI 20–64, Letter Reply to Request for Information, is used by the Civil Service Retirement System to provide information about the amount of annuity payable after a survivor reduction, to explain the annuity reductions required to pay for the survivor benefit, and to give the beginning rate of survivor annuity. RI 20–64A, Former Spouse Survivor Annuity Election, is used by the Civil Service Retirement System to obtain a survivor benefits election from annuitants who are eligible to elect to provide survivor benefits for a former spouse. RI 20–64B, Information on Electing a Survivor Annuity for Your Former Spouse, is a pamphlet that provides important information to retirees under the Civil Service Retirement System who want to provide a survivor annuity for a former spouse.

We estimate that 30 survivor elections on RI 20–64A will be processed per year and that of these eight will use RI 20–64 to ask for information about electing a smaller survivor benefit. Form RI 20–64A requires 45 minutes to complete for a burden of 23 hours. Form RI 20–64 requires eight minutes to complete for a burden of one hour. The total burden is 24 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 20415–3540; 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 INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Cyrus S. Benson, Team Leader, Publications Team, Administrative Services Branch, (202) 606–0623.

U.S. Office of Personnel Management.

Dan G. Blair,

Acting Director.

[FR Doc. 05–5748 Filed 3–22–05; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51385; File No. SR–FICC–2004–14]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving a Proposed Rule Change Relating to Membership Requirements

March 16, 2005.

On July 14, 2004, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] On July 15, July 30, August 20, and November 10, 2004, FICC filed amendments 1, 2, 3, and 4 respectively. On January 3, 2005, FICC filed amendment 5 and withdrew amendments 1, 2, 3, and 4. Notice of the proposal was published in the **Federal Register** on January 18, 2005.[2] The Commission received three comment letters.[3] For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

Under the rule change, FICC will amend the rules of its Government Securities Division (''GSD'') and Mortgage-Backed Securities Division (''MBSD'') regarding membership requirements for non-U.S. applicants and members.

A. Annual Audited Financial Statements

Prior to the rule change, GSD required non-U.S. members and applicants to submit financial statements prepared in accordance with U.S. generally accepted accounting principles (''U.S. GAAP'') ''whenever necessary and feasible.'' MBSD required non-U.S. members and applicants to submit financial statements prepared in accordance with U.S. GAAP. Both divisions review such financial statements as part of their credit risk management program.

FICC is amending these requirements uniformly across both divisions to enable non-U.S. members and applicants to submit financial statements that are prepared according to any other generally accepted accounting methodology (''non-U.S. GAAP''). Specifically, FICC will increase the existing minimum financial requirements of each applicant and member based on the type of non-U.S. GAAP that was used to prepare the audited financial statement in the following manner:

1. For applicants and members whose financial statements are prepared in accordance with International Financial Reporting Standards (''IFRS''), the Companies Act of 1985 (''U.K. GAAP''), or Canadian GAAP, the minimum financial requirements will be one and one-half times the applicable requirements.

2. For applicants and members whole financial statements are prepared in accordance with a European Union country GAAP (''EU GAAP'') other than U.K. GAAP, the minimum financial requirements will be five times the applicable requirements.

3. For applicants and members whose financial statements are prepared in accordance with any other type of GAAP, the minimum financial requirements will be seven times the applicable requirements.

For example, under GSD's rules, the minimum financial requirement for a bank netting member is equity capital of US$100 million. This will continue to be the requirement for all such members (both U.S. and non-U.S. members) whose financial statements are prepared in accordance with U.S. GAAP. However, if such a member's financial statements were prepared in accordance with IFRS, U.K. GAAP, or Canadian GAAP, the member's minimum financial requirement would be US$150 million. If such a member's financial statements were prepared in accordance with an EU country GAAP other than U.K. GAAP, the member's minimum financial requirement would be US$500 million. If a member's financial statements were prepared in accordance with any other type of GAAP, the member's minimum financial requirement would be US$700 million.

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 51018 (Jan. 11, 2005), 70 FR 2911.

[3] Letters from Kevin M. Brandt, Director, III Global Ltd., III Finance Ltd., and III Relative Value/Macro Hub Fund Ltd. (Oct. 25, 2004) and Lawrence R. Uhlick, Executive Director and General Counsel, Institute of International Bankers (Oct. 26, 2004, and Feb. 9, 2005). See also Memorandum to File re: Meeting with Institute of International Bankers (Mar. 15, 2005).

In order to apply this change to non-U.S. applicants and members, FICC will delete the terms ''Excess Liquid Capital'' and ''Excess Net Capital'' in GSD Rule 3, Section 6, and instead will use the term ''applicable minimum regulatory capital,'' which is defined in GSD Rule 3, Section 2 as ''regulatory capital as defined by the applicant's home country regulator.'' MBSD Article III, Rule 1, Section 2(d) will state that the references to the terms ''net capital'' or ''liquid capital'' in, ''shall be deemed to refer to regulatory capital in cases where the U.S. regulatory capital terms are not applicable to a non-domestic entity.''

FICC will retain the requirement that annual audited financial statements submitted by members and applicants be certified without qualification. The rule change makes clear that annual audited financial statements must be prepared in accordance with generally accepted accounting principles. In addition, all information submitted to FICC will have to be in English or will have to be a fair and accurate English translation if the information is translated into English.

The proposed rule changes will be applied to current members and applicants.

B. Material Regulatory Filings

As part of its credit risk management, FICC requires applicants and members to submit interim financial data. In the case of U.S. bank and broker-dealer members, GSD and MBSD are able to obtain this financial information through regulatory reports. Non-U.S. MBSD members are required to submit unaudited monthly financial statements to MBSD. Non-U.S. GSD netting members are required to submit certain quarterly financial information to GSD. In addition, the GSD rules currently require non-U.S. members and applicants to also submit all ''material regulatory filings'' that the entity makes with its primary regulator in its home jurisdiction. However, FICC cannot specifically identify all such material regulatory filings for non-U.S. members and applicants with confidence.

Under the rule change, which will be adopted uniformly across both FICC divisions, FICC will require non-U.S. members (other than those organized or established in the U.K. and regulated by the Financial Services Authority (''FSA'')) to provide specific monthly or quarterly financial data, as applicable, directly to FICC. FICC will provide the non-U.S. members with a form requesting specific financial data related to capital, assets, liabilities, revenue, pertinent ratios, and various capital requirements, as applicable. Each non-U.S. member will be required to complete the form, have it signed by the entity's chief financial officer, chief executive officer, or similar high-ranking official, and return it to FICC by a prescribed deadline.

Broker-dealers and banks that are organized or established in the U.K. and regulated by the FSA will be required to submit certain regulatory monthly or quarterly reports, as applicable, that are filed with the FSA.[4] Because FICC will be able to obtain the necessary financial data from these reports, these U.K. firms will not be required to complete and submit FICC's financial reporting form as are other non-U.S. members. FICC's rules will provide that failure to submit the financial form or the U.K. regulatory reports, as applicable, to FICC within the timeframes established by FICC will subject a member to the same consequences, including a fine, as is currently provided for in FICC's rules for late submission of required financial documents.

FICC recognizes that certain regulatory filings provide warnings of possible concerns regarding a member's compliance with regulatory standards and its financial status. For example, under FICC's current rules, GSD's and MBSD's U.S. broker-dealer members are required to submit to FICC SEC Rule 17a–11 reports. GSD's netting members, MBSD's U.S. non-broker-dealer members, and all non-U.S. members must submit to FICC, concurrently with their submission to their relevant regulator, copies of regulatory notifications required to be made when a member's capital levels or other financial requirements fall below prescribed levels.[5]

The rule change expands this by requiring members to submit to FICC any regulatory notifications required to be made when it does not comply with its financial reporting and responsibility standards set by its home country regulator and when it becomes subject to a disciplinary action by its home country regulator. In addition, the rule change makes the late submission of any such filing subject to a fine and other related consequences that have been recently approved by or are pending with the Commission.[6] This rule change requires that such filings be submitted to FICC in English or be in a fair and accurate English translation if they have been translated into English.

Finally, the rule change requires MBSD non-U.S. regulated applicants to certify that they are in compliance with the financial reporting and responsibility standards of their home country. This requirement was recently added to GSD's rules.[7]

C. Legal Risk

FICC members that are incorporated outside of the U.S. present FICC with increased legal risk in the event they become insolvent.[8] Notwithstanding the protections for clearing agencies contained in the U.S. federal laws [9] and the New York Banking Law (which is applicable to GSD foreign netting members with New York state-licensed branches and agencies), there is a risk that a U.S. court could determine not to apply New York law to the adjudication of FICC's rights against an insolvent non-U.S. member.[10] In such event, the foregoing protections may not be available to FICC.

In order to mitigate this risk, FICC has required and will continue to require non-U.S. GSD netting and MBSD clearing applicants to submit non-U.S. legal opinions drafted by outside counsel from the jurisdiction in which the member is incorporated and/or primarily conducts its business. As is its current practice, FICC will continue to make a case-by-case determination, based on its analysis of the legal opinion, of the legal risks presented by the home country laws of such applicants. In doing so, FICC will now retain U.S. outside counsel to review the legal opinions and to advise FICC of any risks presented. The rule change makes clear that, based on its review of the legal opinion, FICC will determine

[4] Although FICC currently has no U.K. members, FICC is familiar with the regulatory reports filed by banks and broker-dealers that are organized or established in the U.K. and regulated by the FSA.

[5] Securities Exchange Act Release Nos. 49947 (June 30, 2004), 69 FR 41316 (July 8, 2004) [File No. SR–FICC–2003–01] and 49156 (Jan. 30, 2004), 69 FR 5881 (Feb. 6, 2004) [File No. SR–MBSCC–2001–06].

[6] Securities Exchange Act. Release Nos. 50659 (Nov. 15, 2004), 69 FR 67767 (Nov. 19, 2004) [File No. SR–FICC–2004–11] and 51146 (Feb. 7, 2005), 70 FR 7984 (Feb. 16, 2005) [File No. SR–FICC–2004–13].

[7] Securities Exchange Act Release No. 50617 (Nov. 1, 2004), 69 FR 64796 (Nov. 8, 2004) [File No. SR–FICC–2004–01].

[8] At this time, GSD will continue to only permit non-U.S. banks operating out of U.S. branches or agencies to be Foreign Netting Members.

[9] *E.g.,* the Federal Deposit Insurance Corporation Improvement Act of 1991 and the U.S. Bankruptcy Code.

[10] This particular matter is currently being adjudicated in a case that will be argued before the Second Circuit. The case involves a Serbian governmental agency that has brought a U.S. Bankruptcy Code Section 304 proceeding seeking to have the disposition of the assets of certain Yugoslavian banks with New York state-licensed agencies be considered under home country law. *See Agency for Deposit Ins., Rehab., Bankr. & Liquidation of Banks* v. *Superintendent of Banks*, Case No. 03–CV–9320 (JSR), Case No. 03–CV–9321 (JSR), 2004 U.S. Dist. LEXIS 10848 (S.D.N.Y. June 2004).

what, if any, protective measures it will impose to mitigate any legal risks. Protective action may, for example, take the form of requiring the member to post additional collateral and/or requiring a member to post a certain percentage of its collateral requirement in a certain form (such as letters of credit).

In order to protect FICC against any adverse changes in home country law that may have arisen since the members submitted their legal opinions as a part of the membership/application process and in order to determine whether any positive developments in home country law would support eliminating or relaxing any collateral premiums that may have been imposed on any members,[11] FICC will require all of its current non-U.S. members (except those members whose opinions have been issued within the past 18 months) to submit a current legal opinion from outside non-U.S. counsel addressing the non-U.S. legal issues or to provide a letter on their outside counsel's letterhead stating that no material changes have occurred in home country law since the date of the original legal opinions. FICC will require its current members to submit these updated legal opinions (or letters) within three months of the approval of this filing by the Commission. FICC will then review with the assistance of its outside counsel all such revised legal opinions and those original legal opinions that counsel indicates remain current and will determine whether protective measures need to be taken or whether the current increased collateral requirements should continue, be relaxed, or be eliminated.

The rule change will also require all non-U.S. members to provide an annual update of their non-U.S. legal opinion or to provide a letter from their outside counsel stating that no material issues have arisen since the issuance of the opinion or the last update. FICC may impose such additional requirements on non-U.S. members as described above based on review of such updated legal opinions.

D. Additional Changes

The rule change will delete all references to certifications by the chief executive officer, chief financial officer, or other that accompany financial statements, financial data, or regulatory reports. These certifications do not appear to be standard documentation, and FICC historically has not received such certifications. If a need to request a certification with respect to a particular member or applicant arises, FICC will have the authority to request it pursuant to the general authority that it has in both division's rules to seek additional information.

In addition, in a previous rule change, FICC amended its rules with the intention of giving FICC the option to request that financial figures be submitted in U.S. dollar equivalents.[12] This rule change deletes this option from FICC's rules as FICC performs these calculations itself, intends to continue doing so, and believes that the pending language has the potential for confusion.

Finally, the rule change will amend the number of recent routine regulatory reports that a U.S. GSD netting applicant or MBSD clearing applicant is required to submit to FICC to the number of such reports that the entity has filed during the preceding 12 months or a lesser period if the applicant has been in business or has been registered or licensed for a lesser period. For example, a GSD U.S. broker-dealer applicant that is a monthly FOCUS filer would need to submit copies of all of its FOCUS reports filed during the preceding 12 months. With respect to 17a–11 reports, where the current rules do not specify the necessary time period, the proposed rule change requires U.S. broker-dealer applicants to submit all 17a–11 reports filed during the preceding 24 months.

II. Comments

The Institute of International Bankers (''IIB'') submitted two comment letters. While the first letter objected to the increased financial requirements for entities submitting financial statements prepared using non-U.S. GAAP, its primarily focus was on its objections to standard clearing fund premiums for all non-U.S. members. After FICC amended the proposal to remove the standard clearing fund premiums for non-U.S. members, the IIB wrote in support of the proposed rule change, particularly with respect to the provisions that address how FICC will manage the legal risk arising from the participation in FICC by branches of international banks that operate in the United States.

The III Global Ltd., III Finance Ltd., and III Relative Value/Macro Hub Fund Ltd. investment companies submitted a comment letter also objecting to standard clearing fund premiums for non-U.S. members. However, as with the IIB's first letter, this letter also addressed a version of the proposed rule change that the Commission had not yet published for comment and that FICC substantively modified.

III. Discussion

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing be designed to assure the safeguarding of securities and funds which are in its custody or control.[13] The proposed rule change should enhance FICC's surveillance and assessment of applicants' and members' financial and legal condition. In addition, the proposed rule change will harmonize both of FICC's division's application and membership requirements and will make clear to all applicants and members of the breadth of financial and legal information that FICC will require and review in order to develop an accurate risk profile to evaluate an applicant's or member's financial condition. Accordingly, the proposed rule should appropriately enhance FICC's ability to mitigate financial risk to itself and to its members and therefore should help FICC to assure the safeguarding of securities and funds that are in its custody or control or for which it is responsible.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[14] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–FICC–2004–14) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1257 Filed 3–22–05; 8:45 am]

BILLING CODE 8010–01–P

[11] GSD currently has three non-U.S. netting members that are subject to increased clearing fund requirements due to past determinations of heightened legal risk presented by the insolvency laws of their home jurisdictions. These members are currently posting 100 percent of their clearing fund requirement in the form of one or more letters of credit and an additional 30 percent in the form of cash or securities.

[12] *Supra* note 8, SR–FICC–2004–01.

[13] 15 U.S.C. 78q–1(b)(3)(F).

[14] 15 U.S.C. 78q–1.

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51382; File No. SR–NASD–2005–029]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Modifications to the Nasdaq Opening Process for Nasdaq-Listed Stocks

March 16, 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 March 4, 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 and II below, which items have been prepared by Nasdaq. Nasdaq has designated the proposed rule change as ''non-controversial'' under section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. 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 a proposed rule change to modify NASD Rule 4704(d)(1) which governs the dissemination of the Order Imbalance Indicator prior to the Nasdaq Opening Cross. The text of the proposed rule change is set forth below. Proposed new language is in italics; proposed deletions are in [brackets].[5]

* * * * *

Rule 4704 Opening Process for Nasdaq-listed Securities

(a)–(c) No Change.

(d) Processing of Nasdaq Opening Cross. For certain Nasdaq-listed securities designated by Nasdaq, the Nasdaq Opening Cross shall occur at 9:30, and regular hours trading shall commence when the Nasdaq Opening Cross concludes.

(1) Beginning at *9:25* [9:28] a.m., Nasdaq shall disseminate by electronic means an Order Imbalance Indicator every 15 seconds until 9:29, and then every 5 seconds until market open. The Order Imbalance Indicator shall contain the following real time information:

(A)–(E) No Change.

(2)–(4) 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to modify NASD Rule 4704(d)(1) which governs the dissemination of the Order Imbalance Indicator prior to the Nasdaq Opening Cross. NASA Rule 4704(d)(1) currently provides that Nasdaq will disseminate the Order Imbalance Indicator every 15 seconds beginning at 9:28 a.m. and every 5 seconds beginning at 9:29 a.m. until market open. The Order Imbalance Indicator informs market participants about the expected outcome of the Nasdaq Opening Cross and enables them to determine how to participate in it.

Nasdaq has determined that disseminating the Order Imbalance Indicator beginning at 9:25 a.m. would enhance market transparency and encourage increased order interaction during the Nasdaq Opening Cross. Currently, Nasdaq's system opens all quotes and orders at 9:25 a.m. but there is no dissemination of information regarding the status of the market until 9:28 a.m. Nasdaq believes that disseminating the Order Imbalance Indicator at 9:25 a.m. would permit market participants to make earlier and better informed decisions about how they will participate in the Nasdaq Opening Cross which would, in turn, improve the fair and orderly opening of the market. There would be no changes in the entry, display, processing, or execution of individual orders.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,[6] in general, and with section 15A(b)(6) of the Act,[7] in particular, in that section 15A(b)(6) requires that the NASD's rules be designed to protect investors and the public interest. Nasdaq believes that its current proposal is consistent with the NASD's obligations under these provisions of the Act because it would result in a more orderly opening for all Nasdaq stocks. The proposed rule change would create a fair, orderly, and unified opening for Nasdaq stocks, prevent the occurrence of locked and crossed markets in halted securities, and preserve price discovery and transparency that is vital to an effective opening of trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change would result in any burden on competition that is 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 neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) 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, it has become effective pursuant to section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6) thereunder.[9] Nasdaq has requested that the Commission waive the 30-day operative delay for ''non-controversial'' proposals, based upon a representation that the proposal is of the utmost importance to

[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] The proposed rule change is marked to show changes from the rule text appearing in the NASD Manual available at *https://www.nasd.com.*

[6] 15 U.S.C. 78*o*–3.

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). The Commission notes that Nasdaq provided written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change.

the fair and orderly operation of The Nasdaq Stock Market during the pre-opening trading period. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow Nasdaq to begin disseminating the Order Imbalance Indicator at the earlier 9:25 a.m. time immediately, thereby providing increased information and greater transparency to the market. For this reason, the Commission designates the proposal to be effective and operative upon filing with the Commission.[10]

At any time within 60 days of the filing of the 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–2005–029 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–2005–029. 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 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–2005–029 and should be submitted on or before April 13, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1255 Filed 3–22–05; 8:45 am]

BILLING CODE 8010–01–P

[10] For purposes only of waiving the 30-day operative delay of the proposed rule change, the Commission considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51386; File No. SR–NASD–2005–031]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Modifications to the Nasdaq Opening Process for Nasdaq-Listed Stocks

March 16, 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 March 14, 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 and II below, which Items have been prepared by Nasdaq. Nasdaq has designated the proposed rule change as ''non-controversial'' under section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[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).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is filing a proposed rule change to modify NASD Rule 4704(d)(1) which governs the dissemination of the Order Imbalance Indicator prior to the Nasdaq Opening Cross. The text of the proposed rule change is set forth below. Proposed new language is in *italics*; proposed deletions are in [brackets].[5]

* * * * *

Rule 4704 Opening Process for Nasdaq-Listed Securities

(a)–(c) No Change.

(d) Processing of Nasdaq Opening Cross. For certain Nasdaq-listed securities designated by Nasdaq, the Nasdaq Opening Cross shall occur at 9:30, and regular hours trading shall commence when the Nasdaq Opening Cross concludes.

(1) Beginning at 9:2*5:30* a.m., Nasdaq shall disseminate by electronic means an Order Imbalance Indicator every 15 seconds until 9:2*8:20*[9], and then every 5 seconds until market open. The Order Imbalance Indicator shall contain the following real time information:

(A)–(E) No Change.

(2)–(4) 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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing to modify NASD Rule 4704(d)(1) which governs the dissemination of the Order Imbalance Indicator prior to the Nasdaq Opening

[5] The proposed rule change is marked to show changes from the rule text appearing in the NASD Manual available at *http://www.nasd.com* as amended by SR–NASD–2005–029 (March 4, 2005).

Cross. NASD Rule 4704(d)(1) currently provides that Nasdaq will disseminate the Order Imbalance Indicator every 15 seconds beginning at 9:25 a.m. and every 5 seconds beginning at 9:29 a.m. until market open. The Order Imbalance Indicator informs market participants about the expected outcome of the Nasdaq Opening Cross and enables them to determine how to participate in it. Nasdaq recently determined that disseminating the Order Imbalance Indicator beginning at 9:25 a.m. will enhance market transparency and encourage increased order interaction during the Nasdaq Opening Cross.

Currently, Nasdaq's system opens all quotes and orders at 9:25 a.m via an unlocking/uncrossing process described in Rule 4704(b). The processing of the unlocking/uncrossing algorithm takes several seconds to complete. Under the recently published rule change,[6] the first dissemination of the Order Imbalance Indicator at 9:25 a.m. could occur prior to the completion of the unlocking/uncrossing algorithm. This would defeat the transparency that Nasdaq continually strives to create. Accordingly, Nasdaq is proposing to disseminate the Order Imbalance Indicator at 9:25:30 a.m. rather than 9:25 a.m. as recently proposed. In addition, Nasdaq is proposing to increase transparency by disseminating the Order Imbalance Indicator every five seconds beginning at 9:28:20 a.m. rather than at 9:29 a.m.

There would be no changes in the entry, display, processing, or execution of individual orders.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A of the Act,[7] in general, and with section 15A(b)(6) of the Act,[8] in particular, in that section 15A(b)(6) requires, among other things, that a national securities association's rules be designed to protect investors and the public interest. Nasdaq believes that its current proposal is consistent with the NASD's obligations under these provisions of the Act because it would result in a more orderly opening for all Nasdaq stocks. The proposed rule change would create a fair, orderly, and unified opening for Nasdaq stocks, prevent the occurrence of locked and crossed markets in halted securities, and preserve price discovery and transparency that is vital to an effective opening of trading.

[6] *See* SR–NASD–2005–029 (March 4, 2005).

[7] 15 U.S.C. 78*o*–3.

[8] 15 U.S.C. 78*o*–3(b)(6).

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change would result in any burden on competition that is 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 neither solicited nor received written comments with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) 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, it has become effective pursuant to section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10] Nasdaq has requested that the Commission waive the five-day pre-filing notice requirement and the 30-day operative delay for ''non-controversial'' proposals, based upon a representation that the proposal is of the utmost importance to the fair and orderly operation of The Nasdaq Stock Market during the pre-opening trading period. The Commission believes that waiver of the five-day pre-filing requirement and the 30-day operative delay is consistent with the protection of investors and the public interest because it would allow Nasdaq immediately to implement the proposed rule change which should improve transparency in the pre-opening trading period. For this reason, the Commission designates the proposal to be effective and operative upon filing with the Commission.[11]

At any time within 60 days of the filing of the 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.

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] For purposes only of waiving the 30-day operative delay of the proposed rule change, the Commission considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

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–2005–031 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–2005–031. 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 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–2005–031 and should be submitted on or before April 13, 2005.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1256 Filed 3–22–05; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–51372; File No. SR–NYSE–2004–62]

Self-Regulatory Organizations; New York Stock Exchange Inc.; Notice of Filing of Proposed Rule Change To Eliminate Rule 496 and To Amend the Listed Company Manual Relating to Transfer Agents

March 15, 2005.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 29, 2004, the New York Stock Exchange Inc. (''NYSE'') filed with the Securities and Exchange Commission (''Commission'') and on December 3, 2004, and February 9, 2005, amended the proposed rule change as described in items I, II, and III below, which items have been prepared primarily by the NYSE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to: (i) Eliminate Rule 496; (ii) amend the Listed Company Manual (''LCM'') to remove references to the current requirement of Rule 496 that transfer agents for listed companies maintain an office or an agent in Manhattan below Chambers Street; (iii) incorporate in the LCM certain other requirements currently in Rule 496; and (iv) codify exceptions to the transfer agent provisions that the NYSE has historically applied.

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 NYSE 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. The NYSE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NYSE proposes to eliminate Rule 496 and proposes to amend its LCM to retain and to continue to impose certain current significant requirements of Rule 496 with respect to entities acting as transfer agents for listed companies. The NYSE believes it is appropriate that the transfer agent requirements be set forth solely in the LCM due to the fact that its rules are generally applicable to members rather than listed companies. In addition, the current requirements of Rule 496 are referred to, and to some extent, repeated in various sections of the LCM. Accordingly, the NYSE believes that the transfer agent requirements are more properly contained in the LCM.

Rule 496 requires, among other things, that transfer agents for listed companies maintain an office or obtain an agent located south of Chambers Street in the Borough of Manhattan, City of New York, where securities can be delivered in person for registration of transfer and can be picked up after completion of such registration (often referred to in the industry as a ''drop''). The current requirement was implemented when most securities traded on the NYSE were held in certificated form and were settled with physical delivery. The transfer agents' presence in lower Manhattan, where the brokers were also concentrated, facilitated the speedy settlement of transactions and processing of securities transfers. However, most securities are now held in ''street name'' at The Depository Trust Company (''DTC''), a securities depository registered as clearing agency under section 17A of the Exchange Act,[3] and transfers of such securities occur through automated book-entry systems at DTC without the need for transfer of physical certificates. As a result, very few transfers are facilitated any longer by the drop in lower Manhattan. The NYSE believes that marketplace participants, including securityholders, would not be harmed by elimination of the drop requirement in Rule 496.

Rule 496 also requires transfer agents to record the transfer of securities received at the transfer agent's drop before the close of business on a record date as being transferred on the record date in order to establish the transferee's rights on the record date. As revised, the LCM will provide the same protection for securities mailed by the close of business on a record date by a registered clearing agency (*i.e.*, DTC). Because the vast majority of securities are now held in ''street name,'' the NYSE believes that securityholders will not be disadvantaged by providing this record date protection only to registered clearing agencies.

Rule 496 also requires transfer agents to meet certain capital and insurance standards. Currently under the rule, transfer agents are required to (i) have capital, surplus (both capital and earned), undivided profits, and capital reserves aggregating at least $10,000,000 and (ii) maintain blanket bond insurance coverage of at least $25,000,000 to protect securities while in transit or being processed. The proposed revisions to the LCM will retain the capital and insurance requirements of current Rule 496 and will codify several long-standing policies and practices of the NYSE by providing for the qualification of certain transfer agents that do not otherwise meet the capital and insurance requirements of Rule 496. Accordingly, the LCM will specify that a bank, trust company, or other qualified organization acting as transfer agent may:

1. Act in a dual capacity as transfer agent/co-transfer agent and registrar if (i) a majority of its equity is owned by an entity that meets the standard capital requirements, (ii) its parent guarantees the subsidiary's performance, and (iii) the subsidiary maintains the $25,000,000 blanket bond insurance coverage or the parent maintains the coverage for the benefit of the subsidiary;

2. Act in dual capacity as transfer agent/co-transfer agent and registrar if it (i) has capital of at least $2,000,000 and errors and omissions insurance which, taken together with its capital, equals at least $10,000,000 and (ii) maintains the standard $25,000,000 blanket bond insurance coverage; or

3. Act as co-transfer agent or co-registrar (but not in a dual capacity) for securities listed on the NYSE if it has capital equal to at least $2,000,000 without maintaining the $25,000,000 blanket bond insurance coverage.

Additionally a listed company may act as its own transfer agent provided that it complies with all the requirements applicable to transfer agents not affiliated with the listed company apart from the capital and

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by the NYSE.

[3] 15 U.S.C. 78q–1(b).

insurance requirements. However, a listed company may not act as sole registrar for its listed securities unless it also acts as transfer agent. The NYSE believes the foregoing exceptions to the capital and insurance requirements are policies that have been applied by the NYSE for many years. The NYSE believes that these policies are consistent with the protections provided to securityholders by the general standards applicable to transfer agent, as in each case the listed company must have at least one transfer agent which directly or indirectly has the equivalent of at least $10,000,000 in capital and $25,000,000 blanket bond insurance coverage.

Section 6(b)(5) of the Act that requires rules of an exchange are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and to perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.[4] The NYSE believes that the proposed rule is consistent with its obligations under section 6(b)(5) of the Act because it allows transfer agents acting for listed companies to provide for transfers of securities in a more efficient and cost effective manner by eliminating the drop office requirement, which is now obsolete. Furthermore the proposed rule is consistent because the remainder of the changes are technical in nature. Although the capital and insurance requirements will be removed from Rule 496 and added to the LCM, the amount of capital and insurance required will remain the same.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NYSE does not believe that the proposed rule change will have an impact on or impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments relating to the proposed rule change have been solicited or received. NYSE will notify the Commission of any written comments it receives.

[1] 15 U.S.C. 78f(b)(5).

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 such 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-NYSE 2004–62 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–NYSE 2004–62. 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 the NYSE or on the NYSE's Web site at *http://www.nyse.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–NYSE 2004–62 and should be submitted on or before April 13, 2005.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. E5–1254 Filed 3–22–05; 8:45 am]

BILLING CODE 8010–01–P

[5] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10078 and # 10079]

Nevada Disaster # NV–00001

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Nevada, dated 03/15/2005.

Incident: Heavy Rains and Flooding.

Incident Period: 01/06/2005 through 01/13/2005.

Effective Date: 03/15/2005.

Physical Loan Application Deadline Date: 05/16/2005.

EIDL Loan Application Deadline Date: 12/15/2005.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Disaster Area Office 1, 360 Rainbow Blvd. South 3rd Floor, Niagara Falls, NY 14303.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration on 03/15/2005, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Clark

Contiguous Counties:

Nevada:
Lincoln,
Nye
Arizona:
Mohave.
California:
Inyo,
San Bernardino

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere	5.875
Homeowners Without Credit Available Elsewhere	2.937
Businesses With Credit Available Elsewhere	5.800
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	4.750
Businesses and Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 10078 6 and for economic injury is 10079 0.

The States which received an EIDL Declaration # are Nevada, Arizona, and California.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: March 15, 2005.

Hector V. Barreto,

Administrator.

[FR Doc. 05–5684 Filed 3–22–05; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub. L. 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. The information collection packages included in this notice are for new information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collections should be submitted to the Office of Management and Budget and the SSA Reports Clearance Officer and the Office of Management and Budget. The information can be mailed and/or faxed to the addresses and fax numbers listed below:

(OMB), Office of Management and Budget, Fax: 202–395–6974.

(SSA), Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1338 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–6400, *OPLM.RCO@ssa.gov.*

The information collections listed below have been submitted to OMB for clearance. In order for your comments to be considered you must send them within 30 days from the date of publication of this notice. You can request a copy of the OMB clearance packages by email to *OPLM.RCO@ssa.gov* or by calling the SSA Reports Clearance Officer at (410) 965–0454.

1. Application for Help with Medicare Prescription Drug Plan Costs, SSA–1020–SC—0960–NEW. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173; MMA) establishes a new Medicare Part D program for voluntary prescription drug coverage for premium, deductible, and cost-sharing subsidies for certain low-income individuals. The MMA stipulates that subsidies must be available for individuals who are eligible for the program and who meet eligibility criteria for help with premium, deductible, and/or co-payment costs.

Individuals who receive these subsidies may ask SSA to redetermine the amount of help they receive if they experience a ''subsidy-changing event,'' including marriage, separation, divorce, an annulment, or the death of a spouse. Until late 2006, when redetermination forms will become available, SSA will use form SSA–1020–SC, the Application for Help with Medicare Prescription Drug Plan Costs, to make redeterminations based on subsidy-changing events. The respondents are individuals whose application for help toward the costs for this program has been approved and are requesting a redetermination of their subsidy based on a subsidy-changing event.

Type of Request: New information collection.

Number of Respondents: 76,000.

Frequency of Response: 1.

Average Burden Per Response: 35 minutes.

Estimated Annual Burden: 44,333 hours.

2. Application for Help with Medicare Prescription Drug Plan Costs—0960–NEW (Internet/Intranet Application Screens). The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108–173; MMA) establishes a new Medicare Part D program for voluntary prescription drug coverage for premium, deductible, and cost-sharing subsidies for certain low-income individuals. The MMA stipulates that subsidies must be available for individuals who are eligible for the program and who meet eligibility criteria for help with premium, deductible, and/or co-payment costs. Form SSA–1020, the Application for Help with Medicare Prescription Drug Plan Costs, collects information about an applicant's resources and is used by SSA to determine eligibility for this assistance.

We are proposing electronic versions of the SSA–1020, which will collect the information via the Intranet (the information is provided by the respondent during an interview at a Social Security field office) or the Internet (i1020) (if respondents complete the Internet screens on their own and submit them electronically). The respondents are individuals who are eligible for enrollment in the Medicare Part D program and are requesting assistance with the related costs.

Type of Request: New information collection.

Number of Respondents: 2,000,000.

Frequency of Response: 1.

Average Burden Per Response: 45 minutes.

Estimated Annual Burden: 1,500,000.

Dated: March 17, 2005.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 05–5644 Filed 3–22–05; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 5033]

Culturally Significant Objects Imported for Exhibition Determinations: ''The Shamans: Spirit Guides of Siberia''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 [79 Stat. 985; 22 U.S.C. 2459], Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 [112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*], Delegation of Authority No. 234 of

October 1, 1999 [64 FR 56014], Delegation of Authority No. 236 of October 19, 1999 [64 FR 57920], as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition, ''The Shamans: Spirit Guides of Siberia,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign lender. I also determine that the exhibition or display of the exhibit objects at the Anchorage Museum of History and Art, Anchorage, Alaska, from on or about May 12, 2005, to on or about September 18, 2005, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information or a list of objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, (202) 453–8052, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: March 17, 2005.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 05–5739 Filed 3–22–05; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Metropolitan Airports Commission for Minneapolis-St. Paul International Airport under the provisions of 49 U.S.C. 47501 et. seq (Aviation Safety and Noise Abatement Act) and 14 CFR part 150 are in compliance with applicable requirements.

DATES: The effective date of the FAA's determination on the noise exposure maps is March 3, 2005.

FOR FURTHER INFORMATION CONTACT: Glen Orcutt, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450, telephone number (612) 713–4354.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Minneapolis-St. Paul International airport are in compliance with applicable requirements of part 150, effective March 3, 2005.

Under 49 U.S.C. section 47503 of the Aviation Safety and Noise Abatement Act (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Administration (FAR) part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by the Metropolitan Airports Commission. The documentation that constitutes the ''noise exposure maps'' as defined in section 150.7 of part 150 includes: Volume I of the November 2004 14 CFR part 150 Update; Year 2002 Existing Condition Noise Exposure Map, Figure 6–1; and Year 2007 Unmitigated Noise Exposure Map, Figure 6–2; respectively. The part 150 Update contains the required information for Section 47503 and section A150.101 including the following specific references: current and forecast operations in Table 3.19; fleet mix, nighttime and type of aircraft operations in Tables 3.3, 3.8. 3.9, and 3.10; flight patterns in Figures 4–6 through 4–15; location of noise monitoring sites, Figure 4–19; land uses maps, Figures 5–2 and 5–3; and number of people residing within Contours, Table 5.5 and 5.8. The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on March 3, 2005. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regards to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations: Federal Aviation Administration Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450; Chad Leqve, Metropolitan Airports Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Issued in Minneapolis, Minnesota on March 3, 2005.

Nancy Nistler,

Manager, Minneapolis Airports District Office, Great Lakes Region.

[FR Doc. 05–5648 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2005–16]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption, part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of a certain petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 12, 2005.

ADDRESSES: Send comments on the petition 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–2005–20582 at the beginning of your comments. If you wish to receive confirmation that the FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: John Linsenmeyer (202–267–5174), Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; or Susan Lender, 202–267–8029, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on March 17, 2005.

Anthony F. Fazio,

Director, Office of Rulemaking.

Petitions For Exemption

Docket No.: FAA–2005–20582.

Petitioner: John S. Ditmars.

Section of 14 CFR Affected: § 45.21(b), (c)(2) and (c)(3).

Description of Relief Sought: To allow the petitioner to use registration marks on a PA–60 aircraft that do not meet the color contrast requirements of part 45.

[FR Doc. 05–5759 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Collaborative Decisionmaking Simulation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Summary of the simulation of a capacity-reducing event using Chicago O'Hare International Airport as a model.

SUMMARY: This summarizes the simulation of a capacity-reducing event run by the FAA on July 13–14, 2004. This simulation was conducted by the agency in accordance with Section 423 of Public Law 108–176, codified at section 40129 of title 49 of the United States Code.

FOR FURTHER INFORMATION CONTACT: James W. Whitlow, Deputy Chief Counsel, Policy and Adjudication, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3773.

SUPPLEMENTARY INFORMATION:

Background

In accordance with Section 423 of Public Law 108–176, the FAA sought to establish a collaborative decision making pilot program that would facilitate certain communications among participating carriers at a designated airport over their flight schedules if the airport experience or is expected to experience reduced capacity because of a capacity-reducing event. On March 23, 2004 (69 FR 13616), the FAA published a notice in the **Federal Register** requesting comments on the FAA's proposed actions to implement a program. In that notice, the FAA announced it was preparing a computer simulation of a capacity-reducing event using Chicago O'Hare International Airport as a model. The stated purpose of the simulation was to evaluate the effectiveness of different delay-avoidance strategies that may be employed by the FAA and its customers in handling a capacity-reducing event.

The FAA scheduled the simulation for July 13–14, 2003, and issued a letter of invitation to the major airlines operating at O'Hare Airport, and to all major industry groups. The simulation was built around an actual capacity-reducing event that occurred at O'Hare Airport on March 17, 2004, when a ground delay program was implemented at the airport for 11 hours because of a snowstorm. The simulation was designed to allow carriers to review their data for that date, and compare it to the results achieved during the simulation.

This document summarizes the simulation that was conducted on July 13–14, 2004.

Summary

Participants in the simulation included seven airlines, two trade groups, and FAA and DOT personnel. The seven airlines represented 96% of the flights into O'Hare Airport. The participants first reviewed the March 17th operation at O'Hare Airport before proceeding to the simulation. In the first simulation scenario, the airlines had entered their date 12 hours in advance, without sharing their information with any other carriers.

Based on the data entered in the software, the carriers were able to accommodate 93% of their passengers on their own airline. A factor impacting this result was the airlines' lack of access during the simulation to the passenger and planning resources available at their Operation Centers. This skewed the number of non-accommodated passengers, because the Operation Centers have resources available to accommodate their passengers, including busing and the use of larger aircraft.

The next simulation reduced the airport arrival rate below the actual rate incurred on March 17, 2004 in order to explore the concept of inter-airline communication. Again the airlines affirmed their ability to accommodate passengers through mechanisms available today, using their existing online and interline flight interruption procedures.

Conclusions

The simulation did identify modifications to the ground delay program software that would enhance operations, such as earlier notification

of a ground delay program and warnings when a city-pair was left without service. The participants indicated, however, that these enhancements could be acted upon without further action by the FAA under Section 423.

Participants expressed concern about anti-trust legal issues, the costs that would be incurred to implement a formal CRE program similar to the simulation, and the lack of quantifiable benefits. The unreliability of forecasted weather was considered a detriment to changing airlines' schedules early, thereby inconveniencing passengers and disrupting the airlines' schedule. It was recommended by the participants that no additional action was necessary or should be taken by the FAA to implement a collaborative decision making program under this legislation. Accordingly, the FAA intends to take no further action on this matter at this time.

Issued in Washington, DC on March 17, 2005.

Andrew B. Steinberg,

Chief Counsel.

[FR Doc. 05–5646 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–98–4334, FMCSA–2000–7918, FMCSA–2000–8398, FMCSA–2002–12844, FMCSA–2002–13411]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 13 individuals. FMCSA has statutory authority to exempt individuals from vision standards if the exemptions granted will not compromise safety. The agency has concluded that granting these exemptions will provide a level of safety that will be equivalent to, or greater than, the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective April 5, 2005. Comments from interested persons should be submitted by April 22, 2005.

ADDRESSES: You may submit comments identified by DOT DMS Docket Numbers FMCSA–98–4334, FMCSA–2000–7918, FMCSA–2000–8398, FMCSA–2002–12844, FMCSA–2002–13411 by any of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *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.
- *Federal eRulemaking Portal: Go to http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All submissions must include the agency name and docket numbers for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to 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.

FOR FURTHER INFORMATION CONTACT: Mary D. Gunnels, Office of Bus and Truck Standards and Operations, (202) 366–4001, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 8 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: *Public Participation:* The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the ''help'' section of the DMS web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 13 individuals who have requested renewal of their exemptions from 49 CFR 391.41(b)(10) concerning vision requirements in a timely manner. FMCSA has evaluated these 13 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Rodger B. Anders, William E. Beckley, Richard D. Carlson, Sandy Clark, David J. Collier, Raymond G. Hayden, Mark J. Koscinski, Dexter L. Myhre, Stephanie D. Randels, Darrell L. Rohlfs, Daniel J. Schaap, David A Stafford, and Daniel R. Viscaya.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical exam every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions

of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 13 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 66 FR 17994; 68 FR 15037; 65 FR 66286; 66 FR 13825; 68 FR 10300; 68 FR 13360; 65 FR 78256; 66 FR 16311; 67 FR 68719; 68 FR 2629; 67 FR 76439; 68 FR 10298). Each of these 13 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

Comments

FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by April 22, 2005.

In the past FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew, and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 69 FR 51346 (August 18, 2004). FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Rose A. McMurray,

Associate Administrator, Policy and Program Development.

[FR Doc. 05–5760 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002–13743; Notice 2]

Continental Tire North America Inc., Grant of Application for Decision of Inconsequential Noncompliance

Continental Tire North America Inc., (Continental) has determined that a total of 159 P265/70R16 AmeriTrac SUV Radial Passenger Tires and 7,131 P265/70R16 ContiTrac SUV Radial Tires do not meet the labeling requirements mandated by Federal Motor Vehicle Safety Standard (FMVSS) No. 109, ''New Pneumatic Tires.'' The noncompliant tires were produced during the periods March 11–24, 2001, and May 14, 2000–March 24, 2001, respectively. Pursuant to 49 U.S.C. 30118(d) and 30120(h), Continental has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.''

Notice of receipt of the application was published, with a 30-day comment period, on November 15, 2002, in the **Federal Register** (67 FR 69300). NHTSA received no comments.

The petitioner argued as follows: FMVSS No. 109 (S4.3.4(b)) requires both the maximum load in kilograms and pounds be molded on the tire's sidewall. The rated maximum kilogram load was incorrectly marked 1190 kg rather than 1090 kg. The rated maximum load in pounds was marked correctly. These tires are primarily sold in the domestic replacement market, where the load in pounds would be the predominant consumer unit of measurement. Continental stated that test results confirm that the subject tires meet all other test requirements of FMVSS No. 109, support the petition of an inconsequential stamping error, which does not affect performance, and is not safety related.

The agency believes the true measure of inconsequentiality with respect to the noncompliance with FMVSS No. 109, paragraph (S4.3.4(b)), is whether a consumer and/or retailer who relied on the incorrect information could experience a safety problem. In the case of this noncompliance, the maximum load value is marked correctly in English units. However, while the corresponding load value is correctly marked in English units, it is overstated in Metric units. The agency has conducted a series of focus groups, as required by the TREAD Act, to examine consumer perceptions and understanding of tire labeling. Few of the focus group participants had knowledge of tire labeling beyond the tire brand name, tire size, and tire pressure.

Since FMVSS No. 109 applies to tires sold in the U.S., and since consumers in the U.S. overwhelmingly rely on units of English measure for loading information, the safety issue associated with overloading tires as a result of this noncompliance is very small.

In consideration of the foregoing, NHTSA has decided that the applicant has met its burden of persuasion that the noncompliance described is inconsequential to safety. Accordingly, Continental's application is hereby granted and the applicant is exempted from providing the notification of the noncompliance as required by 49 U.S.C. 30118, and from remedying the noncompliance, as required by as required by 49 U.S.C. 30120.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: March 17, 2005.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 05–5650 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–20545; Notice 1]

IC Corporation, Receipt of Petition for Decision of Inconsequential Noncompliance

IC Corporation (IC) has determined that certain school buses that it manufactured in 2001 through 2004 do not comply with S5.2.3.2(a)(4) of 49 CFR 571.217, Federal Motor Vehicle Safety Standard (FMVSS) No. 217, ''Bus emergency exits and window retention

and release.'' IC has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), IC has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of IC's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Affected are a total of approximately 40 school buses manufactured from August 15, 2001 to September 29, 2004. S5.2.3.2(a)(4) of FMVSS No. 217 states ''No two side emergency exit doors shall be located, in whole or in part, within the same post and roof bow panel space.'' The noncompliant vehicles have two side emergency exit doors located opposite each other within the same post and roof bow panel space.

IC believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. IC states that NHTSA's main purpose in updating FMVSS No. 217 was,

> to ensure that emergency exit capability would be proportional to the maximum occupant capacity; to improve access to side emergency doors; to improve visibility of exits; and to facilitate the exiting of occupants from a bus after an accident * * *. None of these primary objectives were compromised on the 40 units covered by this petition.

IC states that it reviewed comments in response to the NPRM to update FMVSS No. 217 and determined that they

> * * * were related to the fatigue strength of a bus body of this configuration. IC Corporation was unable to find comments relating to the safe exit of occupants in the event of an accident as a result of this door arrangement. Based on this background, IC Corporation presents arguments for consideration regarding both the structural and safety aspects of the rule. Finally, we present bus customer feedback based on interviews conducted with some of the bus customers affected by this non-compliance.

IC further states that it is ''not aware of any research that indicates that emergency exits should not be located across from each other for safety of egress reasons alone.'' IC says it believes the requirement for two exits doors located across from each other in the same post and roof bow appears ''to all be related to the issue of the structural integrity of a bus body of this configuration.''

IC indicates that it ''has no reports of any failures of panels or the structure in the area of the left or right emergency doors'' of the noncompliant vehicles. Nor has IC received failure reports of panels or the structure for two other types of buses it manufactures. It describes these two other types of buses. One is ''commercial buses with a passenger door centered on the right side of the bus and large double bow windows on the left side within the same post and roof bow panel space.'' Another is buses with ''the combination of a left side emergency door on the left side and a wheelchair door on the right side within the same post and roof bow panel space.'' IC further asserts that ''NHTSA does not restrict other combinations of doors and windows within the same roof bow space.''

IC states that it is willing to extend to the owners of the noncompliant vehicles a 15-year warranty for any structural or panel failures related to the location of the doors, so that ''corrections could be made long before any possible fatigue problems * * * progress into major structural issues.''

The petitioner also describes discussions regarding the noncompliant vehicles with a New York State official who is ''involved in compliance with the State regulations and product issues'' and owners with multiple units in VA, TX and CA. IC says that the New York official supports granting this petition and the other owners prefer the warranty remedy.

Interested persons are invited to submit written data, views, and arguments on the petition described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods. *Mail:* Docket Management Facility, U.S. Department of Transportation, Nassif Building, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at *http://dms.dot.gov.* Click on ''Help'' to obtain instructions for filing the document electronically. Comments may be faxed to 1–202–493–2251, or may be submitted to the Federal eRulemaking Portal: go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: April 22, 2005.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at CFR 1.50 and 501.8.

Issued on: March 3, 2005.

Ronald L. Medford,

Senior Associate Administrator for Vehicle Safety.

[FR Doc. 05–5761 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–20663]

Notice of Receipt of Petition for Decision That Nonconforming 2002 Jeep Liberty Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2002 Jeep Liberty multipurpose passenger vehicles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2002 Jeep Liberty multipurpose passenger vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards, are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is April 22, 2005.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. Anyone is able to search the electronic form of all comments received into any of our dockets by the

name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

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.

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**.

US SPECS of Aberdeen, Maryland (Registered Importer 03–321) has petitioned NHTSA to decide whether nonconforming 2002 Jeep Liberty multipurpose passenger vehicles are eligible for importation into the United States. The vehicles which U.S. SPECS believes are substantially similar are 2002 Jeep Liberty multipurpose passenger vehicles that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 2002 Jeep Liberty multipurpose passenger vehicles to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

US SPECS submitted information with its petition intended to demonstrate that non-U.S. certified 2002 Jeep Liberty multipurpose passenger vehicles as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 2002 Jeep Liberty multipurpose passenger vehicles are identical to their U.S-certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect,* 103 *Windshield Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic and Electric Brake Systems* (for vehicles built prior to September 1, 2002), 106 *Brake Hoses,* 113 *Hood Latch System,* 116 *Motor Vehicle Brake Fluids,* 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars,* 124 *Accelerator Control Systems,* 135 *Passenger Car Brake Systems* (for vehicles built after August 31, 2002), 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Mounting,* 214 *Side Impact Protection,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* Replacement or conversion of the speedometer to read in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* Installation, on vehicles that are not already so equipped, of U.S.-model headlamps, front side marker lamps, taillamp assemblies that incorporate rear side marker lamps, a high-mounted stoplamp assembly, and front and rear side reflex reflectors.

Standard No. 111 *Rearview Mirrors:* Installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of the passenger side rearview mirror.

Standard No. 114 *Theft Protection:* Installation, on vehicles that are not already so equipped, of a supplemental key warning buzzer system to meet the requirements of this standard.

Standard No. 118 *Power-Operated Window, Partition, and Roof Panel Systems:* Inspection of all vehicles and reprogramming and rewiring the vehicle's systems, as required, to ensure compliance with the standard.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles Other than Passenger Cars:* Installation of a tire information placard.

Standard No. 201 *Occupant Protection in Interior Impact:* Inspection of all vehicles and installation of U.S.-model components, on vehicles that are not already so equipped, to ensure compliance with the standard.

Standard No. 208 *Occupant Crash Protection:* (a) Inspection of all vehicles and replacement of any non U.S.-model seat belts, air bag control units, air bags, and sensors with U.S.-model components on vehicles that are not already so equipped, and; (b) installation of a supplemental seat belt warning buzzer system, if required, to meet the requirements of this standard.

The petitioner states that the occupant restraints used in these vehicles consist of dual front airbags and combination lap and shoulder belts at the front and rear outboard seating positions. These manual systems are automatic, self-tensioning, and are released by means of a single red push-button.

Standard No. 209 *Seat Belt Assemblies:* Inspection of all vehicles and replacement of non-U.S. model seat belt assemblies with U.S.-model components.

Standard No. 225 *Child Restraint Anchorage Systems:* Inspection of all vehicles and installation, on vehicles that are not already so equipped, of U.S.-model components to meet the requirements of this standard.

Standard No. 301 *Fuel System Integrity:* Inspection of all vehicles and installation of U.S.-model components, on vehicles that are not already so equipped, to ensure compliance with the standard.

The petitioner also states that a vehicle identification plate must be affixed to the vehicles near the left windshield post to meet the requirements of 49 CFR part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. [Docket hours are from 9 a.m. to 5 p.m.]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the

docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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.

[FR Doc. 05–5649 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2005–20686]

Notice of Receipt of Petition for Decision That Nonconforming 1989 Volkswagen Golf Rallye Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1989 Volkswagen Golf Rallye passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is April 22, 2005.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78), or you may visit *http://dms.dot.gov.*

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.

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**.

US SPECS of Aberdeen, Maryland (Registered Importer 03–321) has petitioned NHTSA to decide whether nonconforming 1989 Volkswagen Golf Rallye passenger cars are eligible for importation into the United States. The vehicles which US SPECS believes are substantially similar are 1989 Volkswagen Golf passenger cars that were manufactured for sale in the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1989 Volkswagen Golf Rallye passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

US SPECS submitted information with its petition intended to demonstrate that non-U.S. certified 1989 Volkswagen Golf Rallye passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1989 Volkswagen Golf Rallye passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect,* 103 *Windshield Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 112 *HeadLamp Concealment Devices,* 113 *Hood Latch System,* 116 *Motor Vehicle Brake Fluids,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 211 *Wheel Nuts, Wheel Discs and Hub Caps,* 212 *Windshield Mounting,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Installation of an indicator lamp lens cover inscribed with the word ''brake'' in the instrument cluster in place of the one inscribed with the international ECE warning symbol; and (b) replacement or conversion of the speedometer to read in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* Inspection of all vehicles and installation, on vehicles that are not already so equipped, of U.S.-model: (a) Headlamp assemblies; (b) front side marker lamps; (c) taillamp assemblies that incorporate rear side marker lamps; (d) rear high mounted stop lamp; and (e) front and rear side reflex reflectors.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* Installation of a U.S.-model passenger side rearview mirror, or inscription of the required warning statement on the face of that mirror.

Standard No. 114 *Theft Protection:* Installation a supplemental warning buzzer to meet the requirements of this standard.

Standard No. 115 *Vehicle Identification:* Installation of a vehicle identification plate near the left

windshield post to meet the requirements of this standard.

Standard No. 118 *Power-Operated Window, Partition, and Roof Panel Systems:* Inspection of all vehicles and rewiring the vehicle's systems, as required, to ensure compliance with the requirements of the standard.

Standard No. 208 *Occupant Crash Protection:* Installation, on vehicles that are not already so equipped, of: (a) Seat belt warning buzzer and warning light systems wired to the seat belt latch; (b) U.S.-model knee bolsters; and (c) U.S.-model door-anchored automatic shoulder belts at front outboard seating positions on vehicles manufactured on or after September 1, 1989.

The petitioner also states that the vehicles are equipped with combination lap and shoulder belts at the outboard front and seating positions. These seat belts are self-tensioning and capable of being released by means of a single red push button.

Standard No. 209 *Seat Belt Assemblies:* Inspection of all vehicles and installation of U.S.-model seat belt assemblies on vehicles that are not already so equipped.

Standard No. 210 *Seat Belt Assembly Anchorages:* Inspection of all vehicles and replacement of any non-U.S.-model seat belt anchorages with U.S.-model components on vehicles that are not already so equipped.

Standard No. 214 *Side Impact Protection:* Inspection of all vehicles and installation of U.S.-model door reinforcements on vehicles that are not already so equipped.

Standard No. 301 *Fuel System Integrity:* Inspection of all vehicles and installation of U.S.-model fuel system components on vehicles that are not already so equipped.

In addition, inspection of all vehicles and installation of U.S.-model bumper and bumper support structure components, on vehicles that are not already so equipped, to ensure compliance with the requirements of the Bumper Standard found in 49 CFR part 581.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW., Washington, DC 20590. (Docket hours are from 9 a.m. to 5 p.m.) It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

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.

[FR Doc. 05–5762 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub–No. 5) (2005–2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board has approved the second quarter 2005 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter 2005 RCAF (Unadjusted) is 1.149. The second quarter 2005 RCAF (Adjusted) is 0.563. The second quarter 2005 RCAF–5 is 0.537.

DATES: *Effective Date:* April 1, 2005.

FOR FURTHER INFORMATION CONTACT: Mac Frampton, (202) 565–1541. [Federal Information Relay Service (FIRS) for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our Web site *http://www.stb.dot.gov.* To purchase a copy of the full decision, write to, e-mail or call the Board's contractor, ASAP Document Solutions; 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail *asapdc@verizon.net;* phone (202) 306–4004. [Assistance for the hearing impaired is available through FIRS: 1–800–877–8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: March 17, 2005.

By the Board, Chairman Nober, Vice Chairman Buttrey, and Commissioner Mulvey.

Vernon A. Williams,

Secretary.

[FR Doc. 05–5740 Filed 3–22–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–771X]

Mount Vernon Terminal Railway Company L.L.C.—Abandonment Exemption-in Skagit County, WA

Mount Vernon Terminal Railway Company L.L.C. (MVT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon and discontinue service on the southern portion of its line of railroad between milepost 0.369 and milepost 1.172, in the City of Mount Vernon, in Skagit County, WA, a distance of 4,240 feet. The line traverses United States Postal Service Zip Code 98273.

MVT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 22, 2005, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1]

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 1, 2005. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 12, 2005, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to MVT's representative: Stephen L. Day, Betts, Patterson & Mines, P.S., 701 Pike Street, Suite 1400, Seattle, WA 98101–3927.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

MVT has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by March 28, 2005. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1539. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), MVT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by MVT's filing of a notice of consummation by March 23, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: March 15, 2005.

by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,200. *See* 49 CFR 1002.2(f)(25).

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 05–5598 Filed 3–22–05; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8302

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8302, Direct Deposit or Refund of $1 Million or More.

DATES: Written comments should be received on or before May 23, 2005 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Direct Deposit or Refund of $1 Million or More.

OMB Number: 1545–1763.

Form Number: 8302.

Abstract: This form is used to request a deposit of a tax refund of $1 million or more directly into an account at any U.S. bank or other financial institution that accepts direct deposits.

Current Actions: There are no changes being made to Form 8302 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households.

Estimated Number of Respondents: 400.

Estimated Time per Respondent: 2 hrs, 28 minutes.

Estimated Total Annual Burden Hours: 988.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 15, 2005.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E5–1285 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 720X

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 720X, Amended Quarterly Federal Excise Tax Return.

DATES: Written comments should be received on or before May 23, 2005 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Amended Quarterly Federal Excise Tax Return.

OMB Number: 1545–1759.

Form Number: 720X.

Abstract: Form 720X is used to make adjustments to correct errors on form 720 filed for previous quarters. It can be filed by itself or it can be attached to any subsequent Form 720. Code section 6416(d) allows taxpayers to take a credit on a subsequent return rather than filing a refund claim. The creation of Form 720X is the result of a project to provide a uniform standard for trust fund accounting.

Current Actions: There are no changes being made to Form 720X at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Responses: 22,000.

Estimated Time Per Response: 4 hrs, 59 minutes.

Estimated Total Annual Burden Hours: 109,560.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 15, 2005.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E5–1286 Filed 3–22–05; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8697

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8697, Interest Computation Under the Look-Back Method for Completed Long-Term Contracts.

DATES: Written comments should be received on or before May 23, 2005 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the internet at (*Larnice.Mack@irs.gov*).

SUPPLEMENTARY INFORMATION:

Title: Interest Computation Under the Look-Back Method for Completed Long-Term Contracts.

OMB Number: 1545–1031.

Form Number: Form 8697.

Abstract: Taxpayers who are required to account for all or part of any long-term contract entered into after February 28, 1986, under the percentage of completion method must use Form 8697 to compute and report interest due or to be refunded under Internal Revenue Code section 460(b)93). The IRS uses Form 8697 to determine if the interest has been figured correctly.

Current Actions: There are no changes being made to the Form 8697 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 12 hrs, 40 minutes.

Estimated Total Annual Burden Hours: 63,340.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection

techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 15, 2005.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E5–1287 Filed 3–22–05; 8:45 am]

BILLING CODE 6717–01–P

Corrections

Federal Register
Vol. 70, No. 55
Wednesday, March 23, 2005

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 041126332–5039–02; I.D. 112204C]

Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2005 and 2006 Harvest Specifications for Groundfish; Correction

Correction

In rule document 05–4838 beginning on page 12143 in the issue of Friday, March 11, 2005, make the following correction:

On page 12147, Table 13 is corrected in part to read as follows:

TABLE 13—FINAL 2006 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH HARVEST SIDEBOARD LIMITATIONS

(Values are in metric tons)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	2006 TAC	2006 non-exempt AFA catcher vessel sideboard
	* *	* *	*	* *
Northern rockfish	W	0.0003	755	0
	C	0.0336	3,995	134
Pelagic shelf rockfish	W	0.0001	366	0
	C	0.0000	2,973	0
	E	0.0067	1,076	7
Thornyhead rockfish	W	0.0308	410	13
	C	0.0308	1,010	31
	E	0.0308	520	16
Big skates	W	0.0090	727	7
	C	0.0090	2,463	22
	E	0.0090	809	7
Longnose skates	W	0.0090	66	1
	C	0.0090	1,972	18
	E	0.0090	780	7
Other skates	GW	0.0090	1,327	12
Demersal shelf rockfish	SEO	0.0020	410	1

TABLE 13—FINAL 2006 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH HARVEST SIDEBOARD LIMITATIONS—Continued

(Values are in metric tons)

Species	Apportionments and allocations by area/season/processor/gear	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	2006 TAC	2006 non-exempt AFA catcher vessel sideboard
	* *	* *	*	* *

* * * * *

[FR Doc. C5–4838 Filed 3–22–05; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Wednesday,
March 23, 2005

Part II

Office of Personnel Management

SES Positions That Were Career Reserved During 2004; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 2004

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by section 3132(b)(4) of title 5, United States Code, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 2004.

FOR FURTHER INFORMATION CONTACT: Quasette Crowner, Center for Leadership and Executive Resources Policy (202) 606–1579.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved at any time during calendar year 2004, regardless of whether those positions were career reserved on December 31, 2004. Section 313(b)(4) of title 5, United States Code, requires that the head of each agency publish such lists by March 1 of the following year. The Office of Personnel Management is publishing a consolidated list for all agencies.

Office of Personnel Management.

Dan G. Blair,

Acting Director.

BILLING CODE 6325–39–M

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ADVISORY COUNCIL ON HISTORIC PRESERVATION	
OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR SPECIAL ASSISTANT
DEPARTMENT OF AGRICULTURE	
OFFICE OF THE CHIEF INFORMATION OFFICER	DEPUTY CHIEF INFORMATION OFFICER ASSOCIATE DEPUTY DIRECTOR, NATIONAL INFORMATION TECHNOLOGY CENTER
OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER PROJECT MANAGER
NATIONAL FINANCE CENTER	DIRECTOR, APPLICATIONS SYSTEMS DIVISION DIRECTOR, INFORMATION RESOURCES MANAGEMENT DIVISION DIRECTOR, FINANCIAL SERVICES DIVISION DIRECTOR, THRIFT SAVINGS PLAN DIVISION DEPUTY DIRECTOR
OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL (NATURAL RESOURCES DIVISION)
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR POLICY DEVELOPMENT AND RESEARCH MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS, IMMEDIATE OFFICE ASSISTANT INSPECTOR GENERAL FOR PLANNING AND SPECIAL PROJECTS DEPUTY INSPECTOR GENERAL
OFFICE OF THE CHIEF ECONOMIST	DIRECTOR, OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS CHAIRPERSON DIRECTOR GLOBAL CHANGE PROGRAM OFFICE DIRECTOR, OFFICE OF ENERGY POLICY AND NEW USES
OFFICE OF HUMAN RESOURCES MANAGEMENT	MANAGER, ENTERPRISE HUMAN RESOURCES SYSTEMS STAFF
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS	SPECIAL ASSISTANT FOR OUTREACH AND DIVERSITY
OFFICE OF OPERATIONS	DIRECTOR OFFICE OF OPERATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF AGRICULTURE	
PROCUREMENT AND PROPERTY MANAGEMENT	DIRECTOR, PROCUREMENT AND PROPERTY MANAGEMENT DEPUTY DIRECTOR, OFFICE OF PROPERTY AND PROCRUEMENT MANAGEMENT
OFFICE OF OUTREACH	DIRECTOR, USDA PROGRAM OUTREACH DIVISION
RURAL HOUSING SERVICE	CONTROLLER DEPUTY ADMINISTRATOR FOR OPERATIONS AND MANAGEMENT DIRECTOR CENTRALIZED SERVICING CENTER DEPUTY ADMINISTRATOR, MULTI-FAMILY HOUSING
RURAL BUSINESS SERVICE	DEPUTY ADMINISTRATOR FOR BUSINESS PROGRAMS
AGRICULTURAL MARKETING SERVICE	DEPUTY ADMINISTRATOR, FRUIT AND VEGETABLE PROGRAMS DEPUTY ADMINISTRATOR, DAIRY PROGRAMS DEPUTY ADMINISTARTOR, LIVESTOCK AND SEED PROGRAMS DEPUTY ADMINISTRATOR, TOBACCO PROGRAMS DEPUTY ADMINISTRATOR, COMPLIANCE AND ANALYSIS DEPUTY ADMINISTRATOR, COTTON PROGRAMS DEPUTY ADMINISTRATOR, SCIENCE AND TECHNOLOGY PROGRAMS DEPUTY ADMINISTRATOR, TRANSPORTATION AND MARKETING PROGRAMS DEPUTY ADMINISTRATOR, POULTRY PROGRAMS
GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION	DIRECTOR FIELD MANAGEMENT DIVISION
ANIMAL AND PLANT HEALTH INSPECTION SERVICE	DEPUTY ADMINISTRATOR FOR MARKETING AND REGULATORY PROGRAMS-BUSINESS SERVICES ASSOCIATE DEPUTY ADMINISTRATOR FOR MANAGEMENT AND BUDGET DEPUTY ADMINISTRATOR, ANIMAL CARE DIRECTOR, CENTER FOR PLANT HEALTH SCIENCE AND TECHNOLOGY ASSISTANT DEPUTY ADMINISTRATOR, PEST DETECTION AND MANAGEMENT ASSOCIATE DEPUTY ADMINISTRATOR, WILDLIFE SERVICES DEPUTY ADMINISTRATOR, BIOTECHNOLOGY REGULATORY PROGRAMS DIRECTOR, EASTERN REGION, WILDLIFE SERVICES DIRECTOR, WESTERN REGION, WILDLIFE SERVICES ASSOCIATE DEPUTY ADMINISTRATOR, VETERINARY SERVICES, EMERGENCY PROGRAMS CHIEF OPERATING OFFICER DEPUTY ADMINISTRATOR, LEGISLATIVE AND PUBLIC AFFAIRS ASSOCIATE DEPUTY ADMINISTRATOR, EMERGING AND INTERNATIONAL PROGRAMS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF AGRICULTURE	
ANIMAL AND PLANT HEALTH INSPECTION SERVICE	ANIMAL AND PLANT HEALTH INSPECTION SERVICE INTERNATIONAL ORGANIZATION COORDINATOR
VETERINARY SERVICES	DIRECTOR, SOUTH EASTERN REGION, VETERINARY SERVICES DIRECTOR, WESTERN REGION DEPUTY ADMINISTRATOR, WILDLIFE SERVICES DIRECTOR, ANIMAL HEALTH PROGRAMS, VETERINARY SERVICES DIRECTOR, CENTER FOR EPIDEMIOLOGY AND ANIMAL HEALTH
PLANT PROTECTION AND QUARANTINE SERVICE	DEPUTY ADMINISTRATOR, INTERNATIONAL SERVICES DIRECTOR, WESTERN REGION DIRECTOR, PLANT HEALTH PROGRAMS, PPQ DIRECTOR, EASTERN REGION
FOOD SAFETY AND INSPECTION SERVICE	ASSISTANT ADMINISTRATOR, OFFICE OF PROGRAM EVALUATION ENFORCEMENT AND REVIEW UNITED STATES MANAGER FOR CODEX ASSISTANT DEPUTY ADMINISTRATOR, OFFICE OF MANAGEMENT ASSOCIATE DEPUTY ADMINISTRATOR, OFFICE OF POLICY, PROGRAM DEVELOPMENT AND EVALUATION EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SCIENCE EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF INTERNATIONAL AFFAIRS EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS EXECUTIVE ASSOCIATE FOR LABORATORY SERVICES, OFFICE OF PUBLIC HEALTH SCIENCE ASSISTANT DEPUTY ADMINISTRATOR, DISTRICT ENFORCEMENT OPERATIONS DIRECTOR, TECHNICAL SERVICE CENTER, OFFICE OF FIELD OPERATIONS DEPUTY ADMINISTRATOR ASSISTANT ADMINISTRATOR, OFFICE OF INTERNATIONAL AFFIARS EXECUTIVE ASSOCIATE FOR PROGRAM DEVELOPMENT, OFFICE OF POLICY, PROGRAM AND EMPLOYEE DEVELOPMENT ASSISTANT DEPUTY ADMINISTRATOR DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF FIELD OPERATIONS DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC HEALTH SCIENCE ASSISTANT ADMINISTRATOR, OFFICE OF POLICY, PROGRAM AND EMPLOYEE DEVELOPMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF AGRICULTURE	
FOOD SAFETY AND INSPECTION SERVICE	DEPUTY ADMINISTRATOR EXECUTIVE ASSOCIATE FOR POLICY ANALYSIS AND FORMULATIONS EXECUTIVE ASSOCIATE FOR REGULATORY OPERATIONS, OFFICE OF FIELD OPERATIONS ASSISTANT ADMINISTRATOR, STAFF SERVICES DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF PROGRAM EVALUATION ENFORCEMENT AND REVIEW ASSISTANT ADMINISTRATOR, OFFICE OF PUBLIC AFFAIRS, EDUCATION AND OUTREACH ASSISTANT ADMINISTRATOR FOR FOOD SAFETY ASSISTANT ADMINISTRATOR, OFFICE OF MANAGEMENT DEPUTY ASSISTANT ADMINISTRATOR, OFFICE OF FOOD SAFETY AND EMERGENCY DIRECTOR, FOOD SAFETY INSTITUTE OF THE AMERICAS
FOOD AND NUTRITION SERVICE	DEPUTY ADMINISTRATOR FOR FINANCIAL MANAGEMENT DEPUTY ADMINISTRATOR FOR MANAGEMENT ASSOCIATE ADMINISTRATOR DIRECTOR, OFFICE OF ANALYSIS AND EVALUATION
FARM SERVICE AGENCY	CONTROLLER DIRECTOR MANAGEMENT SERVICES DIVISION DIRECTOR, BUDGET DIVISION DEPUTY ADMINISTRATOR FOR FARM LOAN PROGRAMS DIRECTOR, FINANCIAL MANAGEMENT DIVISION
FOREIGN AGRICULTURAL SERVICE	DIRECTOR, GRAIN AND FEED DIVISION ASSISTANT DEPUTY ADMINISTRATOR MANAGEMENT DIRECTOR, COTTON, OILSEEDS, TOBACCO AND SEEDS DIVISION
RISK MANAGEMENT AGENCY	DEPUTY ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT DEPUTY ADMINISTRATOR FOR INSURANCE SERVICES DIVISION
AGRICULTURAL RESEARCH SERVICE	ASSISTANT ADMINISTRATOR FOR TECHNOLOGY TRANSFER ASSISTANT ADMINISTRATOR FOR GENETIC RESOURCES DEPUTY ADMININISTRATOR FOR ADMINISTRATION AND FINANCIAL MANAGEMENT DIRECTOR, OFFICE OF PEST MANAGEMENT POLICY DIRECTOR, NATIONAL ANIMAL DISEASE CENTER ASSOCIATE ADMINISTRATOR, SPECIAL INTERAGENCY PROGRAMS ISSUES MANAGER CHIEF BUDGET OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF AGRICULTURE	
AGRICULTURAL RESEARCH SERVICE	ASSOCIATE DEPUTY ADMINISTRATOR
NATIONAL PROGRAM STAFF OFFICE	DEPUTY ADMINISTRATOR NATIONAL PROGRAM STAFF ASSOCIATE DEPUTY ADMINISTRATOR FOR ANIMAL PRODUCTION, PRODUCT VALUE AND SAFETY STAFF ASSOCIATE DEPUTY ADMINISTRATOR FOR NATURAL RESOURCES AND SUSTAINABLE AGRICULTURAL SYSTEMS ASSOCIATE DEPUTY ADMINISTRATOR FOR CROP PRODUCTION, PRODUCT VALUE, AND SAFETY
BELTSVILLE AREA OFFICE	DIRECTOR BELTSVILLE AREA OFFICE ASSOCIATE DIRECTOR BELTSVILLE AREA DIRECTOR UNITED STATES NATIONAL ARBORETUM DIRECTOR BELTSVILLE HUMAN NUTRITION RESEARCH CENTER DIRECTOR PLANT SCIENCES INSTITUTE DIRECTOR LIVESTOCK AND POULTRY SCIENCES INSTITUTE DIRECTOR NATURAL RESOURCES INSTITUTE CHIEF INFORMATION OFFICER
NORTH ATLANTIC AREA OFFICE	DIRECTOR, EASTERN REGIONAL RESEARCH CENTER ASSOCIATE DIRECTOR, NORTH ATLANTIC AREA DIRECTOR, PLUM ISLAND ANIMAL DISEASE CENTER DIRECTOR, NORTH ATLANTIC AREA DIRECTOR, NORTH ATLANTIC AREA
SOUTH ATLANTIC AREA OFFICE	ASSOCIATE DIRECTOR SOUTH ATLANTIC AREA DIRECTOR, SOUTH ATLANTIC AREA DIRECTOR, CENTER FOR MEDICAL AGRICULTURAL AND VETERINARY ENTOMOLOGY
MIDWEST AREA OFFICE	DIRECTOR, MIDWEST AREA ASSOCIATE DIRECTOR, MIDWEST AREA SUPERVISORY VETERINARY MEDICAL OFFICER DIRECTOR, NATIONAL CENTER FOR AGRICULTURE UTILIZATION
MIDSOUTH AREA OFFICE	DIRECTOR, SOUTHERN REGIONAL RESEARCH CENTER DIRECTOR, MID-SOUTH AREA ASSOCIATE DIRECTOR, MID SOUTH AREA
SOUTHERN PLAINS AREA OFFICE	DIRECTOR SOUTHERN PLAINS AREA ASSOCIATE DIRECTOR, SOUTHERN PLAINS AREA

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF AGRICULTURE	
NORTHERN PLAINS AREA OFFICE	DIRECTOR, NORTHERN PLAINS AREA ASSOCIATE DIRECTOR, NORTHERN PLAINS AREA OFFICE DIRECTOR, UNITED STATES MEAT ANIMAL RESEARCH CENTER
PACIFIC WEST AREA OFFICE	DIRECTOR, WESTERN REGIONAL RESEARCH CENTER DIRECTOR, WESTERN HUMAN NUTRITION RESEARCH CENTER DIRECTOR, PACIFIC WEST AREA OFFICE ASSOCIATE DIRECTOR, PACIFIC WEST AREA OFFICE DIRECTOR, WESTERN COTTON RESEARCH LABORATORY
COOPERATIVE STATE RESEARCH, EDUCATION AND EXTENSION SERVICE	DEPUTY ADMINISTRATOR PARTNERSHIPS SPECIAL ASSISTANT TO THE ADMINISTRATOR, CSREES DEPUTY ADMINISTRATOR, ECONOMIC AND COMMUNITY SYSTEMS DEPUTY ADMINISTRATOR, OFFICE OF EXTRAMURAL PROGRAMS DEPUTY ADMINISTRATOR, INFORMATION SYSTEMS AND TECHNOLOGY MANAGEMENT
ECONOMIC RESEARCH SERVICE	ADMINISTRATOR, ECONOMIC RESEARCH SERVICE ASSOCIATE ADMINISTRATOR, ECONOMIC RECEARCH SERVICE DIRECTOR, RESOURCE ECONOMICS DIVISION DIRECTOR, INFORMATION SERVICES DIVISION BUDGET COORDINATOR AND STRATEGIC PLANNER DIRECTOR, FOOD AND RURAL ECONOMICS DIVISION DIRECTOR, MARKET AND TRADE ECONOMICS DIVISION
NATIONAL AGRICULTURAL STATISTICS SERVICE	ADMINISTRATOR, NATIONAL AGRICULTURAL STATISTICS SERVICE DEPUTY ADMINISTRATOR FOR FIELD OPERATIONS ASSOCIATE AMINISTRATOR ASSOCIATE AMINISTRATOR DEPUTY ADMINISTRATOR FOR PROGRAMS AND PRODUCTS DIRECTOR, STATISTICS DIVISION DIRECTOR, RESEARCH AND DEVELOPMENT DIVISION DIRECTOR, CENSUS AND SURVEY DIVISION DIRECTOR, INFORMATION TECHNOLOGY DIVISION ASSOCIATE DEPUTY ADMINISTRATOR (WESTERN UNITED STATES) ASSOICATE DEPUTY ADMINISTRATOR (EASTERN UNITED STATES)
NATURAL RESOURCES CONSERVATION SERVICE	DIRECTOR, CONSERVATION ENGINEERING DIVISION Did not find title for this position DIRECTOR, SOIL SURVEY DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF AGRICULTURE	
NATURAL RESOURCES CONSERVATION SERVICE	DIRECTOR, STRATEGIC PLANNING DIVISION
	DIRECTOR, OPERATIONS MANAGEMENT AND OVERSIGHT
	REGIONAL CONSERVATIONIST - SOUTH CENTRAL
	ASSOCIATE DEPUTY CHIEF FOR SCIENCE AND TECHNOLOGY
	DIRECTOR, EASEMENT PROGRAMS DIVISION
	Did not find title for this position
	ASSISTANT DEPUTY ADMINISTRATOR
	SENIOR SOIL SCIENTIST
	NATURAL RESOURCES MANAGER
	SPECIAL ASSISTANT TO THE CHIEF (PROGRAM MANAGER)
	DEPUTY CHIEF FOR STRATEGIC PLANNING AND ACCOUNTABILITY
	DIRECTOR, RESOURCE CONSERVATION AND RURAL LANDS DIVISION
	Did not find title for this position
	DIRECTOR, ANIMAL HUSBANDRY AND CLEAN WATER PROGRAMS DIVISION
	ASSOCIATE DEPUTY CHIEF FOR PROGRAMS, AIR, WATER AND SOIL
	Did not find title for this position
	ASSOCIATE DEPUTY CHIEF FOR PROGRAMS
	DIRECTOR, RESOURCE ECONOMICS AND SOCIAL SCIENCES DIVISION
	REGIONAL CONSERVATIONIST - NORTHERN PLAINS
	SPECIAL ASSISTANT TO THE CHIEF
FOREST SERVICE	ASSOCIATE DEPUTY CHIEF FOR ADMINISTRATION
	DIRECTOR, FIRE AND AVIATION STAFF
	DEPUTY CHIEF, OFFICE OF FINANCE (CHIEF FINANCIAL OFFICER)
	DEPUTY CHIEF, BUSINESS OPERATIONS
	CHIEF OPERATING OFFICER
	DIRECTOR, FINANCIAL MANAGEMENT STAFF
RESEARCH	DIRECTOR, VEGETATION MANAGEMENT AND PROTECTION RESEARCH STAFF
	DIRECTOR, RESOURCE VALUATION AND USE RESEARCH STAFF
	DIRECTOR, WILDLIFE, FISH AND WATERSHED RESEARCH STAFF
	DIRECTOR, SCIENCE POLICY, PLANNING, AND INFORMATION STAFF
NATIONAL FOREST SYSTEM	DIRECTOR, RANGELAND MANAGEMENT STAFF
	DIRECTOR, FOREST MANAGEMENT STAFF
	DIRECTOR, ENGINEERING STAFF
	DIRECTOR, LANDS STAFF
	DIRECTOR, ECOSYSTEM MANAGEMENT COORINATION
	DIRECTOR, WILDLIFE, FISH, AND RARE PLANTS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF AGRICULTURE	
NATIONAL FOREST SYSTEM	DIRECTOR, MINERALS AND GEOLOGY MANAGEMENT STAFF DIRECTOR, WATERSHED AND AIR MANAGEMENT STAFF
STATE AND PRIVATE FORESTRY	DIRECTOR COOPERATIVE FORESTRY DIRECTOR, FOREST HEALTH PROTECTION
FIELD UNITS	NORTHEAST AREA DIRECTOR, STATE AND PRIVATE FORESTRY STATION DIRECTOR, NORTH EASTERN FOREST EXPERIMENT STATION (NEWTOWN SQUARE) DIRECTOR, NORTH CENTRAL FOREST EXPERIMENT STATION (SAINT PAUL) DIRECTOR, PACIFIC NORTHWEST FOREST AND RANGE EXPERIMINT STATION (PORTLAND) DIRECTOR, PACIFIC SOUTHWEST FOREST AND RANGE EXPERIMINT STATION (VALLEJO) DIRECTOR, ROCKY MOUNTAIN FOREST AND RANGE EXPERIMINT STATION (FT. COLLINS) DIRECTOR, SOUTHERN RESEARCH STATION (ASHEVILLE) DIRECTOR, FOREST PRODUCTS LABORATORY (MADISON) DEPUTY REGIONAL FORESTER, PACIFIC NORTHWEST REGION (PORTLAND)
INTERNATIONAL FOREST SYSTEM	DIRECTOR INTERNATIONAL INSTITUE OF TROPICAL FOREST (RIO PIEDRAS)
AMERICAN BATTLE MONUMENTS COMMISSION	
SECRETARIAT	EXECUTIVE DIRECTOR DIRECTOR, EUROPEAN REGION
DIRECTOR, EUROPEAN REGION	DIRECTOR, EUROPEAN REGION
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOAF	
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD)	EXECUTIVE DIRECTOR DIRECTOR OFFICE OF TECHNICAL AND INFORMATION SERVICES
BROADCASTING BOARD OF GOVERNORS	
INTERNATIONAL BROADCASTING BUREAU	DIRECTOR ENGINEERING AND TECHNICAL OPERATIONS DEPUTY FOR ENGINEERING RESOURCE CONTROL DEPUTY FOR NETWORK OPERATIONS ASSOCIATE DIRECTOR FOR MANAGEMENT
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD	
OFFICE OF THE CHIEF OPERATING OFFICER	CHIEF OPERATING OFFICER
DEPARTMENT OF COMMERCE	
DEPARTMENT OF COMMERCE	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITING CHIEF FINANACIAL OFFICER AND CHIEF ADMINISTRATIVE OFFICER DEPUTY CHIEF FINANCIAL OFFICER/DIRECTOR OF BUDGET DEPUTY CHIEF ADMINISTRATIVE OFFICER DEPUTY CHIEF FINANCIAL OFFICER/DEPUTY CHIEF ADMINISTRATIVE OFFFICER CHIEF INFORMATION OFFICER DEPUTY DIRECTOR FOR FINANCIAL POLICY CHIEF INFORMATION OFFICER AND DIRECTOR FOR HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS CHIEF STANDARD REFERENCE MATERIALS PROGRAM
OFFICE OF THE SECRETARY	DIRECTOR, OFFICE OF INFORMATION POLICY, PLANNING AND REVIEW DIRECTOR, OFFICE INFORMATION TECHNOLOGY SECURITY, INFRASTRUCTURE AND TECHNOLOGY
OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR FINANCE AND LITIGATION DIRECTOR, OFFICE OF EXECUTIVE SUPPORT
OFFICE OF THE CHIEF FINANICAL OFFICER AND ASSISTANT SECRETARY FOR ADMINISTRATION	DIRECTOR FOR Y2K OUTREACH DEPUTY DIRECTOR, OFFICE OF BUDGET DEPUTY CHIEF INFORMATION OFFICER DEPUTY DIRECTOR FOR ADMINISTRATIVE SERVICES DIRECTOR FOR ADMINISTRATIVE SERVICES
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION	DIRECTOR FOR SECURITY
DIRECTOR FOR HUMAN RESOURCES MANAGEMENT	DIRECTOR FOR HUMAN RESOURCES MANAGEMENT DEPUTY DIRECTOR OF HUMAN RESOURCES MANAGEMENT
DIRECTOR FOR FINANCIAL MANAGEMENT	DIRECTOR FOR FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR FOR FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER
OFFICE OF BUDGET MANAGEMENT AND INFORMATION AND CHIEF INFORMATION OFFICER	DIRECTOR, OFFICE OF BUDGET
DIRECTOR FOR EXECUTIVE BUDGETING AND ASSISTANCE	DIRECTOR FOR FEDERAL ASSISTANT AND MANAGEMENT SUPPORT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
OFFICE OF SECURITY AND ADMINISTRATIVE SERVICES	DEPUTY DIRECTOR FOR SECURITY DIRECTOR, OFFICE OF SECURITY DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION	DIRECTOR FOR TECHNOLOGY MANAGEMENT DEPUTY ASSISTANT SECRETARY AND DIRECTOR FOR SECURITY
OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR SYSTEMS EVALUATION
OFFICE OF COUNSEL TO THE INSPECTOR GENERAL	COUNSEL TO THE INSPECTOR GENERAL
OFFICE OF INSPECTIONS AND PROGRAM EVALUATION	ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND PROGRAM EVALUATION
OFFICE OF AUDITS	ASSISTANT INSPECTOR GENERAL FOR AUDITING
OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
ECONOMICS AND STATISTICS ADMINISTRATION	DIRECTOR, STATISTICS - UNITED STATES OF AMERICA CHIEF FINANCIAL OFFICER AND DIRECTOR FOR ADMINISTRATION DEPUTY DIRECTOR, OFFICE OF POLICY DEVELOPMENT
OFFICE OF POLICY DEVELOPMENT	SENIOR EXECUTIVE FOR RESEARCH
BUREAU OF THE CENSUS	ASSISTANT DIRECTOR FOR MARKETING AND CUSTOMER LIAISON ASSISTANT DIRECTOR FOR AMERICAN COMMUNITY SURVEY AND DECENNIAL CENSUS CHIEF, CENTER FOR ECONOMIC STUDIES CHIEF, HUMAN RESOURCE DIVISION
OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR FIELD OPERATIONS CHIEF DECENNIAL SYSTEM AND CONTRACTS MANAGEMENT OFFICE PRINCIPAL ASSOCIATE DIRECTOR AND CHIEF FINANCIAL OFFICE PRINCIPAL ASSOCIATE DIRECTOR FOR PROGRAMS SPECIAL ADVISOR TO THE DEPUTY DIRECTOR CHIEF, POLICY AND STATEGIC PLANNING DIVISION ASSISTANT TO THE DIRECTOR
ADMINISTRATIVE AND CUSTOMER SERVICES DIVISION	CHIEF ADMINISTRATOR AND CUSTOMER SERVICES DIVISION
ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY	ASSISTANT TO THE DIRECTOR FOR INFORMATION TECHNOLOGY ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
ASSOCIATE DIRECTOR FOR FINANCE AND ADMINISTRATION	CHIEF, ACQUISITION DIVISION
DATA PREPARATION DIVISION	CHIEF NATIONAL PROCESSING CENTER
ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS	ASSOCIATE DIRECTOR FOR ECONOMIC PROGRAMS ASSISTANT DIRECTOR FOR ECONOMIC PROGRAMS
ECONOMIC PLANNING AND COORDINATION DIVISION	CHIEF, ECONOMIC PLANNING AND COORDINATION DIVISION
ECONOMIC STATISTICAL METHODS AND PROGRAMMING DIVISION	CHIEF, ECONOMIC STATISTICAL METHODS AND PROGRAMMING DIVISION
AGRICULTURE AND FINANCIAL STATISTICS DIVISION	CHIEF COMPANY STATISTICS DIVISION
SERVICES DIVISION	CHIEF SERVICE SECTOR STATISTICS DIVISION
FOREIGN TRADE DIVISION	CHIEF, FOREIGN TRADE DIVISION
GOVERNMENTS DIVISION	CHIEF, GOVERNMENT DIVISION
MANUFACTURING AND CONSTRUCTION DIVISION	CHIEF, MANUFACTURING AND CONSTRUCTION DIVISION
ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS	ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS ASSISTANT TO THE ASSOCIATE DIRECTOR FOR DECENNIAL CENSUS ASSISTANT DIRECTOR FOR DECENNIAL CENSUS
DECENNIAL MANAGEMENT DIVISION	CHIEF DECENNIAL MANAGEMENT DIVISION
GEOGRAPHY DIVISION	CHIEF, GEOGRAPHY DIVISION
DECENNIAL STATISTICAL STUDIES DIVISION	CHIEF, DECENNIAL STATISTICAL STUDIES DIVISION
ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS	ASSOCIATE DIRECTOR FOR DEMOGRAPHIC PROGRAMS CHIEF, POPULATION DIVISION CHIEF DEMOGRAPHIC SURVEYS DIVISION
HOUSING AND HOUSEHOLD ECONOMIC STATISTICS DIVISION	CHIEF, HOUSING AND HOUSEHOLD ECONOMICS STATISTICS DIVISION
DEMOGRAPHIC STATISTICAL METHODS DIVISION	CHIEF, STATISTICAL METHODS DIVISION
ASSOCIATE DIRECTOR FOR METHODOLOGY AND STANDARDS	CHIEF, PLANNING, RESEARCH, AND EVALUATION DIVISION ASSOCIATE DIRECTOR FOR METHODOLOGY AND STANDARDS
STATISTICAL RESEARCH DIVISION	CHIEF STATISTICAL RESEARCH DIVISION
BUREAU OF ECONOMIC ANALYSIS	ASSOCIATE OF ECONOMIC ANALYSIS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
OFFICE OF THE DIRECTOR	DIRECTOR DEPUTY DIRECTOR, BUREAU OF ECONOMIC ANALYSIS CHIEF ECONOMIST CHIEF STATISTICIAN ASSOCIATE DIRECTOR FOR MANAGEMENT AND CHIEF ADMINISTRATIVE OFFICER
ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS	ASSOCIATE DIRECTOR FOR REGIONAL ECONOMICS
ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS	ASSOCIATE DIRECTOR FOR INTERNATIONAL ECONOMICS
ASSOCIATE DIRECTOR FOR NATIONAL INCOME, EXPENDITURE AND WEALTH ACCOUNTS	ASSOCIATE DIRECTOR FOR NATIONAL INCOME, EXPENDITURE AND WEALTH ACCOUNTS CHIEF NATIONAL INCOME AND WEALTH DIVISION CHIEF INTERNATIONAL INVESTMENT DIVISION CHIEF, COMPUTER SYSTEMS AND SERVICES DIVISION
DIRECTOR OF ADMINISTRATION	DIRECTOR OF ADMINISTRATION
OFFICE OF THE ASSTISTANT SECRETARY FOR EXPORT ENFORCEMENT	DEPUTY ASSISTANT SECRETARY FOR EXPORT ENFORCEMENT DIRECTOR OFFICE OF EXPORT ENFORCEMENT
ECONOMIC DEVELOPMENT ADMINISTRATION	DEPUTY ASSISTANT SECRETARY FOR MANAGEMENT SERVICES AND CHIEF FINANCIAL OFFICER
OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER (CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER)
INTERNATIONAL TRADE ADMINISTRATION	DIRECTOR, OFFICE OF ENVIRONMENTAL TECHNOLOGIES INDUSTRIES
OFFICE OF THE UNDER SECRETARY	CHIEF, FINANCIAL OFFICER AND DIRECTOR OF ADMINISTRATION
OFFICE OF THE DIRECTOR OF ADMINISTRATION	HUMAN RESOURCES MANAGER
OFFICE OF CONSUMER GOODS	DIRECTOR OFFICE OF CONSUMER GOODS
DEPUTY ASSISTANT SECRETARY FOR MARKET ACCESS AND COMPLIANCE	DIRECTOR TRADE COMPLIANCE CENTER
MARKET ACCESS AND COMPLIANCE	DIRECTOR, OFFICE OF EASTERN EUROPE, RUSSIA, AND INDEPENDENT STATES DIRECTOR, OFFICE OF MULTILATERAL AFFAIRS
DEPUTY ASSISTANT SECRETARY FOR AGREEMENT COMPLIANCE	ASSOCIATE DIRECTOR FOR MANAGEMENT
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATOR OFFICER DIRECTOR STAFF OFFICE FOR INTERNATIONAL PROGRAMS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION	ASSISTANT DIRECTOR FOR DECENNIAL INFORMATION TECHNOLOGY AND GEOGRAPHIC SYSTEMS DEPUTY DIRECTOR, ACQUISITION AND GRANTS OFFICE DIRECTOR, OFFICE OF OPERATIONS, MANAGEMENT AND INFORMATION
OFFICE OF INTERNATIONAL AFFAIRS	CHIEF FINANCIAL OFFICER /ADMINISTRATOR OFFICER
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL OCEAN PROGRAM OFFICE	DIRECTOR, BUDGET OFFICE
OFFICE OF FINANCE AND ADMINISTRATION	DIRECTOR, BUDGET OFFICE DIRECTOR, MAJOR PROJECTS OFFICE DIRECTOR FOR HUMAN RESOURCES MANAGEMENT DIRECTOR, FINANCE OFFICE/COMPTROLLER (FINANCE OFFICE/COMPTROLLER)
OFFICE OF HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS	DIRECTOR FOR HIGH PERFORMANCE COMPUTING AND COMMUNICATIONS
SYSTEMS ACQUISITION OFFICE	CHIEF INFORMATION OFFICER AND INFORMATION TECHNOLOGY ACQUISITION MANAGER
OFFICE OF ASSISTANT ADMINISTRATOR OCEAN SERVICES AND COASTAL ZONE MANAGEMENT	SENIOR OCEAN POLICY ADVISOR
NATIONAL OCEAN SERVICE	ASSOCIATE ASSISTANT ADMINISTRATOR FOR MANAGEMENT AND CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER DIRECTOR, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE AND SCIENTIST FOR NATIONAL OCEAN SERVICE DEPUTY DIRECTOR, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE SENIOR SCIENTIST DIRECTOR, OFFICE OF NATIONAL GEODTIC SURVEY (NATIONAL GEODTIC SURVEY)
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COASTAL SERVICES CENTER	DIRECTOR, NATIONAL CENTERS FOR COASTAL OCEAN SCIENCE
STRATEGIC ENVIRONMENTAL ASSESSMENTS DIVISION	CHIEF, STRATEGIC ENVIRONMENTAL ASSESSMENTS DIVISION
COASTAL MONITORING AND BIOEFFECTS ASSESSMENT DIVISON	CHIEF COASTAL MONITORING BIOEFFECTS ASSESSMENT DIVISION
HAZARDOUS MATERIALS RESPONSE AND ASSESSMENT DIVISION	CHIEF, HAZARDOUS MATERIALS RESPONES AND ASSESSMENT DIVISION
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR WEATHER SERVICES	SENIOR ADVISOR DIRECTOR, STRATEGIC PLANNING AND POLICY OFFICE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
OFFICE OF THE CHIEF INFORMATION OFFICER	CHIEF INFORMATION OFFICER
MANAGEMENT AND BUDGET OFFICE	DEPUTY CHIEF FINANICAL OFFICE/CHIEF ADMINISTRATOR OFFICER
OFFICE - FEDERAL COORDINATOR - METEOROLOGY	DIRECTOR, OFFICE OF THE FEDERAL COORDINATOR FOR METEROLOGY
OFFICE OF HYDROLOGIC DEVELOPMENT	DIRECTOR, OFFICE OF HYDROLOGIC DEVELOPMENT
HYDROLOGY LABORATORY	DIRECTOR, HYDROLOGY LABORATORY
OFFICE OF SCIENCE AND TECHNOLOGY	CHIEF, PROGRAMS AND PLANS DIVISION DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY
METEOROLOGICAL DEVELOPMENT LABORATORY	DIRECTOR, METEOROLOGICAL DEVELOPMENT LABORATORY
SYSTEMS ENGINEERING CENTER	DIRECTOR, SYSTEMS ENGINEERING CENTER
OFFICE OF OPERATIONAL SYSTEMS	DIRECTOR, OFFICE OF OPERATIONAL SYSTEMS
FIELD SYSTEMS OPERATIONS CENTER	DIRECTOR, FIELD SYSTEMS OPERATIONS CENTER
TELECOMMUNICATIONS OPERATIONS CENTER	CHIEF, TELECOMMUNICATIONS OPERATIONS CENTER
MAINTENANCE, LOGISTICS, AND ACQUISITION DIVISION	CHIEF, MAINTENANCE, LOGISTICS, AND ACQUISITION DIVISION
RADAR OPERATIONS CENTER	DIRECTOR, RADAR OPERATIONS CENTER
NATIONAL DATA BUOY CENTER	DIRECTOR, NATIONAL DATA BUOY CENTER
OFFICE OF CLIMATE, WATER, AND WEATHER SERVICES	DIRECTOR, OFFICE OF CLIMATE, WATER, AND WEATHER SERVICES CHIEF, METEOROLOGICAL SERVICES DIVISION
EASTERN REGION	DIRECTOR EASTERN REGION NATIONAL WEATHER SERVICE
SOUTHERN REGION	DIRECTOR SOUTHERN REGION, FORT WORTH
CENTERAL REGION	DIRECTOR CENTRAL REGION
WESTERN REGION	DIRECTOR, SALT LAKE CITY REGION
ALASKA REGION	DIRECTOR, ALASKA REGION, ANCHORAGE
NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION	DIRECTOR NATIONAL SEVERE STORMS LABORATORY DIRECTOR NATIONAL CENTER FOR ENVIRONMENTAL PREDICTION DIRECTOR, ENVIRONMENTAL MODELING CENTER (ENVIRONMENTAL MODELING CENTER) AND DEPUTY DIRECTOR FOR SCIENCE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION	DIRECTOR, AVIATION WEATHER CENTER
NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION CENTRAL OPERATIONS	DIRECTOR, CENTRAL OPERATIONS
HYDROMETEOROLOGICAL PREDICTION CENTER	CHIEF, METEOROLOGICAL OPERATIONS DIVISION
CLIMATE PREDICTION CENTER	DIRECTOR CLIMATE PREDICTION CENTER (CLIMATE PREDICTION CENTER)
STORM PREDICTION CENTER	DIRECTOR, STORM PREDICTION CENTER
TROPICAL PREDICTION CENTER	DIRECTOR TROPICAL PREDICTION CENTER/NATIONAL HURRICANE CENTER
OFFICE OF ASSISTANT ADMINISTRATOR FOR FISHERIES	DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET
NATIONAL MARINE FISHERIES SERVICE	SCIENCE AND RESEARCH DIRECTOR SOUTHWEST REGION SCIENCE AND RESEARCH DIRECTOR SOUTHWEST REGION DIRECTOR SEAFOOD INSPECTION PROGRAM DIRECTOR OFFICE OF SUSTAINABLE FISHERIES DEPUTY ASSISTANT ADMINISTRATOR FOR REGULATORY PROGRAMS SENIOR ADVISOR FOR INTERGOVERNMENTAL PROGRAMS SCIENCE AND RESEARCH DIRECTOR, PACIFIC ISLAND REGION DIRECTOR, OFFICE OF HABITAT PROTECTION
OFFICE OF FISHERIES CONSERVATION AND MANAGEMENT	CHIEF INTERGOVERMENTAL AND RECREATIONAL FISHERIES AND MANAGEMENT DIRECTOR, OFFICE OF ENFORCEMENT
OFFICE OF PROTECTED RESOURCES	DIRECTOR OFFICE OF SCIENCE AND TECHNOLOGY
NORTHEAST FISHERIES SCIENCE CENTER	SCIENCE AND RESEARCH DIRECTOR NORTHEAST REGION
SOUTHEAST FISHERIES SCIENCE CENTER	SCIENCE AND RESEARCH DIRECTOR
NORTHWEST FISHERIES SCIENCE CENTER	SCIENCE AND RESEARCH DIRECTOR
ALASKA FOSHERIES SCIENCE CENTER	SCIENCE AND RESEARCH DIRECTOR
OFFICE OF ASSISTANT ADMINISTRATOR SATELLITE, DATA INFORMATION SERVICE	CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER SENIOR SCIENTIST FOR ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICES (NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICES)
DIRECTOR NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM INTEGRATED PROGRAM	SYSTEMS PROGRAM DIRECTOR

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
NATIONAL CLIMATIC DATA CENTER	DIRECTOR, NATIONAL CLIMATIC DATA CENTER
NATIONAL OCEANOGRAPHIC DATA CENTER	DIRECTOR, NATIONAL OCEANOGRAPHIC DATA CENTER
NATIONAL GEOPHYSICAL DATA CENTER	DIRECTOR, NATIONAL GEOPHYSICAL DATA CENTER
OFFICE OF SYSTEMS DEVELOPMENT	DIRECTOR, REQUIREMENTS, PLANNING AND SYSTEM INTEGRATION DIVISION DIRECTOR, SATELLITE AND GROUND SYSTEMS PROGRAM DIRECTOR OFFICE OF SYSTEMS DEVELOPMENT
OFFICE OF ASSISTANT ADMINISTRATOR, OCEAN AND ATMOSPHERIC RESEARCH	PROGRAM DIRECTOR FOR WEATHER RESEARCH DIRECTOR, WEATHER AND AIR QUALITY RESEARCH CHIEF FINANCIAL OFFICER/CHIEF ADMINISTRATIVE OFFICER DIRECTOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CLIMATE OFFICE DEPUTY ASSISTANT ADMINISTRATOR FOR EXTRAMURAL RESEARCH
OFFICE OF OCEANIC RESEARCH PROGRAMS	DIRECTOR, ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL LABORATORY
NATIONAL SEA GRANT COLLEGE PROGRAM	DIRECTOR, NATIONAL SEA GRANT COLLEGE PROGRAM
AERONOMY LABORATORY	DIRECTOR, AERONOMY LABORATORY
AIR RESOURCES LABORATORY	DIRECTOR AIR RESOURCES LABORATORY
ATLANTIC OCEAN AND METEOROLOGY LABORATORY	DIRECTOR, ATLANTIC OCEANOGRAPHIC AND METEOROLOGICAL
GEOPHYSICAL FLUID DYNAMICS LABORATORY	DIRECTOR
GREAT LAKE ENVIRONMENTAL RESEARCH LABORATORY	DIRECTOR GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY
PACIFIC MARINE ENVIRONMENTAL RESEARCH LABORATORY	DIRECTOR PACIFIC MARINE ENVIRONMENTAL LABORATORY
SPACE ENVIRONMENT CENTER	DIRECTOR, SPACE ENVIRONMENT LABORATORY
ENVIRONMENTAL TECHNOLOGY LABORATORY	DIRECTOR
FORECAST SYSTEMS LABORATORY	DIRECTOR, FORECAST SYSTEMS LABORATORY
CLIMATE MONITORING AND DIAGNOSTICS LABORATORY	DIRECTOR CLIMATE MONITORING AND DIAGNOSTICS LABORATORY
INSTITUTE FOR TELECOMMUNICATION SCIENCES	ASSOCIATE ADMINISTRATOR FOR TELECOMMUNICATIONS SCIENCE
INSTITUTE FOR TELECOMMUNICATION SCIENCES, SYSTEMS AND NETWORKS DIVISION	DEPUTY DIRECTOR FOR SYSTEMS AND NETWORKS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
PATENT AND TRADEMARK OFFICE	DEPUTY ADMINISTRATOR FOR LEGISLATIVE AND INTERNATIONAL AFFAIRS
	GROUP DIRECTOR
	GROUP DIRECTOR
	GROUP DIRECTOR
	DEPUTY GENERAL COUNSEL FOR INTELLECTUAL PROPERTY AND SOLICITOR
	PATENT EXAMINING GROUP DIRECTOR
	PATENT EXAMINING GROUP DIRECTOR
CHEMICAL PATENT EXAMINING GROUPS	GROUP DIRECTOR 110
	GROUP DIRECTOR 120
	GROUP DIRECTOR 130
	GROUP DIRECTOR 150
	DEPUTY GROUP DIRECTOR 110
	GROUP DIRECTOR 180
	DEPUTY GROUP DIRECTOR 150
OFFICE OF ASSISTANT COMMISSIONER FOR PATENTS	ADMINISTRATOR FOR SEARCH AND INFORMATION RESEARCH
	DEPUTY ASSISTANT COMMISSIONER FOR PATENT PROCESS SERVICES
	DEPUTY GROUP DIRECTOR 1300
EXAMINING GROUP DIRECTORS	GROUP DIRECTOR
	GROUP DIRECTOR
	GROUP DIRECTOR
	GROUP DIRECTOR
	GROUP DIRECTOR
	PATENT EXAMINING GROUP DIRECTOR
	PATENT EXAMINING GROUP DIRECTOR
	PATENT EXAMINING GROUP DIRECTOR
ELECTRICAL PATENT EXAMINING GROUPS	GROUP DIRECTOR 260
	GROUP DIRECTOR 210
	GROUP DIRECTOR 220
	GROUP DIRECTOR 230
	GROUP DIRECTOR 240
	GROUP DIRECTOR 250
	DEPUTY GROUP DIRECTOR 250
	DEPUTY GROUP DIRECTOR 260
	DEPUTY GROUP DIRECTOR 230
MECHANICAL PATENT EXAMINING GROUPS	GROUP DIRECTOR 310

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
MECHANICAL PATENT EXAMINING GROUPS	GROUP DIRECTOR 320 GROUP DIRECTOR 330 GROUP DIRECTOR 340 GROUP DIRECTOR 350
OFFICE OF ASSISTANT COMMISSIONER FOR TRADEMARKS	CHAIRMAN, TRADEMARK TRIAL AND APPEAL BOARD DEPUTY ASSISTANT COMMISSIONER FOR TRADEMARKS DIRECTOR, TRADEMARK EXAMINING OPERATION GROUP DIRECTOR, TRADEMARK LAW OFFICES GROUP DIRECTOR, TRADEMARK LAW OFFICES DEPUTY COMMISSIONER FOR TRADEMARK EXAMINATION POLICY GROUP DIRECTOR, TRADEMARK LAW OFFICES GROUP DIRECTOR, TRADEMARK LAW OFFICES
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY	DEPUTY DIRECTOR, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CENTER FOR NEUTRON RESEARCH CHIEF FACILITIES MANAGEMENT OFFICER CHIEF FACILITIES MANAGEMENT OFFICER CHIEF, HUMAN CAPITAL OFFICER DIRECTOR, OFFICE OF LAW ENFORCEMENT STANDARDS CHIEF, OPTICAL TECHNOLOGY DIVISION DIRECTOR, INFORMATION TECHNOLOGY AND APPLICATIONS OFFICE
OFFICE OF THE DIRECTOR, NATIONAL INSTITUTE OF STANDARS AND TECHNOLOGY	DIRECTOR FOR ADMINISTRATION AND CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR FOR MANAGEMENT SERVICES DEPUTY DIRECTOR FOR FINANCIAL SERVICES/DEPUTY CFO DEPUTY DIRETOR FOR SAFETY AND FACILITIES EXECUTIVE DIRECTOR, VISITING COMMITTEE ON ADVANCED TECHNOLOGY PROGRAM CHIEF INFORMATION OFFICER DIRECTOR, BOULDER LABORATORIES CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER
OFFICE OF QUALITY PROGRAMS	DIRECTOR FOR QUALITY PROGRAMS DEPUTY DIRECTOR, OFFICE OF QUALITY PROGRAMS
PROGRAM OFFICE	DIRECTOR, PROGRAM OFFICE DEPUTY DIRECTOR, INFORMATION TECHNOLOGY LABORATORY
OFFICE OF INTERNATIONAL AND ACADEMIC AFFAIRS	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
OFFICE OF INTERNATIONAL AND ACADEMIC AFFAIRS	DIRECTOR INTERNATIONAL AND ACADEMIC AFFAIRS CHIEF FINANCIAL OFFICER
OFFICE OF THE DIRECTOR FOR TECHNOLOGY SERVICES	DEPUTY DIRECTOR, TECHNOLOGY SERVICES
MANUFACTURING EXTENSION PARTNER SHIP PROGRAM	ASSOCIATE DIRECTOR FOR NATIONAL PROGRAMS DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAMS DEPUTY DIRECTOR, MANUFACTURING EXTENSION PARTNERSHIP PROGRAM
DIRECTORS OFFICE, TECHNOLOGY INNOVATION	DIRECTOR, OFFICE OF TECHNOLOGY EVALUATION AND ASSESSMENT
DIRECTORS OFFICE, ADVANCED TECHNOLOGY PROGRAM	DIRECTOR INFORMATION TECHNOLOGY LABORATORY ASSOCIATE DIRECTOR FOR POLICY AND OPERATIONS DEPUTY DIRECTOR, ADVANCED TECHNOLOGY PROGRAM DIRECTOR, ADVANCED TECHNOLOGY PROGRAM DIRECTOR, MATERIALS AND MANUFACTURING TECHNOLOGY OFFICE DIRECTOR, ELECTRONICS AND PHOTONICS TECHNOLOGY OFFICE
ECONOMIC ASSESSMENT OFFICE	DIRECTOR, ECONOMIC ASSESSMENT OFFICE
ELECTRONICS AND ELECTRICAL ENGINEERING LABORATORY	DIRECTOR, ELECTRONICS AND ELECTRICAL ENGINEERING LABORATORY CHIEF OPTOELECTRONICS DIVISION DEPUTY DIRECTOR DIRECTOR, OFFICE OF MICROELECTRONICS PROGRAMS
MANUFACTURING ENGINEERING LABORATORY OFFICE	CHIEF, OFFICE OF MANUFACTURING PROGRAMS DEPUTY DIRECTOR, MANUFACTURING ENGINEERING LABORATORY DEPUTY DIRECTOR, MANUFACTURING ENGINEERING LABORATORY
PRECISION ENGINEERING DIVISION	CHIEF, PRECISION ENGINEERING DIVISION
INTELLIGENT SYSTEMS DIVISION	CHIEF, INTELLIGENT SYSTEMS DIVISION
CHEMICAL SCIENCE AND TECHNOLOGY LABORATORY OFFICE	CHIEF PROCESS MEASUREMENTS DIVISION DIRECTOR, CHEMICAL SCIENCE AND TECHNOLOGY LABORATORY DEPUTY DIRECTOR, CHEMICAL SCIENTIST AND TECHNOLOGY LABORATORY
PHYSICAL AND CHEMICAL PROPERTIES DIVISION	CHIEF, PHYSICAL AND CHEMICAL PROPERTIES DIVISION
ANALYTICAL CHEMISTRY DIVISION	CHIEF, ANALYTICAL CHEMISTRY DIVISION
PHYSICS LABORATORY OFFICE	MANAGER, FUNDAMENTAL CONSTANTS DATA CENTER DIRECTOR, PHYSICS LABORATORY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
PHYSICS LABORATORY OFFICE	DEPUTY DIRECTOR, PHYSICS LABORATORY
ELECTRON AND OPTICAL PHYSICS DIVISION	CHIEF ELECTRON AND OPTICAL PHYSICS DIVISION
ATOMIC PHYSICS DIVISION	CHIEF, ATOMIC PHYSICS DIVISION CHIEF, QUANTUM METROLOGY DIVISION
TIME AND FREQUENCY DIVISION	CHIEF, TIME AND FREQUENCY DIVISION
QUANTUM PHYSICS DIVISION	SENIOR SCIENTIST AND FELLOW OF JOINT INSTITUTE FOR LABORATORY ASTROPHYSICS SENIOR SCIENTIST AND FELLOW OF JOINT INSTITUTE FOR LABORATORY ASTROPHYSICS CHIEF, QUANTUM PHYSICS DIVISION
MATERIALS SCIENCE AND ENGINEERING LABORATORY OFFICE	DIRECTOR, MATERIALS SCIENTIST AND ENGINEERING LABORATORY
CERAMICS DIVISION	DEPUTY DIRECTOR, MATERIALS SCIENTIST AND ENGINEERING LABORATORY CHIEF, CERAMICS DIVISION
MATERIALS RELIABILITY DIVISION	CHIEF MATERIALS RELIABILITY DIVISION
REACTOR RADIATION DIVISION	CHF, REACTOR RADIATION DIV GROUP LEADER NEUTRON CONDENSED MATTER SCIENCE CHIEF, REACTOR OPERATIONS
BUILDING AND FIRE RESEARCH LABORATORY	CHIEF, FIRE SAFETY ENGINEERING DIVISION DIRECTOR, BUILDING AND FIRE RESEARCH LABORATORY DEPUTY DIRECTOR, BUILDING AND FIRE RESEARCH LABORATORY CHIEF, FIRE SAFETY ENGINEERING DIVISION
BUILDING MATERIALS DIVISION	CHIEF, BUILDING MATERIALS DIVISION
BUILDING ENVIRONMENT DIVISION	CHIEF, BUILDING ENVIRNMENT DIVISION
FIRE SCIENCE DIVISION	CHIEF, FIRE SCIENCE DIVISION
COMPUTER SYSTEMS LABORATORY OFFICE	ASSOCIATE DIRECTOR FOR PROGRAM IMPLEMENTATION
ADVANCED NETWORK TECHNOLOGIES DIVISION	CHIEF ADVANCED NETWORK TECHNOLOGIES DIVISION
COMPUTING AND APPLIED MATHEMATICS LABORATORY OFFICE	ASSOCIATE DIRECTOR FOR COMPUTING CHIEF HIGH PERF SYSTEMS AND SEVICES DIVISION
NATIONAL TECHNICAL INFORMATION SERVICE	DEPUTY DIRECTOR, NATIONAL TECHNICAL INFORMATION SERVICE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF COMMERCE	
OFFICE ASSISTANT DIRECTOR FOR FINANCIAL AND ADMINISTRATIVE MANAGEMENT	ASSOCIATE DIRECTOR FOR FINANCE AND ADMINISTRATION COMPTROLLER
CONSUMER PRODUCT SAFETY COMMISSION	
OFFICE OF EXECUTIVE DIRECTOR	ASSISTANT EXECUTIVE DIRECTOR FOR COMPLIANCE AND ADMINISTRATIVE LITIGATION ASSOCIATE EXECUTIVE DIRECTOR FOR FIELD OPERATIONS ASSISTANT EXECUTIVE DIRECTOR FOR INFORMATION SERVICES EXECUTIVE ASSISTANT DIRECTOR, OFFICE OF INTERNATIONAL PROGRAMS AND INTERGOVERNMENTAL AFFAIRS
OFFICE OF HAZARD IDENTIFICATION AND REDUCTION	ASSOCIATE EXECUTIVE DIRECTOR FOR ENGINEERING SCIENCES ASSOCIATE EXECUTIVE DIRECTOR FOR ECONOMIC ANALYSIS ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION DEPUTY ASSISTANT EXECUTIVE DIRECTOR FOR HAZARD IDENTIFICATION AND REDUCTION ASSOCIATE EXECUTIVE DIRECTOR FOR EPIDEMIOLOGY
OFFICE OF THE SECRETARY OF DEFENSE	
OFFICE OF THE SECRETARY	ASSISTANT TO THE SECRETARY OF DEFENSE INTELLIGENCE OVERSIGHT DEPUTY ASSISTANT TO THE SECRETARY OF DEFENSE (INTELLIGENCE OVERSIGHT)
OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (INTERNATIONAL SECURITY AFFAIRS)	FOREIGN RELATIONS AND DEFENSE POLICY MANAGER
OFFICE OF ASSISTANT SECRETARY OF DEFENSE (SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT)	DIRECTOR REQUIREMENTS AND TECHNOLOGY AND AQUISITION DIRECTOR, RESOURCES PRINCIPAL DEPUTY, DIRECTOR FOR RESOURCES
DIRECTOR, OPERATIONAL TEST AND EVALUATION	DEPUTY DIRECTOR FOR LIVE FIRE TEST AND EVALUATION
OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION AND INFORMATION MANAGEMENT DIRECTOR, CONTRACT MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL FOR CRIMINAL INVESTMENT POLICY AND OVERSIGHT DIRECTOR, READINESS AND LOGISTICS SUPPORT DIRECTOR, OFFICE OF ADMINISTRATION AND INFORMATION MANAGEMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF THE SECRETARY OF DEFENSE	
OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE DIRECTOR OF INVESTIGATIONS OF SENIOR OFFICIALS (ISO) DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY INSPECTOR GENERAL FOR AUDITING DEPUTY INSPECTOR GENERAL FOR INSPECTIONS AND POLICY ASSISTANT INSPECTOR GENERAL FOR AUDIT POLICY AND OVERSIGHT DIRECTOR, INSPECTIONS AND EVALUATIONS DIRECTOR, INVESTIGATIVE POLICY AND OVERSIGHT DIRECTOR, ACQUISITION MANAGEMENT ASSISTANT INSPECTOR GENERAL FOR INTELLIGENCE DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE DEPUTY INSPECTOR GENERAL FOR INTELLIGENCE DEPUTY DIRECTOR, DEFENSE FINANCIAL AUDITING SERVICE DEPUTY DIRECTOR, DEFENSE FINANCIAL AUDITING SERVICE DEPUTY DIRECTOR, DEFENSE FINANCIAL AUDITING SERVICE ASSISTANT INSPECTOR GENERAL, OFFICE OF COMMUNICATIONS AND CONGRESSIONAL LIAISON DIRECTOR, AUDIT FOLLOWUP AND TECHNICAL SUPPORT DIRECTOR, DEFENSE FINANCIAL AUDITING SERVICE DEPUTY DIRECTOR, DEFENSE CRIMINAL INVESTIGATIVE SERVICE
OFFICE OF THE UNDER SECRETARY OF DEFENSE (PERSONNEL AND READINESS)	DIRECTOR, PROGRAM AND BUDGET COORDINATION
DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	ASSOCIATE DIRECTOR FOR MANAGEMENT
OFFICE ASSISTANT SECRETARY OF DEFENSE (HEALTH AFFAIRS)	DIRECTOR INFORMATION MANAGEMENT TECHNICAL AND REENGINEERING DIRECTOR ACQUISITION MANAGEMENT AND SUPPORT GENERAL COUNSEL DEPUTY CHIEF, TRICARE ACQUISITIONS DIRECTORATE
OFFICE OF ASSISTANT SECRETARY OF DEFENSE (RESERVE AFFAIRS)	PRINCIPAL DIRECTOR (MANPOWER AND PERSONNEL)
OFFICE OF ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)	DIRECTOR ARMED FORCES RADIO AND TELEVISION SERVICE DEPUTY DIRECTOR, AMERICAN FORCES INFORMATION SERVICE SPECIAL ASSISTANT TO THE ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF THE SECRETARY OF DEFENSE	
OFFICE OF THE UNDER SECRETARY OF DEFENSE (COMPTROLLER)	DIRECTOR, PROGRAM AND FINANCIAL CONTROL DEPUTY DIRECTOR FOR PROGRAM AND FINANCIAL CONTROL DEPUTY CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER
OFFICE OF DIRECTOR OF ADMINISTRATION AND MANAGEMENT	DEPUTY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY DEPUTY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY DIRECTOR, PENTAGON FORCE PROTECTION AGENCY
WASHINGTON HEADQUARTERS SERVICES	DIRECTOR, HUMAN RESOURCES DIRECTORATE DIRECTOR, FREEDOM OF INFORMATION AND SECURITY REVIEW DIRECTOR, DEFENSE FACILITIES DIRECTORATE DIRECTOR, DEFENSE FACILITIES DIRECTORATE DEPUTY DIRECTOR, DEFENSE FACILITIES DIRECTORATE DEPUTY DIRECTOR, HUMAN RESOURCES DIRECTORATE
OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL (INSPECTOR GENERAL) DIRECTOR DEFENSE OFFICE OF HEARINGS AND APPEALS
OFFICE OF ASSISTANT SECRETARY (NETWORKS AND INFORMATION INTEGRATION)	DIRECTOR, PROGRAM ANALYSIS AND INTEGRATION DIRECTOR, COUNTERINTELLIGENCE DIRECTOR, INTERNATIONAL AFFAIRS
OFFICE OF UNDER SECRETARY OF DEFENSE (INTELLIGENCE)	DIRECTOR, TECHNOLOGY AND EVALUATION
OFFICE OF THE UNDER SECRETARY OF DEFENSE (ACQUISITION, TECHNOLOGY, AND LOGISTICS)	DIRECTOR, PACIFIC ARMAMENTS COOPERATION DIRECTOR PLANNING AND ANALYSIS DIRECTOR, ACQUISITION RESOURCES AND ANALYSIS DEPUTY DIRECTOR, RESOURCE ANALYSIS PRINCIPAL DEPUTY, ACQUISITION RESOURCES AND ANALYSIS DEPUTY DIRECTOR, OFFICE OF THE SECRETARY OF DEFENSE STUDIES AND FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER PROGRAMS DIRECTOR, ENVIRONMENTAL READINESS AND SAFETY
DEPUTY UNDER SECRETARY OF DEFENSE (ACQUISITION AND TECHNOLOGY)	DEPUTY DIRECTOR NAVAL WARFARE SPECIAL ASSISTANT CONCEPTS AND PLANS DEPUTY DIRECTOR AIR WARFARE DEPUTY DIRECTOR (MISSILE WARFARE) DEPUTY DIRECTOR, DEVELOPMENTAL TEST AND EVALUATION ASSISTANT DEPUTY UNDER SECRETARY OF DEFENSE (ACQUISITION PROCESS AND POLICIES)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF THE SECRETARY OF DEFENSE	
DEPUTY UNDER SECRETARY OF DEFENSE (ACQUISITION AND TECHNOLOGY)	DEPUTY DIRECTOR, ACQUISITION MANAGEMENT DEPUTY DIRECTOR, ELECTRONIC BUSINESS DEPUTY DIRECTOR, DEFENSE ACQUISITION REGULATIONS SYSTEM DIRECTOR, DEFENSE PROCUREMENT AND ACQUISITION POLICY DEPUTY DIRECTOR, POLICY DEPUTY DIRECTOR, PROGRAM ACQUISITION AND INTERNATIONAL CONTRACTING DEPUTY DIRECTOR, ACQUISITION WORFORCE AND CAREER MANAGEMENT DEPUTY DIRECTOR, LAND WARFARE AND MUNITIONS ASSISTANT DIRECTOR, LAND SYSTEMS DEPUTY DIRECTOR, TREATY COMPLIANCE ASSISTANT DIRECTOR, ELECTRONIC WARFARE ASSISTANT DIRECTOR, SYSTEMS ENGINEERING (ASSESSMENTS AND SUPPORT)
ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS	DEPUTY ASISTANT TO THE UNDER SECRETARY OF DEFENSE (NUCLEAR MATTERS) DEPUTY ASSISTANT TO THE UNDER SECRETARY OF DEFENSE (CHEMICAL AND BIOLOICAL DEFENSE)
OFFICE OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING	DIRECTOR, SPACE AND SENSOR TECHNOLOGY DIRECTOR FOR WEAPONS SYSTEMS ASSISTANT DEPUTY UNDER SECRETARY OF DEFENSE (FULL DIMENSIONAL PROTECTION) DIRECTOR FOR BIOLOGICAL SYSTEMS DIRECTOR FOR SCIENCE AND TECHNOLOGY PLANS AND PROGRAMS DIRECTOR FOR TECHNOLOGY TRANSITION DIRECTOR FOR INFORMATION TECHNOLOGIES DIRECTOR, PLANS AND PROGRAMS
DEFENSE ADVANCED RESEARCH PROJECTS AGENCY	DIRECTOR, CONTRACTS MANAGEMENT OFFICE DEPUTY DIRECTOR, DEFENSE ADVANCED RESEARCH PROJECT AGENCY PROGRAM MANAGER (JOINT APPLICATIONS STUDY GROUP) DIRECTOR, OFFICE OF MANAGEMENT OPERATIONS DIRECTOR, MICROSYSTEMS TECHNOLOGY OFFICE JOINT APPLICATIONS STUDY GROUP PROGRAM MANAGER DEPUTY DIRECTOR, ADVANCED TECHNOLOGY OFFICE DEPUTY DIRECTOR, TACTICAL TECHNOLOGY OFFICE DIRECTOR, SPECIAL PROJECTS OFFICE DIRECTOR, ADVANCED TECHNOLOGY OFFICE
OFFICE OF THE JOINT CHIEFS OF STAFF	DEPUTY DIRECTOR FOR WARGAMING, SIMULATION AND ANALYSIS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF THE SECRETARY OF DEFENSE	
MISSILE DEFENSE AGENCY	DEPUTY FOR PROGRAM OPERATIONS DEPUTY FOR CONTRACTING DEPUTY CHIEF ARCHITECT/ENGINEER EXECUTIVE DIRECTOR DEPUTY PROGRAM MANAGER, NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE DEPUTY FOR PROGRAM INTEGRATION DIRECTOR, ADVANCED CONCEPTS DEPUTY DIRECTOR, JOINT NATIONAL INTEGRATION CENTER DEPUTY FOR SYSTEMS ENGINEERING AND INTEGRATION DEPUTY PROGRAM DIRECTOR FOR BATTLE MANAGEMENT, COMMAND AND CONTROL DIRECTOR, COMBINED TEST FORCE, GROUND-BASED MIDCOURSE DEFENSE-JOINT PROGRAM OFFICE DEPUTY FOR SYSTEM OPERATION
DEFENSE CONTRACT AUDIT AGENCY	DEPUTY DIRECTOR, DEFENSE CONTRACT AUDIT AGENCY ASSISTANT DIRECTOR, OPERATIONS ASSISTANT DIRECTOR, POLICY AND PLANS DIRECTOR, FIELD DETACHMENT DIRECTOR, DEFENSE CONTRACT AUDIT AGENCY DEPUTY REGIONAL DIRECTOR, WESTERN REGION
REGIONAL MANAGERS	REGIONAL DIRECTOR, EASTERN REGIONAL DIRECTOR, NORTHEASTERN REGIONAL DIRECTOR, CENTRAL REGIONAL DIRECTOR, WESTERN REGIONAL DIRECTOR, MID-ATLANTIC REGIONAL DIRECTOR, MID-ATLANTIC DEPUTY REGIONAL DIRECTOR EASTERN REGION DEPUTY REGIONAL DIRECTOR NORTHEASTERN REGION DEPUTY REGIONAL DIRECTOR CENTRAL REGION DEPUTY REGIONAL DIRECTOR MID ATLANTIC REGION
DEFENSE LOGISTICS AGENCY	CHIEF ACTUARY DIRECTOR, DEFENSE MANPOWER DATA CENTER DIRECTOR, DEFENSE LOGISTICS AGENCY SUPPORT SERVICES DIRECTOR, DEFENSE LOGISTICS AGENCY SUPPORT SERVICES DEPUTY COMMANDER, DEFENSE CONSTRUCTION SUPPLY CENTER DEPUTY COMMANDER, DEFENSE GENERAL SUPPLY CENTER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF THE SECRETARY OF DEFENSE	
DEFENSE LOGISTICS AGENCY	DEPUTY COMMANDER, DEFENSE PERSONNEL SUPPORT CENTER DEPUTY COMMANDER DEFENSE DISTRIBUTION CENTER COMPTROLLER DEPUTY COMMANDER DEFENSE LOGISTICS SUPPORT COMMAND EXECUTIVE DIRECTOR, RESOURCE, PLANNING AND PERFORMANCE DIRECTORATE DIRECTOR, INFORMATION OPERATIONS/CHIEF TECHNICAL OFFICER DIRECTOR, CIVILIAN PERSONNEL MANAGEMENT SERVICE EXECUTIVE DIRECTOR HUMAN RESOURCES DIRECTOR, DEFENSE ENERGY SUPPORT CENTER EXECUTIVE DIRECTOR, DEFENSE LOGISTICS AGENCY READINESS CENTER EXECUTIVE DIRECTOR, BUSINESS MODERNIZATION EXECUTIVE DIRECTOR, ACQUISITION, TECHNICAL AND SUPPLY PROGRAM EXECUTIVE OFFICER PRINCIPAL DEPUTY COMPTROLLER EXECUTIVE DIRECTOR, BUSINESS OPERATIONS DEPUTY DIRECTOR, INFORMATION OPERATIONS/CHIEF TECHNICAL OFFICER DEPUTY DIRECTOR FOR PROGRAM SUPPORT DEPUTY DIRECTOR FOR ADVISORY SERVICES, DEFENSE HUMAN RESOURCES ACTIVITY EXECUTIVE DIRECTOR, ENTERPRISE SOLUTIONS
OFFICE OF GENERAL COUNSEL	GENERAL COUNSEL DEPUTY GENERAL COUNSEL (ADMINISTRATION)
DEFENSE TRAINING AND PERFORMANCE DATA CENTER	DEPUTY DIRECTOR DEFENSE MANPOWER DATA CENTER
DEFENSE CONTRACT MANAGEMENT AGENCY	DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY-EAST DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY-WEST DEPUTY EXECUTIVE DIRECTOR, CONTRACT MANAGEMENT OPERATIONS DEPUTY EXECUTIVE DIRECTOR, CONTRACT MANAGEMENT OPERATIONS EXECUTIVE DIRECTOR, CONTRACT MANAGEMENT OPERATIONS EXECUTIVE DIRECTOR, CONTRACT MANAGEMENT OPERATIONS ASSOC DIR FOR PROGRAM INTERGRATION AQUISITION DEPUTY DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY EXECUTIVE DIRECTOR, FINANCIAL AND BUSINESS OPERATIONS AND COMPTROLLER CHIEF INFORMATION OFFICER GENERAL COUNSEL DEPUTY GENERAL COUNSEL

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF THE SECRETARY OF DEFENSE	
DEFENSE INFORMATION SYSTEMS AGENCY	CHIEF FINANCIAL OFFICER/COMPTROLLER
	CHIEF INFORMATION OFFICER
	DEPUTY MANAGER NATIONAL COMMUNICATION SYSTEMS
	DIRECTOR FOR STRATEGIC PLANS AND POLICY
	DIRECTOR FOR STRATEGIC PLANS AND POLICY
	INSPECTOR GENERAL
	TECHNICAL DIRECTOR, ADVANCED INFORMATION TECHNOLOGY SERVICES-JOINT PROGRAM OFFICE(AITS-APO)
	CHIEF, SATELLITE COMMUNICATIONS OFFICE
	SPECIAL ASSISTANT FOR LIAISON ACTIVITIES
	CHIEF, TECHNOLOGY AND STANDARDS DIVISION
	PRINCIPAL DIRECTOR FOR INTEROPERABILITY
	DIRECTOR FOR TECHNICAL INTEGRATION SERVICES
	DIRECTOR FOR PROCUREMENT AND LOGISTICS
	SPECIAL ASSISTANT/INFRASTRUCTURE AND INFORMATION SYSTEMS SECURITY
	CHIEF ENGINEER, INFORMATION SYSTEMS SECURITY
	CHIEF SPECTRUM ANALYSIS AND MANAGEMENT DIVISION
	PRINCIPAL DIRECTOR FOR COMPUTING SERVICES
	CHIEF, POLICY, PLANS, AND APPROPRIATED PROGRAMS DIVISION
	CHIEF, DEFENSE COMPUTING BUSINESS OFFICE
	CHIEF, DEFENSE INFORMATION SYSTEMS NETWORK BUSINESS OFFICE
	CHIEF TECHNOLOGY OFFICER AND TECHNICAL DIRECTOR FOR JOINT INTEROPERABILITY ENGINEERING ORGANIZATION
	DIRECTOR FOR MANPOWER, PERSONNEL AND SECURITY
	PRINCIPAL DIRECTOR FOR APPLICATIONS ENGINEERING
	DEPUTY COMPTROLLER
	CHIEF, PLANS, CONCEPTS AND COMMAND/CONTROL APPLICATIONS DIVISION
	ASSISTANT FOR C4 ENTERPRISE PROGRAM INTEGRATION
	CHIEF ENGINEER EXECUTIVE, NETWORK SERVICES DIRECORATE
	CHIEF, CENTER FOR DEFENSE INFORMATION SYSTEM NETWORK SERVICES
	CHIEF, CUSTOMER FOCUS CENTER
	CHIEF EXECUTIVE FOR INFORMATION TECHNOLOGY SYSTEMS AND PROGRAMS
	CHIEF TECHNOLOGY OFFICER, COMPUTING SERVICES
	CHIEF TECHNOLOGY OFFICER, COMPUTING SERVICES
	PRINCIPAL DIRECTOR FOR NETWORK SERVICES
	PRINCIPAL DIRECTOR FOR NETWORK SERVICES
	CHIEF, GLOBAL INFORMATION GRID NETWORK AND INFORMATION OPERATIONS
	SPECIAL ASSISTANT TO CHIEF SATELLITE COMMUNICATIONS DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF THE SECRETARY OF DEFENSE	
DEFENSE INFORMATION SYSTEMS AGENCY	DEPUTY PORTFOLIO MANAGER, GLOBAL INFORMATION GRID ENTERPRISE SERVICES VICE PRINCIPAL DIRECTOR, GLOBAL INFORMATION GRID COMBAT SUPPORT DIRECTORATE VICE DIRECTOR, STRATEGIC PLANNING AND INFORMATION MISSION AREA EXECUTIVE (FUTURES) MISSION AREA EXECUTIVE (FUTURES) DIRECTOR, NET CENTRIC ENTERPRISE SERVICES DIRECTOR, NET CENTRIC ENTERPRISE SERVICES DIRECTOR, NET CENTRIC ENTERPRISE SERVICES DIRECTOR, NET CENTRIC ENTERPRISE SERVICES
DEFENSE THREAT REDUCTION AGENCY	STAFF SPECIALIST FOR SPECIAL TECHNOLOGY DEVELOPMENT DIRECTORATE CHIEF, WEAPONS LETHALITY DIVISION DEPUTY DIRECTOR, OPERATIONS DIRECTORATE DIRECTOR FOR ELECTRONICS AND SYSTEMS CHIEF, SIMULATION AND TEST DIVISION DIRECTOR FOR PROGRAMS DIRECTOR FOR COUNTERPROLIFERATION PROGRAMS COMPTROLLER DEPUTY DIRECTOR, PLANS AND RESOURCES ON-SITE INSPECTION DIRECTOR, COUNTERPROLIFERATION SUPPORT AND OPERATIONS DIRECTOR, ACQUISITION MANAGEMENT DEPUTY DIRECTOR, TECHNOLOGY SECURITY DIRECTOR, SYSTEM APPLICATIONS DIVISION DIRECTOR, CHEMICAL-BIOLOGICAL DEFENSE CHIEF, NUCLEAR TECHNOLOGY DIVISION CHIEF, OPERATIONAL APPLICATIONS DIVISION EXECUTIVE DIRECTOR
DEFENSE SECURITY COOPERATION AGENCY	CHIEF INFORMATION OFFICER
DEFENSE FINANCE AND ACCOUNTING SERVICE	PRINCIPAL DEPUTY DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE ACCOUNTING REQUIREMENTS OFFICER
DEFENSE SECURITY SERVICE	CHIEF OPERATING OFFICER/CHIEF INFORMATION OFFICER DEPUTY DIRECTOR FOR INDUSTRIAL SECURITY DEPUTY DIRECTOR FOR INDUSTRIAL SECURITY DEPUTY DIRECTOR FOR SECURITY, EDUCATION, TRAINING AND AWARENESS DIRECTOR, DEFENSE SECURITY SERVICE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF THE SECRETARY OF DEFENSE	
DEFENSE SECURITY SERVICE	DEPUTY DIRECTOR FOR SECURITY PROGRAMS DEPUTY DIRECTOR FOR RESOURCES DEPUTY DIRECTOR, DEFENSE SECURITY SERVICE
DEPARTMENT OF THE AIR FORCE	
OFFICE OF ADMINISTRATIVE ASSISTANT TO THE SECRETARY	ADMINISTRATIVE ASSISTANT DEPUTY ADMINISTRATOR ASSISTANT
OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION	DIRECTOR, OFFICE OF SMALL AND DISADVANTAGED BUSNESS UTILIZATION
AUDITOR GENERAL	AUDITOR GENERAL OF THE AIR FORCE
AIR FORCE AUDIT AGENCY (FIELD OPERATING AGENCY)	ASSISTANT AUDITOR GENERAL (SUPPORT AND PERSONNEL AUDITS) ASSISTANT AUDITOR GENERAL (ACQUISITION AND LOGISTICS AUDITS) ASSISTANT AUDITOR GENERAL (FINANCIAL AND SYSTEMS AUDITS) DEPUTY AUDITOR GENERAL AND DIRECTOR OF OPERATIONS DEPUTY AUDITOR GENERAL AND DIRECTOR OF OPERATIONS
AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS (FIELD OPERATING AGENCY)	EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR, DEFENSE CYBER CRIME CENTER (DEFENSE CYBER CRIME CENTER)
OFFICE DEPUTY ASSISTANT SECRETARY BUDGET	CHIEF, BUDGET MANAGEMENT DIVISION DEPUTY FOR BUDGET CHIEF, BUDGET INVESTMENTS DIRECTORATE
OFFICE DEPUTY ASSISTANT SECRETARY COST AND ECONOMICS	ASSOCIATE DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS) DEPUTY ASSISTANT SECRETARY (COST AND ECONOMICS)
OFFICE DEPUTY ASSISTANT SECRETARY FINANCIAL OPERATIONS	ASSOCIATE DEPUTY ASSISTANT SECRETARY (FINANCIAL OPERATIONS AND TECHNOLOGY)
OFFICE OF ASSISTANT SECRETARY AIR FORCE FOR ACQUISITION	DIRECTOR, AIR FORCE CENTER FOR ACQUISITION EXCELLENCE DIRECTOR, AIR FORCE RAPID CAPABILITIES OFFICE DIRECTOR, INFORMATION DOMINANCE PROGRAMS
OFFICE DEPUTY ASSISTANT SECRETARY SCIENCE, TECHNOLOGY AND ENGINEERING	DEPUTY ASSISTANT SECRETARY (SCIENCE, TECHNOLOGY AND ENGINEERING)
OFFICE DEPUTY ASSISTANT SECRETARY MANAGEMENT POLICY AND PROGRAM INTEGRATION	DEPUTY ASSISTANT SECRETARY (MANAGEMENT POLICY AND PROGRAM INTEGRATION)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE AIR FORCE	
OFFICE DEPUTY ASSISTANT SECRETARY CONTRACTING	ASSOCIATE DEPUTY ASSISTANT SECRETARY (CONTRACTING)
DIRECTORATE OF SPACE AND NUCLEAR DETERRENCE	DEPUTY DIRECTOR, SPACE AND NUCLEAR DETERRANCE
AIR FORCE PROGRAM EXECUTIVE OFFICE (FIELD OPERATING AGENCY)	DEPUTY PROGRAM EXECUTIVE OFFICER (COMMAND AND CONTROL AND COMBAT SUPPORT SYSTEMS) AIR FORCE PROGRAM EXECUTIVE OFFICER (COMBAT AND MISSION SUPPORT) DEPUTY AIR FORCE PROGRAM EXECUTIVE OFFICER (COMBAT AND MISSION SUPPORT)
AIR FORCE REVIEW BOARDS AGENCY (AIR FORCE REVIEW BOARDS AGENCY) - FIELD OPERATING AGENCY	DEPUTY FOR AIR FORCE REVIEW BOARDS
OFFICE OF ASSISTANT SECRETARY AIR FORCE, INSTALLATIONS, ENVIRONMENT, AND LOGISTICS	PRINCIPAL DEPUTY ASSISTANT SECRETARY (INSTALLATIONS, ENVIRONMENT AND LOGISTICS) DEPUTY ASSISTANT SECRETARY FOR BASING AND INFRASTRUCTURE ANALYSIS
AIR FORCE BASE CONVERSION AGENCY (FIELD OPERATING AGENCY)	DIRECTOR AIR FORCE REAL PROPERTY AGENCY
OFFICE OF THE CHIEF OF STAFF	DIRECTOR, AIR FORCE HISTORY OFFICE
AIR FORCE OFFICE OF SAFETY AND AIR FORCE SAFETY CENTER (FIELD OPERATING AGENCY)	DEPUTY CHIEF OF SAFETY
OFFICE OF THE SURGEON GENERAL	REGIONAL DIRECTOR, TRICARE REGIONAL OFFICE-SOUTH
TEST AND EVALUATION	DEPUTY DIRECTOR, TEST AND EVALUATION
AIR FORCE STUDIES AND ANALYSES AGENCY (DIRECT REPORTING UNIT (DRU))	DIRECTOR, AIR FORCE STUDIES AND ANALYSES AGENCY
DEPUTY CHIEF OF STAFF, WARFIGHTING INTEGRATION	ASSISTANT DEPUTY CHIEF OF STAFF FOR WARFIGHTING INTEGRATION DIRECTOR, COMMAND AND CONTROL, COMMUNICATIONS AND COMPUTERS, INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE ARCHITECTURE AND ASSESSMENT DIRECTOR, ARCHITECTURE AND OPERATIONAL SUPPORT MODERNIZATION
AIR FORCE COMMAND AND CONTROL AND INTELLIGENCE SURVEILLANCE RECONAISSANCE CENTER (FIELD OPERATING AGENCY)	SENIOR TECHNICAL DIRECTOR, AIR FORCE COMMAND AND CONTROL, INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CENTER (AFC2ISRC) SENIOR TECHNICAL DIRECTOR, COMMAND AND CONTROL, INTELLIGENCE, SURVEILLANCE, AND RECONAISSANCE CENTER
DEPUTY CHIEF OF STAFF, INSTALLATIONS AND LOGISTICS	ASSISTANT DEPUTY CHIEF OF STAFF, INSTALLATION AND LOGISTICS
CIVIL ENGINEER	DEPUTY CIVIL ENGINEER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE AIR FORCE	
SERVICES	DIRECTOR OF SERVICES
MAINTENANCE	DEPUTY DIRECTOR OF MAINTENANCE
LOGISTICS READINESS	DEPUTY DIRECTOR OF LOGISTICS READINESS
RESOURCES	CHIEF, AIRCRAFT/MISSILE SUPPORT DIVISION DEPUTY DIRECTOR OF RESOURCES
COMMUNICATIONS OPERATIONS	DEPUTY DIRECTOR OF COMMUNICATIONS OPERATIONS
INNOVATION AND TRANSFORMATION	DIRECTOR, INNOVATION AND TRANSFORMATION
AIR FORCE CENTER FOR ENVIRONMENTAL EXCELLENCE (FIELD OPERATING AGENCY)	DIRECTOR AIR FORCE CENTER FOR ENVIRONMENTAL EXCELLENCE
PROGRAMS	ASSOCIATE DIRECTOR OF PROGRAMS AND EVALUATION
STRATEGIC PLANNING	DEPUTY DIRECTOR OF STRATEGIC PLANNING
DEPUTY CHIEF OF STAFF, PERSONNEL	ASSISTANT DEPUTY CHIEF OF STAFF PERSONNEL DIRECTOR, PALACE COMPASS PROGRAM MANAGEMENT OFFICE DIRECTOR, STRATEGIC PLANS AND FUTURE SYSTEMS DEPUTY DIRECTOR FOR PERSONNEL POLICY
DEPUTY CHIEF OF STAFF, AIR AND SPACE OPERATIONS	DEPUTY DIRECTOR OF OPERATIONAL REQUIREMENTS ASSOCIATE DIRECTOR, NUCLEAR WEAPONS AND COUNTERPROLIFERATION ASSOCIATE DIRECTOR FOR RANGES AND AIRSPACE ASSOCIATE DIRECTOR FOR OPERATIONS
AIR FORCE OPERATIONAL TEST AND EVALUATION CENTER (DIRECT REPORTING UNIT)	SCIENTIFIC ADVISOR
AIR FORCE MATERIEL COMMAND	EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR EXECUTIVE DIRECTOR
PERSONNEL	DIRECTOR, PERSONNEL DIRECTOR, PERSONNEL DEPUTY DIRECTOR, PERSONNEL
CONTRACTING	DIRECTOR, CONTRACTING
LOGISTICS	DEPUTY DIRECTOR FOR DEPOT MAINTENANCE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE AIR FORCE	
LOGISTICS	DEPUTY DIRECTOR FOR SUPPLY MANAGEMENT
ENGINEERING AND TECHNICAL MANAGEMENT	DIRECTOR, ENGINEERING AND TECHNICAL MANAGEMENT
FINANCIAL MANAGEMENT AND COMPTROLLER	DEPUTY DIRECTOR, FINANCIAL MANAGEMENT AND COMPTROLLER DIRECTOR, FINANCIAL MANAGEMENT AND COMPTROLLER
PLANS AND PROGRAMS	DIRECTOR, PLANS AND PROGRAMS
REQUIREMENTS	DEPUTY DIRECTOR, REQUIREMENTS
OPERATIONS DIRECTORATE	DEPUTY DIRECTOR OF OPERATIONS
INFORMATION TECHNOLOGY	DIRECTOR, INFORMATION TECHNOLOGY
MISSION SUPPORT DIRECTORATE	COMMAND CIVIL ENGINEER
ELECTRONIC SYSTEMS CENTER	EXECUTIVE DIRECTOR PROGRAM DIRECTOR STRATEGIC AND NUCLEAR DETERRENCE C2 DIRECTOR, MATERIEL SYSTEMS GROUP DIRECTOR, PLANS AND PROGRAMS DEPUTY FOR SUPPORT PROGRAM DIRECTOR, DEFENSE INFORMATION INFRASTRUCTURE-AIR FORCE DIRECTOR, CONTRACTING
STANDARD SYSTEMS CENTER	DIRECTOR, STANDARD SYSTEMS CENTER
AERONAUTICAL SYSTEMS CENTER	EXECUTIVE DIRECTOR DIRECTOR, CONTRACTING DEPUTY FOR SUPPORT DIRECTOR FINANCIAL MANAGEMENT AND COMPTROLLER
DIRECTORS OF ENGINEERING	DIRECTOR OF ENGINEERING F-22 DIRECTOR OF ENGINEERING JOINT STRIKE FIGHTER
SYSTEMS PROGRAM OFFICES	PROGRAM DIRECTOR, AIR COMBAT SYSTEM PROGRAM OFFICE PROGRAM DIRECTOR, MOBILITY SYSTEM PROGRAM OFFICE DEPUTY PROGRAM DIRECTOR, F/A-22 SYSTEMS PROGRAM OFFICE (SPO)
HUMAN SYSTEMS CENTER	DEPUTY DIRECTOR
AIR FORCE RESEARCH LABORATORY	EXECUTIVE DIRECTOR, AIR FORCE RESEARCH LABORATORY DIRECTOR, PLANS AND PROGRAMS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE AIR FORCE	
AIR FORCE RESEARCH LABORATORY	DIRECTOR, AIR FORCE RESEARCH LABORATORY WASHINGTON OFFICE
AIR VEHICLES DIRECTORATE	ASSOCIATE DIRECTOR FOR AIR PLATFORMS
AIR FORCE RESEARCH LABORATORY- MUNITIONS DIRECTORATE	ASSOCIATE DIRECTOR FOR WEAPONS
SPACE VEHICLES DIRECTORATE	ASSOCIATE DIRECTOR FOR SPACE TECHNOLOGY
INFORMATION DIRECTORATE	DIRECTOR INFORMATION
DIRECTED ENERGY DIRECTORATE	DIRECTOR, DIRECTED ENERGY
MATERIALS AND MANUFACTURING DIRECTORATE	DIRECTOR, MATERIALS AND MANUFACTURING ASSOCIATE DIRECTOR FOR MANUFACTURING TECHNOLOGY AND AFFORDABILITY
SENSORS DIRECTORATE	DIRECTOR SENSORS
HUMAN EFFECTIVENESS DIRECTORATE	DIRECTOR, HUMAN EFFECTIVENESS DIRECTORATE
ARNOLD ENGINEERING DEVELOPMENT CENTER	EXECUTIVE DIRECTOR
AIR FORCE FLIGHT TEST CENTER	EXECUTIVE DIRECTOR
AIR LOGISTICS CENTER, OKLAHOMA CITY	DIRECTOR, COMMODITIES MANAGEMENT DEPUTY FOR SUPPORT DEPUTY FOR SUPPORT PRODUCT GROUP MANAGER, PROPULSION SYSTEMS DIRECTOR, LOGISTICS MANAGEMENT DIRECTOR, ENGINEERING DIRECTOR, CONTRACTING
AIR LOGISTICS CENTER, WARNER ROBINS	EXECUTIVE DIRECTOR DIRECTOR, LOGISTICS MANAGEMENT DIRECTOR, MAINTENANCE DIRECTOR, ENGINEERING DIRECTOR, CONTRACTING
AIR LOGISTICS CENTER, OGDEN	DEPUTY FOR SUSTAINMENT DIRECTOR COMMODITIES DIRECTOR, LOGISTICS MANAGEMENT DIRECTOR, ENGINEERING DIRECTOR, CONTRACTING

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE AIR FORCE	
AIR ARMAMENT CENTER	DEPUTY FOR ACQUISITION EXECUTIVE DIRECTOR DEPUTY FOR ACQUISITION
AIR ARMAMENT CENTER - SYSTEMS PROGRAM OFFICE	DIRECTOR, LETHAL STRIKE JOINT PROGRAM OFFICE PROGRAM DIRECTOR, COUNTERAIR JOINT SYSTEM PROGRAM OFFICE
AIR COMBAT COMMAND	DEPUTY FOR MAINTENANCE AND LOGISTICS
AIR MOBILITY COMMAND	DEPUTY DIRECTOR OF LOGISTICS
AIR EDUCATION AND TRAINING COMMAND	DIRECTOR, CENTER FOR SYSTEMS ENGINEERING DIRECTOR, INTERNATIONAL TRAINING AND EDUCATION
AIR FORCE RESERVE COMMAND	AIR COMMANDER 4TH AIR FORCE AIR COMMANDER 10TH AIR FORCE AIR COMMANDER 22ND AIR FORCE ASSISTANT VICE COMMANDER DIRECTOR, PLANS DIRECTOR OF OPERATIONS
UNITED STATES CENTRAL COMMAND	DIRECTOR OF RESOURCES, REQUIREMENTS, BUDGET AND ASSESSMENT
UNITED STATES SPACE COMMAND	DIRECTOR OF PROGRAMS AND RESOURCES
SPACE AND MISSLE SYSTEMS CENTER	DIRECTOR, SYSTEMS ACQUISITION EXECUTIVE DIRECTOR DIRECTOR CONTRACTING PROGRAM DIRECTOR, MILITARY SATELLITE COMMUNICATIONS JOINT PROGRAM OFFICE
UNITED STATES STRATEGIC COMMAND	ASSOCIATE DIRECTOR FOR STRATEGIC PLANNING DEPUTY DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTER, AND INTELLIGENCE SYSTEMS ASSOCIATE DIRECTOR, RESOURCES AND REQUIREMENTS ASSOCIATE DIRECTOR, CONCEPTS AND ASSESSMENTS
UNITED STATES TRANSPORTATION COMMAND	DIRECTOR, PROGRAM ANALYSIS AND FINANCIAL MANAGEMENT DEPUTY DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, AND COMPUTER SYSTEMS DIRECTORATE DEPUTY FOR MILITARY SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND DIRECTOR, PROGRAM ANALYSIS AND FINANCIAL MANAGEMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE AIR FORCE	
UNITED STATES NORTHERN COMMAND	DIRECTOR, PROGRAMS AND RESOURCES DIRECTOR, INTERAGENCY COORDINATION
DEPARTMENT OF THE ARMY	
DEPARTMENT OF THE ARMY	ASSISTANT DEPUTY CHIEF OF STAFF FOR PERSONNEL (INSTALLATION MANAGEMENT) REGIONAL BUSINESS DIRECTOR
OFFICE DEPUTY UNDER SECRETARY OF ARMY (OPERATIONS RESEARCH)	SPECIAL ASSISTANT FOR AIR AND MISSILE DEFENSE SPECIAL ASSISTANT FOR SYSTEMS ASSISTANT DEPUTY UNDER SECRETARY OF THE ARMY FOR OPERATIONS RESEARCH SPECIAL ASSISTANT FOR SYSTEMS
OFFICE ADMINSTRATIVE ASSISTANT TO THE SECRETARY OF ARMY	ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY DEPUTY ADMINISTRATOR ASSISTANT TO THE SECRETARY OF THE ARMY DIRECTOR, SINGLE AGENCY MANAGER FOR PENTAGON INFORMATION TECHNOLOGY SERVICES EXECUTIVE DIRECTOR, US ARMY INFORMATION TECHNOLOGY AGENCY
OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL (ETHICS AND FISCAL)
OFFICE ASSISTANT SECRETARY ARMY (CIVIL WORKS)	DEPUTY ASSISTANT SECRETARY OF THE ARMY (MANAGEMENT AND BUDGET)
OFFICE ASSISTANT SECRETARY ARMY (FINANCIAL MANAGEMENT AND COMPTROLLER)	ASSISTANT DEPUTY ASSISTANT SECRETARY FOR ARMY BUDGET DEPUTY ASSISTANT SECRETARY OF THE ARMY (COST AND ECONOMICS) DIRECTOR OF INVESTMENT DEPUTY ASSSISTANT SECRETARY OF THE ARMY (FINANCIAL OPERATIONS) DIRECTOR FOR BUSINESS RESOURCES DIRECTOR OF MANAGEMENT AND CONTROL ASSISTANT TO THE DEPUTY ASSISTANT SECRETARY OF THE ARMY (BUDGET) DIRECTOR, PROGRAMS AND STRATEGY DIRECTOR OF OPERATIONS AND SUPPORT
OFFICE ASSISTANT SECRETARY ARMY (INSTALLATIONS AND ENVIRONMENT)	DEPUTY ASSISTANT SECRETARY OF THE ARMY (INFRASTRUCTURE ANALYSIS)
OFFICE ASSISTANT SECRETARY ARMY (MANPOWER AND RESERVE AFFAIRS)	DEPUTY ASSISTANT SECRETARY OF THE ARMY (ARMY REVIEW BOARDS AGENCY) DIRECTOR FOR EQUAL EMPLOYMENT OPPORTUNITY/CIVIL RIGHTS
OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY)	DEPUTY ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY/CHIEF SCIENTIST

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
OFFICE ASSISTANT SECRETARY ARMY (ACQUISITION, LOGISTICS AND TECHNOLOGY)	DEPUTY ASSISTANT SECRETARY OF THE ARMY (POLICY AND PROCUREMENT)
	DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR PLANS, PROGRAMS AND POLICY
	DEPUTY ASSISTANT SECRETARY OF THE ARMY (DEFENSE EXPORTS AND COOPERATION)
	DIRECTOR FOR RESEARCH AND LABORATORY MANAGEMENT
	DIRECTOR FOR TECHNOLOGY
	DIRECTOR, PROCUREMENT POLICY AND ACQUISITION REFORM
	PROGRAM MANAGER FOR CHEMICAL DEMILITARIZATION
	DIRECTOR, ARMY CONTRACTING AGENCY
	DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR INTEGRATED LOGISTICS SUPPORT
	DEPUTY ASSISTANT SECRETARY OF THE ARMY (ELIMINATION OF CHEMICAL WEAPONS)
ARMY ACQUISITION EXECUTIVE	DEPUTY PROGRAM EXECUTIVE OFFICER, ARMORED SYSTEMS MODERNIZATION
	DEPUTY PROGRAM EXECUTIVE OFFICER, COMMAND AND CONTROL SYSTEMS
	PROGRAM EXECUTIVE OFFICER ENTERPRISE INFORMATION STRUCTURE
	DEPUTY PROGRAM EXECUTIVE OFFICER FOR AVIATION
	DEPUTY PROGRAM EXECUTIVE OFFICER, AIR AND MISSILE DEFENSE
	DEPUTY PROGRAM EXECUTIVE OFFICER, TACTICAL MISSILES
	DEPUTY PROGRAM EXECUTIVE OFFICER FOR FIRE SUPPORT SYSTEMS
	PROGRAM EXECUTIVE OFFICER, INTELLIGENCE, ELECTRONIC WARFARE AND SENSORS
	PROGRAM MANAGER, JOINT SIMULATION SYSTEMS
	DEPUTY PROGRAM EXECUTIVE OFFICER AMMUNITION
	DEPUTY PROGRAM EXECUTIVE OFFICER FOR SOLDIER
	DEPUTY PROGRAM EXECUTIVE OFFICER, GROUND COMBAT SYSTEMS
	PROGRAM EXECUTIVE OFFICER, GROUND COMBAT SYSTEMS
ARMY CONTRACTING AGENCY	DIRECTOR, INFORMATION TECHNOLOGY, ELECTRONIC COMMERCE AND CONTRACTING CENTER (ITEC4)
	DIRECTOR, NORTHERN REGION, UNITED STATES ARMY CONTRACTING AGENCY
	DIRECTOR, SOUTHERN REGION, UNITED STATES ARMY CONTRACTING AGENCY
CHIEF INFORMATION OFFICER/G-6	DEPUTY CHIEF INFORMATION OFFICER/G-6
	DEPUTY CHIEF INFORMATION OFFICER/G-6
	DIRECTOR FOR ENTERPRISE MANAGEMENT
ARMY AUDIT AGENCY	THE AUDITOR GENERAL
	THE AUDITOR GENERAL

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
ARMY AUDIT AGENCY	DEPUTY AUDITOR GENERAL DIRECTOR, LOGISTICAL AND FINANCIAL AUDITS DIRECTOR, ACQUISITION AND FORCE MANAGEMENT DIRECTOR, AUDIT POLICY, PLANS AND RESOURCES PRINCIPAL DEPUTY AUDITOR GENERAL DEPUTY AUDITOR GENERAL, ACQUISITION AND LOGISTICS AUDITS DEPUTY AUDITOR GENERAL, POLICY AND OPERATIONS MANAGEMENT DEPUTY AUDITOR GENERAL, FORCES AND FINANCIAL AUDITS
OFFICE, CHIEF OF STAFF	DIRECTOR, TEST AND EVALUATION MANAGEMENT AGENCY DIRECTOR, ENTERPRISE SYSTEMS TECHNOLOGY ACTIVITY
OPERATIONS TEST AND EVALUATION COMMAND (OFFICE OF THE CHIEF OF STAFF OF THE ARMY, FIELD OPERATING AGENCY)	TECHNICAL DIRECTOR, TEST AND EXPERIENCE COMMAND DIRECTOR UNITED STATES ARMY EVALUATION CENTER
ARMY CENTER OF MILITARY HISTORY (OFFICE OF THE CHIEF OF STAFF OF THE ARMY, FIELD OPERATING AGENCY)	CHIEF HISTORIAN
OFFICE, ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT	DEPUTY ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT DIRECTOR, FACILITIES, HOUSING AND ENVIRONMENT DEPUTY, INSTALLATION MANAGEMENT AGENCY DEPUTY, INSTALLATION MANAGEMENT AGENCY FINANCIAL MANAGER FINANCIAL MANAGER REGIONAL DIRECTOR (NORTHEAST) REGIONAL DIRECTOR (NORTHWEST) REGIONAL DIRECTOR (SOUTHEAST) REGIONAL DIRECTOR (SOUTHWEST) REGIONAL DIRECTOR (EUROPE) REGIONAL DIRECTOR (PACIFIC)
OFFICE, DEPUTY CHIEF OF STAFF , G-4	ASSOCIATE DIRECTOR, FORCE PROJECTION AND DISTRIBUTION EXECUTIVE DIRECTOR, STRATEGIC LOGISTICS AGENCY ASSOCIATE DIRECTOR OF SUSTAINMENT SPECIAL ASSISTANT TO THE DEPUTY CHIEF OF STAFF, G-4
OFFICE, DEPUTY CHIEF OF STAFF, G-8	ASSISTANT DEPUTY CHIEF OF STAFF, G-8 ASSISTANT DEPUTY CHIEF OF STAFF, G-8 DIRECTOR OF MODERNIZATION
OFFICE, DEPUTY CHIEF OF STAFF, G-3	TECHNICAL ADVISOR TO THE DEPUTY CHIEF OF STAFF, G-3

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
OFFICE, DEPUTY CHIEF OF STAFF, G-3	DIRECTOR, ARMY MODEL AND SIMULATION OFFICE DEPUTY DIRECTOR OF TRAINING ASSISTANT DEPUTY CHIEF OF STAFF, G-3 HOMELAND SECURITY, TRAINING AND SIMULATIONS ASSISTANT DEPUTY CHIEF OF STAFF, G-3 HOMELAND SECURITY, TRAINING AND SIMULATIONS
OFFICE, DEPUTY CHIEF OF STAFF, G-1	DIRECTOR OF CIVILIAN PERSONNEL MANAGEMENT DIRECTOR, UNITED STATES ARMY RESEARCH INSTITUTE AND CHIEF PSYCHOLOGIST ASSISTANT G-1 FOR CIVILIAN PERSONNEL POLICY DIRECTOR FOR MANPRINT DIRECTORATE CHIEF, POLICY AND PROGRAM DEVELOPMENT DIVISION DIRECTOR OF PLANS, RESOURCES AND OPERATIONS DIRECTOR OF ARMY PERSONNEL TRANSFORMATION ASSISTANT DEPUTY CHIEF OF STAFF, G-1
ARMY RESEARCH INSTITUTE (DEPUTY CHIEF OF STAFF FOR PERSONNEL, FIELD OPERATING AGENCY)	TECHNICAL DIRECTOR
NATIONAL GUARD BUREAU	PROGRAM EXECUTIVE OFFICER FOR INFORMATION SYSTEMS AND CHIEF INFORMATION OFFICER
UNITED STATES OF AMERICA SPACE AND MISSILE DEFENSE COMMAND	PRINCIPLE ASSISTANT RESPONSE FOR CONTRACTING DIRECTOR, ADVANCED TECHNOLOGY DIRECTORATE DIRECTOR, WEAPONS DIRECTORATE DIRECTOR, SPACE AND MISSILE DEFENSE BATTLE LABORATORY DIRECTOR, SPACE AND MISSILE DEFENSE BATTLE LABORATORY DEPUTY TO THE COMMANDER, RESEARCH, DEVELOPMENT AND ACQUISITION DIRECTOR, INTEGRATION AND INTEROPERABILITY FOR MISSILE DEFENSE/ASSISTANT TO THE DEPUTY COMMANDING GENERAL - RESEARCH, DEVELOPMENT AND ACQUISITION
TRAINING AND DOCTRINE COMMAND (TRAINING AND DOCTRINE COMMAND)	ASSISTANT DEPUTY CHIEF OF STAFF FOR RESOURCES MANAGEMENT ASSISTANT DEPUTY CHIEF OF STAFF FOR TRAINING POLICY PLANS AND PROGRAMS DEPUTY TO THE COMMANDING GENERAL, COMBINED ARMS SUPPORT COMMAND ASSISTANT DEPUTY CHIEF OF STAFF FOR BASE OPERATIONS SUPPORT ASSISTANT DEPUTY CHIEF OF STAFF FOR COMBAT DEVELOPMENT DEPUTY CHIEF OF STAFF FOR BASE OPERATIONS SUPPORT
TRAINING AND DOCTRINE COMMAND ANALYSIS CENTER	DIRECTOR OF OPERATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
TRAINING AND DOCTRINE COMMAND ANALYSIS CENTER	DIRECTOR OF OPERATIONS DIRECTOR
UNITED STATES ARMY NUCLEAR AND CHEMICAL AGENCY	DIRECTOR, UNITED STATES ARMY NUCLEAR AND CHEMICAL AGENCY
MILITARY TRAFFIC MANAGEMENT COMMAND	SPECIAL ASSISTANT FOR TRANSPORTATION ENGINEERING DEPUTY TO THE COMMANDER
UNITED STATES ARMY FORCES COMMAND	ASSISTANT DEPUTY CHIEF OF STAFF FOR PERSONNEL AND INSTALLATION MANAGEMENT ASSISTANT DEPUTY CHIEF OF STAFF FOR LOGISTICS AND READINESS DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT
UNITED STATES ARMY NETWORK ENTERPRISE TECHNOLOGY COMMAND/9TH ARMY SIGNAL COMMAND	TECHNICAL DIRECTOR/CHIEF ENGINEER
UNITED STATES ARMY CORPS OF ENGINEERS	DIRECTOR OF REAL ESTATE DIRECTOR OF HUMAN RESOURCES DIRECTOR OF RESOURCE MANAGEMENT PRINCIPAL ASSISTANT RESPONSIBLE FOR CONTRACTING DIRECTOR OF CORPORATE INFORMATION DEPUTY DIRECTOR ENGINEER RESEARCH AND DEVELOPMENT CENTER MILITARY AND TECHNICAL DIRECTOR TECHNICAL DIRECTOR REGIONAL BUSINESS DIRECTOR REGIONAL BUSINESS DIRECTOR REGIONAL BUSINESS DIRECTOR REGIONAL BUSINESS DIRECTOR REGIONAL BUSINESS DIRECTOR REGIONAL BUSINESS DIRECTOR REGIONAL BUSINESS DIRECTOR PROGRAMS DIRECTOR PROGRAMS DIRECTOR PROGRAMS DIRECTOR PROGRAMS DIRECTOR PROGRAMS DIRECTOR PROGRAMS DIRECTOR PROGRAMS DIRECTOR PROGRAMS DIRECTOR
DIRECTORATE OF RESEARCH AND DEVELOPMENT	DIRECTOR OF RESEARCH AND DEVELOPMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
DIRECTORATE OF RESEARCH AND DEVELOPMENT	ASSISTANT DIRECTOR FOR RESEARCH AND DEVELOPMENT (CIVIL WORKS PROGRAMS) DEPUTY DIRECTOR
DIRECTORATE OF CIVIL WORKS	CHIEF, PROGRAMS MANAGEMENT DIVISION PRINCIPAL ASSISTANT FOR CIVIL WORKS CHIEF, ENGINEERING AND CONSTRUCTION DIVISION CHIEF, OPERATIONS DIVISION CHIEF, PLANNING AND POLICY DIVISION
DIRECTORATE OF MILITARY PROGRAMS	DEPUTY DIRECTOR, MILITARY PROGRAMS CHIEF, PROGRAMS MANAGEMENT DIVISION CHIEF, ENVIRONMENTAL DIVISION CHIEF, INTERAGENCY AND INTERNATIONAL SERVICES DIVISION CHIEF, INSTALLATION SUPPORT DIVISION
DIRECTORS OF PROGRAMS MANAGEMENT	DIRECTOR, PROGRAMS MANAGEMENT, MISSISSIPPI VALLEY DIVISION DIRECTOR, PROGRAMS MANAGEMENT, MISSISSIPPI VALLEY DIVISION DIRECTOR, PROGRAMS MANAGEMENT, NORTH ATLANTIC DIVISION DIRECTOR OF PROGRAMS MANAGEMENT DIRECTOR PROGRAMS MANAGEMENT DIRECTOR PROGRAMS MANAGEMENT DIRECTOR PROGRAMS MANAGEMENT, POD CIVIL WORKS AND MANAGEMENT DIRECTOR, SOUTH ATLANTIC DIVISION CIVIL WORKS AND MANAGEMENT DIRECTOR, SOUTH ATLANTIC DIVISION CIVIL WORKS AND MANAGEMENT DIRECTOR, SOUTH PACIFIC DIVISION CIVIL WORKS AND MANAGEMENT DIRECTOR, SOUTHWESTERN DIVISION CIVIL WORKS AND MANAGEMENT DIRECTOR, SOUTHWESTERN DIVISION
DIRECTORS OF ENGINEERING AND TECHNICAL SERVICES	DIRECTOR OF ENGINEERING AND TECHNICAL SERVICES DIRECTOR OF ENGINEERING AND TECHNICAL SERVICES MILITARY AND TECHNICAL DIRECTOR, NORTH ATLANTIC DIVISION MILITARY AND TECHNICAL DIRECTOR, GREAT LAKES AND OHIO RIVER DIVISION MILITARY AND TECHNICAL DIRECTOR, NORTHWESTEREN DIVISION CIVIL WORKS AND TECHNICAL DIRECTOR, PACIFIC OCEAN DIVISION MILITARY AND TECHNICAL DIRECTOR SOUTH ATLANTIC DIVISION MILITARY AND TECHNICAL DIRECTOR, SOUTH PACIFIC DIVISION MILITARY AND TECHNICAL DIRECTOR, SOUTHWESTERN DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
ENGINEER RESEARCH AND DEVELOPMENT CENTER	DIRECTOR ENVIRONMENTAL LABORATORY DIRECTOR, COASTAL AND HYDRAULICS LABORATORY DIRECTOR, ENGINEER RESEARCH AND DEVELOPMENT DIRECTOR, INFORMATION TECHNOLOGY LABORATORY DIRECTOR GEOTECHNICAL AND STRUCTURES LABORATORY
ENGINEER TOPOGRAPHIC LABORATORIES, CENTER OF ENGINEERS	DIRECTOR
CONSTRUCTION ENGINEERING RESEARCH LABORATORY CHAMPAIGN, ILLINOIS	DIRECTOR
COLD REGIONS RESEARCH AND ENGINEERING LABORATORY HANOVER, NEW HAMSHIRE	DIRECTOR
UNITED STATES ARMY MATERIEL COMMAND	DIRECTOR FOR CONTRACTING DEPUTY CHIEF OF STAFF FOR CORPORATE INFORMATION/CHIEF INFORMATION OFFICER DEPUTY FOR OPERATIONS SPECIAL ASSISTANT TO THE EXECUTIVE DEPUTY TO THE COMMANDING GENERAL FOR ARMY MATERIEL COMMAND TRANSFORMATION INTEGRATION DEPUTY G-3 FOR SUPPORT OPERATIONS DEPUTY G-3 FOR CURRENT OPERATIONS DEPUTY G-3 FOR INDUSTRIAL OPERATIONS DIRECTOR, SIMULATION AND TRAINING TECHNOLOGY CENTER
OFFICE OF DEPUTY CHIEF OF STAFF FOR LOGISTICS AND OPERATIONS	ASSISTANT DEPUTY CHIEF OF STAFF FOR LOGISTICS AND OPERATIONS DIRECTOR ARMY SINGLE STOCK FUND/DIRECTOR ARMY MATERIEL COMMAND LOGISTICS SYSTEMS AND PROCESSES DEPUTY G-3 FOR ENTERPRISE INTEGRATION DEPUTY G-3 FOR FUTURE OPERATIONS
SPECIAL ANALYSIS OFFICE	CHIEF, STATEGIC ANALYSIS AND PLANNING OFFICE
OFFICE DEPUTY COMMANDING GENERAL	PRINCIPAL DEPUTY FOR LOGISTICS PRINCIPAL DEPUTY FOR ACQUISITION SENIOR ADVISOR FOR SCIENCE AND TECHNOLOGY
OFFICE OF DEPUTY CHIEF OF STAFF FOR RESEARCH, DEVELOPMENT AND ACQUISITION	ASSISTANT DEPUTY CHIEF OF STAFF FOR RESEARCH, DEVELOPMENT AND ACQUISITION SCIENCE TECNOLOGY AND ENGINEERING
OFFICE OF DEPUTY CHIEF OF STAFF FOR AMMUNITION	ASSISTANT DEPUTY CHIEF OF STAFF FOR AMMUNITION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
OFFICE OF DEPUTY CHIEF OF STAFF FOR PERSONNEL	DEPUTY CHIEF OF STAFF FOR PERSONNEL
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR RESEARCH MANAGEMENT	ASSISTANT DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT/EXECUTIVE DIRECTOR FOR BUSINESS DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT
UNITED STATES OF AMERICA SECURITY ASSISTANCE COMMAND	DEPUTY
UNITED STATES ARMY OPERATIONS SUPPORT COMMAND	DEPUTY TO THE COMMANDER
NATICK SOLDIER CENTER	DIRECTOR, UNITED STATES ARMY NATICK RESEARCH, DEVELOPMENT AND ENGINEERING CENTER
UNITED STATES ARMY SOLDIER AND BIOLOGICAL COMMAND (SOLDIER AND BIOLOGICAL COMMAND)	DIRECTOR, ENGINEERING DIRECTORATE TECHNICAL DIRECTOR DEPUTY TO THE COMMANDER DIRECTOR, UNITED STATES ARMY ROBERT MORRIS ACQUISITION CENTER
UNITED STATES ARMY COMMUNICATIONS ELECTION COMMAND (COMMUNICATIONS ELECTION COMMAND)	DIRECTOR CECOM ACQUISITION CENTER ASSOCIATE DIRECTOR, COMMUNICATIONS ELECT COMMAND ACQUISITION CENTER - WASHINGTON OPERATIONS OFFICE DEPUTY TO THE COMMANDER
COMMUNICATIONS ELECTION COMMAND RESEARCH, DEVELOPMENT AND ENGINEERING CENTER	DIRECTOR-NIGHT VISION/ELECTROMAGNETICS SENSORS DIRECTORATE DIRECTOR, SPACE AND TERRESTRIAL COMMITTEE DIRECTORATE DIRECTOR, INTELLIGENCE AND INFORMATION WARFARE DIRECTORATE DIRECTOR, SOFTWARE ENGINEERING DIRECTORATE DIRECTOR/ARMY SYSTEMS ENGINEER DIRECTOR FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, INTELLIGENCE LOGISTICS AND READINESS CENTER ASSOCIATE TECHNICAL DIRECTOR RESREACH DEVELOPMENT AND ENGINEERING CENTER DIRECTOR, COMMAND, CONTROL AND SYSTEM INTEGRATION DIRECTORATE
UNITED STATES ARMY RESEARCH LABORATORY	DIRECTOR UNITED STATES ARMY RESEARCH LABORATORY DIRECTOR UNITED STATES ARMY RESEARCH LABORATORY ASSOCIATE DIRECTOR FOR PLANS, PROGRAMS AND BUDGET DEPUTY DIRECTOR DIRECTOR, COMPUTATIONAL AND INFORMATION SCIENCES DIRECTORATE
SURVIVABILITY/LETHALITY ANALYSIS DIRECTORATE	DIRECTOR, SURVIVABILITY/LETHALITY ANALYSIS DIRECTORATE
ARMY RESEARCH OFFICE	DIRECTOR

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
ARMY RESEARCH OFFICE	DIRECTOR, RESEARCH AND TECHNOLOGY INTEGRATION DIRECTOR, EGINEERING SCIENCES DIRECTORATE DIRECTOR, PHYSICAL SCIENCES DIRECTORATE
SENSORS AND ELECTRON DEVICES DIRECTORATE	DEPUTY DIRECTOR AND DIRECTOR ELECTRON DEVICES RESEARCH DIRECTOR
COMPUTATIONAL AND INFORMATION SCIENCES DIRECTORATE	DEPUTY DIRECTOR
WEAPONS AND MATERIAL RESEARCH DIRECTOARATE	DEPUTY DIRECTOR AND DIRECTORATE MATERIALS RESEARCH DIRECTOR
HUMAN RESEARCH AND ENGINEERING DIRECTORATE (ARMY RESEARCH LABORATORY)	DIRECTOR, HUMAN RESEARCH AND ENGINEERING DIRECTORATE
UNITED STATES ARMY AVIATION AND MISSILE COMMAND (ARMY MATERIEL COMMAND)	EXECUTIVE DIRECTOR, ACQUISITION CENTER DIRECTOR FOR ENGINEERING EXECUTIVE DIRECTOR, INTEGRATED MATERIEL MANAGEMENT CENTER DEPUTY EXECUTIVE DIRECTOR FOR TEST, MEASUREMENT AND DIAGNOSTIC EQUIPMENT DEPUTY TO THE COMMANDER DEPUTY TO THE COMMANDER DEPUTY TO THE COMMANDER DEPUTY TO THE COMMANDER EXECUTIVE DIRECTOR ACQUISITION CENTER EXECUTIVE DIRECTOR INTEGRATED MATERIAL MANAGEMENT CENTER DEPUTY TO THE COMMANDER FOR SYSTEMS SUPPORT
MISSILE RESEARCH DEVELOPMENT AND ENGINEERING CENTER (RESEARCH DEVELOPMENT AND ENGINEERING CENTER)	DIRECTOR FOR SYSTEMS SIMULATION AND DEVELOPMENT TECHNOLOGY DIRECTOR FOR MISSILES AND DEVELOPMENT, RESEARCH, DEVELOPMENT AND ENGINEERING CENTER ASSOCIATE DIRECTOR FOR SYSTEMS, MISSILES ASSOCIATE DIRECTOR FOR SYSTEMS, MISSILES DIRECTOR FOR WEAPONS SCIENCES DIRECTOR FOR MISSILE GUIDANCE DIRECTOR FOR PROPULSION AND STRUCTURES
AVIATION RESEARCH, DEVELOPMENT AND ENGINEERING CENTER	TECHNICAL DIRECTOR (AVIATION) AND ED-UNITED STATES ARMY AVIATION RESEARCH, DEVELOPMENT AND ENGINEERING CENTER DIRECTOR OF AVIATION ENGINEERING DIRECTOR OF AEROFLIGHT DYNAMICS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
AVIATION RESEARCH, DEVELOPMENT AND ENGINEERING CENTER	DIRECTOR OF ADVANCED SYSTEMS/ASSOCIATE DIRECTOR FOR TECHNOLOGY ASSOCIATE DIRECTOR FOR TECHNICAL APPLIED/DIRECTOR OF SPECIAL PROGRAM
TANK-AUTOMOTIVE AND ARMAMENTS COMMAND (TANK-AUTOMOTIVE AND ARMAMENTS COMMAND)	DIRECTOR OF ACQUISITION CENTER DIRECTOR OF SUPPORT OPERATIONS DIRECTOR UNITED STATES ARMY ARMAMENT AND CHEMICAL AND LOGISTICS ACTIVITY DEPUTY TO THE COMMANDER
TANK-AUTOMOTIVE RESEARCH, DEVELOPMENT AND EENGINEERING CENTER (TANK-AUTOMOTIVE RESEARCH, DEVELOPMENT AND EENGINEERING CENTER)	VICE PRESIDENT FOR RESEARCH PRESIDENT/DIRECTOR VICE PRESIDENT FOR CUSTOMER ENGINEERING VICE PRESIDENT FOR PRODUCT DEVELOPMENT EXECUTIVE VICE PRESIDENT FOR TECHNOLOGY TRANSFER/DIRECTOR, NATIONAL AUTOMOTIVE CENTER
UNITED STATES ARMY ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING CENTER (ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING CENTER)	TECHNICAL DIRECTOR FOR ARMAMENT ASSISTANT TECHNICAL DIRECTOR (SYSTEM DEVELOPMENT AND ENGINEERING) ASSISTANT TECHNICAL DIRECTORATE (SYSTEMS CONCEPTS AND TECHNOLOGY)
WARHEADS, ENERGETICS AND COMBAT SUPPORT ARMAMENTS CENTER	DIRECTOR, WARHEADS ENERGETICS AND COMBAT SUPPORT ARMAMENTS CENTER
FIRE SUPPORT ARMAMENTS CENTERS	SENIOR TECHINCAL EXECUTIVE FOR FIRE SUPPORT
CLOSE COMBAT ARMAMENTS CENTER	SENIOR TECHNICAL EXECUTIVE FOR CLOSE COMBAT
UNITED STATES ARMY SIMULATION, TRAINING AND INSTRUMENTATION COMMAND	DEPUTY TO THE COMMANDER
UNITED STATES ARMY TEST AND EVALUATION COMMAND, (TEST AND EVALUATION COMMAND)	TECHNICAL DIRECTOR DIRECTOR, TECHNICAL MISSION DIRECTOR, JOINT PROGRAM OFFICE FOR TEST AND EVALUATION
UNITED STATES ARMY MATERIEL SYSTEMS ANALYSIS ACTIVITY	DIRECTOR CHIEF, COMBAT INTEGRATION DIVISION
HEADQUARTERS, UNITED STATES ARMY, EUROPE	ASSISTANT DEPUTY CHIEF OF STAFF, PERSONNEL (CIVILIAN PERSONNEL) ASSISTANT DEPUTY CHIEF OF STAFF ENGINEER FOR ENGINEERING AND HOUSING DEPUTY CHIEF OF STAFF FOR RESOURCE MANAGEMENT DEPUTY DIRECTOR, LOGISTICS AND SECURITY ASSISTANCE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE ARMY	
UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON	DIRECTOR OF CEMETERY OPERATIONS
UNITED STATES SOUTHERN COMMAND	TECHNICAL ADVISOR-SUSTAINING BASE/QUALITY OF LIFE
DEPARTMENT OF THE NAVY	
OFFICE OF THE SECRETARY	CHIEF INFORMATION OFFICER
OFFICE OF THE UNDER SECRETARY OF THE NAVY	ASSISTANT FOR ADMINISTRATION
OFFICE OF THE NAVAL INSPECTOR GENERAL	DEPUTY NAVAL INSPECTOR GENERAL
OFFICE OF THE AUDITOR GENERAL	ASSISTANT AUDITOR GENERAL FOR FINANCIAL MANAGEMENT AND COMPTROLLER AUDITS ASSISTANT AUDITOR GENERAL FOR MANPOWER AND RESERVE AFFAIRS AUDITS AUDITOR GENERAL OF THE NAVY DEPUTY AUDITOR GENERAL OF THE NAVY ASSISTANT AUDITOR GENERAL FOR INSTALLATION AND ENVIRONMENT AUDITS ASSISTANT AUDITOR GENERAL FOR RESEARCH, DEVELOPMENT, ACQUISITION AND LOGISTICS AUDITS
OFFICE OF THE ASSISTANT SECRETARY OF NAVY (MANPOWER AND RESEARCH AFFAIRS)	ASSISTANT GENERAL COUNSEL (MANPOWER AND RESERVE AFFAIRS) DEPUTY ASSISTANT SECRETARY OF THE NAVY (CIVILIAN HUMAN RESOURCES)
OFFICE OF CIVILIAN HUMAN RESOURCES	DIRECTOR, OFFICE OF CIVILIAN HUMAN RESOURCES DIRECTOR, HUMAN RESOURCE POLICY AND PROGRAM DEPARTMENT DIRECTOR, HUMAN RESOURCE POLICY AND PROGRAM DEPARTMENT DIRECTOR, HUMAN RESOURCE OPERATIONS DEPARTMENT
OFFICE ASSISTANT SECRETARY OF NAVY (INSTALLATIONS AND ENVIRONMENT)	ASSISTANT GENERAL COUNSEL (INSTALLATIONS AND ENVIRONMENT)
OFFICE ASSISTANT SECRETARY OF THE NAVY (RESEARCH, DEVELOPMENT AND ACQUISITION)	DEPUTY CHIEF ENGINEER EXECUTIVE DIRECTOR FOR ACQUISITION AND BUSINESS MANAGEMENT ASSISTANT GENERAL COUNSEL (RESEARCH, DEVELOPMENT AND ACQUISITION) DIRECTOR, ACQUISITION CAREER MANAGEMENT DIRECTOR, PROGRAM ANALYSIS AND BUSINESS TRANSFORMATION EXECUTIVE DIRECTOR, NAVY INTERNATIONAL PROGRAMS OFFICE
PROGRAM EXECUTIVE OFFICERS	EXECUTIVE DIRECTOR, COMBATANTS, PROGRAM EXECUTIVE OFFICE SHIPS DEPUTY PROGRAM EXECUTIVE OFFICERS FOR AIRCRAFT CARRIERS EXECUTIVE DIRECTOR FOR PROGRAM ASSESSMENT AND INTEGRATION/DEPUTY PROGRAM EXECUTIVE OFFICER FOR COMMAND, CONTROL, COMMUNICATIONS,

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
PROGRAM EXECUTIVE OFFICERS	COMPUTERS AND INTELLIGENCE AND SPACE DIRECTOR FOR SURFACE SHIP WEAPONS DIRECTORATE DIRECTOR FOR ABOVE WATER SENSORS DIRECTORATE DIRECTOR FOR COMBAT SYSTEMS PROGRAMS CHIEF ENGINEER, PROGRAM EXECUTIVE OFFICE (INTEGRATED WARFARE SYSTEMS) DEPUTY PROGRAM EXECUTIVE OFFICER FOR UNMANNED AERIAL VEHICLES DIRECTOR FOR INTEGRATED COMBAT SYSTEMS FOR INTEGRATED WARFARE SYSTEMS DEPUTY PROGRAM EXECUTIVE OFFICER FOR STRIKE WEAPONS TECHNICAL DIRECTOR, PROGRAM EXECUTIVE OFFICER, SUBMARINES EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE SUBMARINES DEPUTY PROGRAM EXECUTIVE OFFICER FOR AIR ASW, ASSAULT AND SPECIAL MISSION PROGRAMS DEPUTY PROGRAM EXECUTIVE OFFICER FOR TACTICAL AIR PROGRAMS EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICER LITTORAL AND MINE WARFARE PROGRAM EXECUTIVE OFFICER FOR INFORMATION TECHNOLOGY/ENTERPRISE ACQUISITION MANAGER FOR INFORMATION TECHNOLOGY EXECUTIVE DIRECTOR, FLEET SUPPORT, PROGRAM EXECUTIVE OFFICE SHIPS PROGRAM EXECUTIVE OFFICER FOR AIR, ASW, ASSAULT AND SPECIAL MISSION PROGRAMS PROGRAM EXECUTIVE OFFICER FOR AIR, ASW, ASSAULT AND SPECIAL MISSION PROGRAMS DEPUTY PROGRAM EXECUTIVE OFFICERS FOR ENTERPRISE SOLUTIONS EXECUTIVE DIRECTOR, PROGRAM EXECUTIVE OFFICE FOR INTEGRATED WARFARE SYSTEMS PROGRAM EXECUTIVE OFFICER FOR COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS AND INTELLIGENCE AND SPACE DEPUTY DIRECTOR, NAVY/MARINE CORPS INTERNET
STRATEGIC SYSTEMS PROGRAMS	DIRECTOR, PLANS AND PROGRAMS DIVISION CHIEF ENGINEER ASSISTANT FOR SHIPBOARD SYSTEMS BRANCH HEAD, REENTRY SYSTEMS BRANCH TECHNICAL PLANS AND PAYLOADS INTEGRATION OFFICER HEAD, RESOURCES BRANCH (COMPTROLLER) AND DEPUTY DIRECTOR, PLANS AND PROGRAM DIVISION ASSISTANT FOR MISSILE ENGINEERING SYSTEMS ASSISTANT FOR SYSTEMS INTEGRATION AND COMPATIBILITY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
OFFICE OF THE ASSISTANT SECRETARY OF NAVY (FINANCIAL MANAGEMENT AND COMPTROLLER)	ASSOCIATE DIRECTOR, BUDGET AND REPORTS/FISCAL MANAGEMENT DIVISION ASSOCIATE DIRECTOR, BUDGET AND REPORTS/FISCAL MANAGEMENT DIVISION ASSISTANT GENERAL COUNSEL (FINANCIAL MANAGEMENT/COMPTROLLER) DIRECTOR, INVESTMENT AND DEVELOPMENT DIVISION DIRECTOR, FINANCIAL MANAGEMENT POLICY AND SYSTEMS DIVISION DIRECTOR, PROGRAM/BUDGET COORDINATION DIVISION DIRECTOR, PROGRAM/BUDGET COORDINATION DIVISION DIRECTOR, OFFICE OF FINANCIAL OPERATIONS DIRECTOR, BUDGET POLICY AND PROCEDURES DIVISION DIRECTOR, NAVAL COST ANALYSIS DIVISION DIRECTOR, CIVILIAN RESOURCES AND BUSINESS AFFAIRS DIVISION
OFFICE OF THE GENERAL COUNSEL	SPECIAL COUNSEL FOR LITIGATION
NAVAL CRIMINAL INVESTIGATIVE SERVICE	EXECUTIVE ASSISTANT DIRECTOR FOR CRIMINAL INVESTIGATIONS EXECUTIVE ASSISTANT DIRECTOR FOR COUNTERTERRORISM DIRECTOR, NAVAL CRIMINAL INVESTIGATIVE SERVICE EXECUTIVE ASSISTANT DIRECTOR FOR COUNTERINTELLIGENCE SPECIAL AGENT-IN-CHARGE, NORFOLK FIELD OFFICE SPECIAL AGENT-IN-CHARGE, SAN DIEGO FIELD OFFICE EXECUTIVE ASSISTANT DIRECTOR FOR ATLANTIC OPERATIONS EXECUTIVE ASSISTANT DIRECTOR FOR PACIFIC OPERATIONS DEPUTY DIRECTOR FOR OPERATIONS, NAVAL CRIMINAL INVESTIGATIVE SERVICE
CHIEF OF NAVAL OPERATIONS	ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (LOGISTICS) DEPUTY DIRECTOR OF NAVAL TRAINING ASSISTANT DEPUTY CHIEF OF NAVAL OPERATION (RESOURCES, WARFARE REQUIREMENTS, AND ASSESSMENTS) ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (MANPOWER AND PERSONNEL) ASSISTANT DEPUTY CHIEF OF NAVAL OPERATIONS (WARFARE REQUIREMENTS AND PROGRAMS) DIRECTOR, SPECIAL PROGRAMS DIVISION DEPUTY DIRECTOR, WARFARE INTEGRATION AND ASSESSMENT DIVISION DEPUTY DIRECTOR FOR NETWORKS INTEGRATION AND TRANSFORMATION/ASSOCIATE DIRECTOR, NAVY INFORMATION OFFICER DEPUTY CHIEF OF NAVAL RESERVE ASSOCIATE DIRECTOR, ASSESSMENT DIVISION TECHNICAL DIRECTOR, SUBMARINE AND STRATEGIC SUBMARINE BALLISTIC

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
CHIEF OF NAVAL OPERATIONS	NUCLEAR SECURITY PROGRAM TECHNICAL DIRECTOR, OCEANOGRAPHER OF THE NAVY DEPUTY DIRECTOR, NAVY STAFF DEPUTY DIRECTOR FOR PROGRAMMING (N80) AND DEPARTMENT OF THE NAVY PROGRAM INFORMATION CENTER HEAD, CAMPAIGN ANALYSIS BRANCH ASSOCIATE DIRECTOR, EXPEDITIONARY WARFARE DIVISION DIRECTOR, LOGISTICS PLANNING AND INNOVATION DIRECTOR NAVAL HISTORY/DIRECTOR, NAVAL HISTORICAL CENTER DEPUTY DIRECTOR ENVIRONMENTAL PROTECTION SAFETY OCCUPATIONAL HEALTH DIVISION DIRECTOR STRATEGIC SEALIFT DIVISION
BUREAU OF NAVAL PERSONNEL	ASSISTANT CHIEF OF NAVAL PERSONNEL FOR MILITARY PERSONNEL, NAVY FINANCIAL MANAGEMENT DEPUTY COMMANDER, NAVY PERSONNEL COMMAND
COMMANDER, NAVY INSTALLATIONS	BUSINESS MANAGER/CHIEF OPERATING OFFICER COMPTROLLER DEPUTY COMMANDER, NAVY INSTALLATIONS
BUREAU OF MEDICINE AND SURGERY	DEPUTY COMMANDER FOR FINANCIAL MANAGEMENT AND COMPTROLLER
MILITARY SEALIFT COMMAND	COUNSEL COMPTROLLER EXECUTIVE DIRECTOR
NAVAL METEOROLOGY AND OCEANOGRAPHY COMMUNICATIONS, STENNIS SPACE CENTER, MISSISSIPPI	TECHNICAL/DEPUTY DIRECTOR
OFFICE OF COMMANDER, UNITED STATES FLEET FORCES COMMAND/JOINT FORCES COMMAND	DIRECTOR, JOINT TRAINING, ANALYSIS, AND SIMULATION CENTER DEPUTY DIRECTOR FLEET MAINTENANCE DIRECTOR, JOINT BATTLE LABORATORY EXECUTIVE DIRECTOR, JOINT WARFARE ANALYSIS CENTER DIRECTOR, JOINT DEVELOPMENT CONCEPT PATHWAY DIRECTOR, JOINT PROTOTYPE PATHWAY DIRECTOR, JOINT DEPLOYMENT, EMPLOYMENT, AND SUSTAINMENT DEPUTY DIRECTOR, FLEET WARFARE PROGRAMS DEPUTY COMMANDER, NAVAL NETWORK WARFARE COMMAND DIRECTOR, COMMAND, CONTROL COMMUNICATIONS AND COMPUTERS SYSTEMS EXECUTIVE DIRECTOR, JOINT FUTURES LAB

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
OFFICE OF COMMANDER, UNITED STATES FLEET FORCES COMMAND/JOINT FORCES COMMAND	DIRECTOR, JOINT INTEROPERABILITY AND INTEGRATION/JOINT BATTLE MANAGEMENT COMMAND AND CONTROL DEPUTY DIRECTOR, SHORE ACTIVITIES READINESS DEPUTY DIRECTOR, FLEET READINESS AND TRAINING
OFFICE OF THE COMMANDER, UNITED STATES PACIFIC COMMAND	CHIEF INFORMATION OFFICER
OFFICE OF THE COMMANDER, UNITED STATES PACIFIC FLEET	DEPUTY DIRECTOR FLEET MAINTENANCE EXECUTIVE DIRECTOR, PLANNING AND RESOURCES EXECUTIVE DIRECTOR, TOTAL FORCE MANAGEMENT EXECUTIVE DIRECTOR, OPERATIONS, PLANS, AND POLICY DEPUTY FOR FLEET ANTI-SUBMARINE WARFARE COMMAND EXECUTIVE DIRECTOR, WARFARE REQUIREMENTS, PROGRAMMING, FORCE STRUCTURE AND ANALYSIS
NAVAL EDUCATION AND TRAINING COMMAND	COMPTROLLER
NAVAL PERSONNEL DEVELOPMENT COMMAND	EXECUTIVE DIRECTOR
NAVY RECRUITING COMMAND	DEPUTY COMMANDER
NAVAL AIR SYSTEMS COMMAND HEADQUARTERS	PROGRAM DIRECTOR FOR ENTERPRISE SOLUTIONS DIRECTOR, STRATEGIC BUSINESS OPERATIONS DEPUTY COMMANDER FOR ACQUSITION AND OPERATIONS DEPUTY ASSISTANT COMMANDER FOR LOGISTICS DEPUTY ASSISTANT COMMANDER FOR CONTRACTS DEPUTY COMPTROLLER COUNSEL, NAVAL AIR SYSTEMS COMMAND DIRECTOR, SYSTEMS ENGINEERING DEPARTMENT DIRECTOR, AVIONICS DEPARTMENT DIRECTOR, AVIONICS DEPARTMENT DIRECTOR, AIR VEHICLE DEPARTMENT DIRECTOR, LOGISTICS MANAGEMENT INTEGRATION DIRECTOR, TACTICAL AIRCRAFT AND MISSILES CONTRACTS DEPARTMENT DIRECTOR, COST ANALYSIS DEPARTMENT DEPUTY ASSISTANT COMMANDER FOR ACQUISITION AND OPERATIONS DEPUTY ASSISTANT COMMANDER, RESEARCH AND ENGINEERING DIRECTOR INDUSTRIAL OPERATIONS DIRECTOR, PROPULSION AND POWER DIRECTOR, AIR PLATFORM SYSTEMS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
NAVAL AIR SYSTEMS COMMAND HEADQUARTERS	DIRECTOR, INTEGRATED SYSTEMS EVALUATION EXPERIMENTATION AND TEST DEPARTMENT DIRECTOR, LOGISTICS SYSTEMS AND ANALYSIS DEPARTMENT DEPUTY COMMANDER, NAVAL AIR SYSTEM COMMAND DIRECTOR, STRIKE WEAPONS, UNMANNED AVIATION, NAVAL AIR PROGRAMS CONTRACTS DEPARTMENT DIRECTOR BUDGET FORMULATION JUSTIFICATION EXECUTIVE DIVISION EXECUTIVE DIRECTOR, OFFICE OF COUNSEL DEPUTY ASSISTANT COMMANDER FOR AVIATION DEPOTS DIRECTOR NAVAL AVIATION SCIENCE AND TECHNOLOGY OFFICE ASSISTANT COMMANDER FOR CORPORATE OPERATIONS DIRECTOR, DESIGN INTERFACE MAINTAINENCE PLANNING AND KNOWLEDGE REQUIREMENTS DIRECTOR, AIR ASW, ASSAULT AND SPECIAL MISSION PROGRAMS CONTRACTS DEPARTMENT COMMAND INFORMATION OFFICER
NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION	DEPUTY ASSISTANT COMMANDER FOR TEST AND EVALUATION/EXECUTIVE DIRECTOR, NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION/DIRECTOR, TEST AND EVALUATION, NAWCAD DIRECTOR, PERFORMANCE BASED LOGISTICS AND MATERIAL MANAGEMENT DEPARTMENT DIRECTOR, SUPPORT EQUIPMENT/AIRCRAFT LAUNCH/RECOVERY EQUIPMENT DIRECTOR, AVIONICS DEPARTMENT DIRECTOR, TEST AND EXPERIMENTATION ENGINEERING DIRECTOR OF ATLANTIC RANGES AND FACILITIES DEPARTMENT
NAVAL AIR WARFARE CENTER WEAPONS DIVISION, CHINA LAKE, CALIFORNIA	DIRECTOR, RANGE DEPARTMENT DIRECTOR, AVIONICS DEPARTMENT DIRECTOR, WEAPONS/MISSION SYSTEMS INTEGRATION DEPARTMENT DIRECTOR FOR TEST AND EVALUATION DIRECTOR, WEAPONS AND TARGETS DEPARTMENT EXECUTIVE DIRECTOR, NAVAL AIR WAFARE CENTER WEAPONS DIVISION/DIRECTOR, RESEARCH/ENGINEERING DIRECTOR OF CORPORATE OPERATIONS DIRECTOR, THREAT/TARGET SYSTEM DEPARARTMENT
NAVAL AIR WARFARE CENTER TRAINING SYSTEMS DIVISION	DIRECTOR, HUMAN SYSTEMS DEPARTMENT
SPACE AND NAVAL WARFARE SYSTEMS COMMAND	EXECUTIVE DIRECTOR, CONTRACTS DEPUTY COMPTROLLER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
SPACE AND NAVAL WARFARE SYSTEMS COMMAND	COUNSEL SPACE AND NAVAL WARFARE SYSTEMS COMMAND DIRECTOR, CONTRACTS COMPTROLLER, BUSINESS RESOURCE MANAGER EXECUTIVE DIRECTOR, SPACE TECHNOLOGY SYSTEMS PROGRAM DIRECTORATE EXECUTIVE DIRECTOR, WASHINGTON OPERATIONS PROGRAM DIRECTOR, INTELLIGENCE SURVEILLANCE AND RECONNAISSANCE DIRECTORATE PROGRAM DIRECTOR, COMMUNICATIONS SYSTEMS PROGRAM DIRECTORATE DEPUTY CHIEF ENGINEER FOR INTEGRATION AND INTEROPERABILITY DIRECTOR, COMMAND, CONTROL, COMMUNICATIONS, COMPUTERS, INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE INSTALLATIONS AND LOGISTICS DIRECTORATE DEPUTY COMMANDER DEPUTY CHIEF ENGINEER DIRECTOR, CORPORATE PLANNING, OPERATIONS AND CHIEF INFORMATION OFFICER
SPACE AND NAVAL WARFARE SYSTEMS CENTER	HEAD INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE DEPARTMENT EXECUTIVE DIRECTOR HEAD NAVIGATION AND APPLIED SCIENCES DEPARTMENT HEAD, COMMAND AND CONTROL DEPARTMENT DIRECTOR, SCIENCE, TECHNOLOGY, AND ENGINEERING HEAD COMMUNICATION AND INFORMATION SYSTEM DEPARTMENT DEPUTY EXECUTIVE DIRECTOR FOR CORPORATE OPERATIONS
SPACE AND NAVAL WARFARE SYSTEMS CENTER, CHARLESTON	EXECUTIVE DIRECTOR
NAVAL FACILITIES ENGINEERING COMMAND	DIRECTOR NAVY CRANE CENTER DIRECTOR, SPECIAL VENTURE ACQUISITION COUNSEL NAVAL FACILITIES ENGINEERING COMMAND COMPTROLLER DIRECTOR FOR CONTRACTS SUPPORT CHIEF ENGINEER DIRECTOR OF REAL ESTATE SUPPORT DIRECTOR OF BASE DEVELOPMENT DIRECTOR OF ENVIRONMENT EXECUTIVE DIRECTOR
NAVAL SEA SYSTEMS COMMAND	EXECUTIVE DIRECTOR COUNSEL, NAVAL SEA SYSTEMS COMMAND

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
NAVAL SEA SYSTEMS COMMAND	EXECUTIVE DIRECTOR FOR CONTRACTS
	EXECUTIVE DIRECTOR/DEPUTY COMPTROLLER
	DIRECTOR, REACTOR MATERIALS DIVISIONS
	DEPUTY DIRECTOR, STEAM GENERATOR DESIGN/DEVELOPMENT, PROPULSION PLANT PUMPS
	HEAD, ADVANCED REACTOR BRANCH
	DIRECTOR FOR HYDRODYNAMICS
	DIRECTOR FOR SURFACE SHIP DESIGN AND SYSTEMS ENGINEERING
	DIRECTOR COST ENGINEERING AND INDUSTRIAL ANALYSIS
	DIRECTOR, SHIPBUILDING CONTRACTS DIVISION
	ASSISTANT DEPUTY COMMANDER FOR INDUSTRIAL OPERATIONS
	DEPUTY FOR WEAPONS SAFETY
	DEPUTY DIRECTOR, ADVANCED AIRCRAFT CARRIER SYSTEM DIVISION
	DEPUTY FOR SCIENCE AND TECHNOLOGY
	EXECUTIVE DIRECTOR, WARFARE SYSTEMS ENGINEERING/BATTLE FORCE SYSTEMS ENGINEER
	Did not find title for this position
	CHIEF INFORMATION OFFICER
	EXECUTIVE DIRECTOR FOR LOGISTICS, MAINTENANCE AND INDUSTRIAL OPERATIONS DIRECTORATE
	EXECUTIVE DIRECTOR, UNDERSEA WARFARE DIRECTORATE
	TECHNICAL DIRECTOR, PROGRAM EXECUTIVE OFFICER FOR AIRCRAFT CARRIERS
	DIRECTOR REACTOR PLANT COMPONENTS AUXILIARY EQUIPMENT DIVISION
	DEPUTY DIRECTOR FOR ADVANCED SUBMARINE REACTOR SERVICING AND SPENT FUEL MANAGEMENT
	DIRECTOR SURFACE SHIP SYSTEMS DIVISION
	DIRECTOR, REACTOR SAFETY AND ANALYSIS DIVISION
	DIRECTOR FOR SHIP SURVIVABILITY AND STRUCTURAL INTEGRITY
	DIRECTOR FOR MACHINERY SYSTEMS
	DIRECTOR, MATERIALS AND ASSURANCE ENGINEERING OFFICE
	DIRECTOR FOR SUBMARINE/SUBMERSIBLE DESIGN AND SYSTEMS ENGINEERING
	EXECUTIVE DIRECTOR, SHIP DESIGN AND ENGINEERING DIRECTORATE
	PROGRAM MANAGER FOR COMMISSIONED SUBMARINES
	DIRECTOR, SURFACE SYSTEMS CONTRACTS DIVISION
	DIRECTOR, OFFICE OF RESOURCE MANAGEMENT
	DIRECTOR, REACTOR REFUELING DIVISION
	DEPUTY COUNSEL, NAVAL SEA SYSTEMS COMMAND
	Did not find title for this position

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
NAVAL SEA SYSTEMS COMMAND	DEPUTY DIRECTOR, ENVIRONMENTAL HEALTH AND SAFETY EXECUTIVE DIRECTOR, AMPHIBIOUS, AUXIILIARY AND SEALIFT SHIPS, PROGRAM EXECUTIVE OFFICER SHIPS ASSISTANT DEPUTY COMMANDER, FLEET LOGISTICS SUPPORT DIRECTOR, FLEET READINESS DIVISION DEPUTY COMMANDER, HUMAN SYSTEMS INTEGRATION DIRECTORATE
NAVAL SHIPYARDS	NUCLEAR ENGINEERING AND PLANNING MANAGER; PEARL HARBOR NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER; PORTSMOUTH NAVAL SHIPYARD NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, NORFOLK NAVAL SHIPYARD NUCLEAR ENGINEERING AND PLANNING MANAGER, PUGET SOUND NAVAL SHIPYARD
NAVAL WARFARE CENTERS	NAVAL SEA SYSTEMS COMMAND WARFARE CENTERS WORK ASSIGNMENT EXECUTIVE NAVAL SEA SYSTEMS COMMAND WARFARE CENTERS BUSINESS EXECUTIVE
NAVAL SURFACE WARFARE CENTER	TECHNICAL DIRECTOR
NAVAL UNDERSEA WARFARE CENTER	TECHNICAL DIRECTOR ASSOC TECH DIR FOR SUBMAR COMBAT CONTROL ACOU
NAVAL SURFACE WARFARE CENTER, CRANE DIVISION	PRODUCT AREA DIRECTOR, SURFACE WARFARE LOGISTICS AND MAINTENANCE
NAVAL UNDERSEA WARFARE CENTER DIVISION, KEYPORT, WASHINGTON	PRODUCT AREA DIRECTOR, UNDERSEA WARFARE FLEET MATERIAL READINESS
NAVAL SURFACE WARFARE CENTER, PORT HUENEME DIVISION	PRODUCT AREA DIRECTOR, SURFACE SHIP COMBAT SYSTEMS
NAVAL SURFACE WARFARE CENTER, INDIAN HEAD DIVISION	PRODUCT AREA DIRECTOR, ORDNANCE
COASTAL SYSTEMS STATION, DAHLGREN DIVISION; PANAMA CITY	PRODUCT AREA DIRECTOR, LITTORAL WARFARE SYSTEMS
NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION	PRODUCT AREA DIRECTOR, SHIPS AND SHIP SYSTEMS DIRECTOR FOR SHIP SIGNATURES EXECUTIVE DIRECTOR FOR NAVAL SHIP SYSTEMS ENGINEERING STATION/DIRECTOR FOR MACHINERY ENGINEERING
NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION	HEAD, ENGAGEMENT SYSTEMS DEPARTMENT HEAD, COMBAT SYSTEMS DEPARTMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION	HEAD, SYSTEMS RESEARCH AND TECHNOLOGY DEPARTMENT PRODUCT AREA DIRECTOR, FORCE LEVEL WARFARE SYSTEMS PRODUCT AREA DIRECTOR, HOMELAND AND FORCE PROTECTION/HEAD JOINT WARFARE APPLICTIONS DEPARTMENT HEAD, INTEGRATED WARFARE SYSTEMS DEPARTMENT PRODUCT AREA DIRECTOR, NAVY STRATEGIC WEAPONS SYSTEMS/HEAD STRATEGIC AND STRIKE SYSTEMS DEPARTMENT
NAVAL UNDERSEA WARFARE CENTER DIVISION, NEWPORT, RHODE ISLAND	PRODUCT AREA DIRECTOR, UNDERSEA WARFARE ANALYSIS AND ASSESSMENT PRODUCT AREA DIRECTOR, UNDERSEA WARFARE ANALYSIS AND ASSESSMENT TECH DIR, CONSULTANT PRODUCT AREA DIRECTOR, UNDERSEA WARFARE ANALYSIS AND ASSESSMENT PRODUCT AREA DIRECTOR, UNDERSEA WARFARE WEAPONS AND VEHICLE SYSTEMS HEAD, UNDERSEA WARFARE COMBAT SYSTEMS DEPARTMENT HEAD, TORPEDO SYSTEMS DEPARTMENT
NAVAL SUPPLY SYSTEMS COMMAND HEADQUARTERS	DEPUTY COMMANDER, FINANCIAL MANAGEMENT/COMPTROLLER DIRECTOR, DEFENSE TECHNOLOGY ANALYSIS OFFICE COUNSEL ASSISTANT DEPUTY COMMANDER FOR ELECTRONIC BUSINESS DEPUTY COMMANDER, CORPORATE OPERATIONS EXECUTIVE DIRECTOR OFFICE OF SPECIAL PROJECTS COMMAND INFORMATION OFFICER SENIOR ACQUISITION LOGISTICIAN/ERP PROGRAM MANAGER EXECUTIVE DIRECTOR
NAVAL INVENTORY CONTROL POINT	VICE COMMANDER
FLEET AND INDUSTRIAL SUPPLY CENTERS	EXECUTIVE DIRECTOR, FLEET AND INDUSTRIAL SUPPLY CENTERS
UNITED STATES MARINE CORPS HEADQUARTERS OFFICE	DEPUTY DIRECTOR FACILITIES AND SERVICES DIVISION MARINE CORPS BUSINESS ENTERPRISE DIRECTOR ASSISTANT DEPUTY COMMANDANT FOR INSTALLATIONS AND LOGISTICS (CONTRACTS) COUNSEL FOR THE COMMANDANT DEPUTY COUNSEL FOR THE COMMANDANT ASSISTANT DEPUTY COMMANDANT FOR PLANS, POLICIES AND OPERATIONS (SECURITY) ASSISTANT DEPUTY COMMANDANT FOR PROGRAMS AND RESOURCES (RESOURCES) AND DIRECTOR, FISCAL DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
UNITED STATES MARINE CORPS HEADQUARTERS OFFICE	ASSISTANT DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS ASSISTANT DEPUTY COMMANDANT FOR MANPOWER AND RESERVE AFFAIRS ASSISTANT DEPUTY COMMANDANT FOR PROGRAMS AND RESOURCES
MARINE CORPS SYSTEMS COMMAND	DEPUTY COMMANDER, COMMAND, CONTROL, COMMUNICATIONS, COMPUTER, INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE DEPUTY COMMANDER DEPUTY FOR FINANCIAL MANAGEMENT
MARINE CORPS LOGISTICS COMMAND ALBANY, GEORGIA	EXECUTIVE DIRECTOR EXECUTIVE DEPUTY
OFFICE OF NAVAL RESEARCH	DIRECTOR, SHIP STRUCTURES AND SYSTEMS SCIENCE AND TECHNOLOGY DIVISION DIRECTOR, MECHANICS AND ENERGY CONVERSION SCIENCE AND TECHNOLOGY DIVISION DIRECTOR, EXPEDITIONARY WARFARE OPERATIONS TECHNOLOGY DIVISION DIRECTOR, PHYSICAL SCIENCES SCIENCE AND TECHNOLOGY DIVISION HEAD, NAVAL EXPEDITIONARY WARFARE SCIENCE AND TECHNOLOGY DEPARTMENT EXECUTIVE DIRECTOR FOR ACQUISITION MANAGEMENT COMPTROLLER PATENT COUNSEL OF THE NAVY COUNSEL, OFFICE OF NAVAL RESEARCH HEAD, ENGINEERING, MATERIALS AND PHYSICAL SCIENCE AND TECHNOLOGY DEPARTMENT DIRECTOR STRIKE TECHNOLOGY DIVISION DIRECTOR, MATHEMATICAL, COMPUTER, AND INFORMATION SCIENCES DIVISION DIRECTOR, OCEAN, ATMOSPHERE AND SPACE SCIENCE AND TECHNOLOGY PROCESSES AND PREDICTION DIVISION DIRECTOR OF SCIENCE AND TECHNOLOGY DIRECTOR, OCEAN, ATMOSPHERE, AND SPACE SCIENCE AND TECHNOLOGY SENSING AND SYSTEMS DIVISION HEAD, INDUSTRIAL AND CORPORATE PROGRAMS DEPARTMENT DIRECTOR, CONGITIVE, NEURAL AND BIOMOLECULAR SCIENCE AND TECHNOLOGY DIVISION HEAD, HUMAN SYSTEMS SCIENCE AND TECHNOLOGY (S&T) DEPARTMENT HEAD, INFORMATION, ELECTRONICS AND SURVEILLANCE SCIENCE AND TECHNOLOGY DEPARTMENT DIRECTOR, SURVEILLANCE, COMMUNICATIONS AND ELECTRONICS COMBAT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
OFFICE OF NAVAL RESEARCH	DIVISION
	DIRECTOR, ELECTRONICS DIVISION
	HEAD, OCEAN, ATMOSPHERE AND SPACE SCIENCE AND TECHNOLOGY DEPARTMENT
	DIRECTOR, NAVAL FLEET/FORCE TECHNOLOGY INNOVATION OFFICE
	DIRECTOR, MATERIALS SICENCE AND TECHNOLOGY DIVISION
	ASSOCIATE FOR INTEGRATION, OCEAN, ATMOSPHERE AND SPACE SCIENCE AND TECHNOLOGY SENSING AND SYSTEMS DIVISION
NAVAL RESEARCH LABORATORY	CHIEF SCIENTIST, LABORATORY FOR STRUCTURE OF MATTER
	DIRECTOR OF RESEARCH
	ASSOCIATE DIRECTOR OF RESEARCH FOR MATERIAL SCIENCE AND COMPONENT TECHNOLOGY
	ASSOCIATE DIRECTOR OF RESEARCH FOR MATERIAL SCIENCE AND COMPONENT TECHNOLOGY
	SUPERINTENDENT, CHEMISTRY DIVISION
	SUPERINTENDENT, OPTICAL SCIENCES DIVISION
	SUPERINTENDENT, SPACE SCIENCES DIVISION
	SUPERINTENDENT, RADAR DIVISION
	SUPERINTENDENT, MATERIALS SCIENCE AND TECHNOLOGY DIVISION
	SUPERINTENDENT, ACOUSTICS DIVISION
	SUPERINTENDENT,PLASMA PHYSICS DIVISION
	SUPERINTENDENT ELECTRONICS TECHNOLOGY DIVISION
	SUPERINTENDENT, INFORMATION TECHNOLOGY DIVISION
	SUPERINTENDENT, TACTICAL ELECTRONIC WARFARE DIVISION
	CHIEF SCIENTIST, LABORATORY FOR COMPUTATIONAL PHYSICS AND FLUID DYNAMICS
	SUPERINTENDENT, REMOTE SENSING DIVISION
	ASSOCIATE DIRECTOR OF RESEARCH FOR BUSINESS OPERATIONS
	ASSOCIATE DIRECTOR OF RESEARCH FOR BUSINESS OPERATIONS
	CHIEF SCIENTIST AND HEAD, BEAM PHYSICS PROGRAM
	SUPERINTENDENT, MARINE METEOROLOGY DIVISION
	MANAGER, JOINT SPACE SYSTEMS TECHNOLOGY PROGRAMS
	ASSOCIATE DIRECTOR OF RESEARCH FOR OCEAN AND ATMOSPHERIC SCIENCE AND TECHNOLOGY
	SUPERINTENDENT, CENTER FOR BIO-MOLECULAR SCIENCE AND ENGINEERING
	ASSOCIATE DIRECTOR OF RESEARCH FOR WARFARE SYSTEMS AND SENSORS RESEARCH
	SUPERINTENDENT, SPACE SYSTEM DEVELOPMENT DEPARTMENT
	SUPERINTENDENT, OCEANOGRAPHY DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE NAVY	
NAVAL RESEARCH LABORATORY	SUPERINTENDENT, SPACECRAFT ENGINEERING DEPARTMENT DIRECTOR, NAVAL CENTER FOR SPACE TECHNOLOGY SUPERINTENDENT, MARINE GEOSCIENCES DIVISION
DEFENSE NUCLEAR FACILITIES SAFETY BOARD	
DEFENSE NUCLEAR FACILITIES SAFETY BOARD	DEPUTY GENERAL COUNSEL DEPUTY GENERAL MANAGER GROUP LEAD FOR NUCLEAR FACILITY DESIGN AND INFRASTRUCTURE TECHNICAL ADVISOR FOR ENGINEERING STUDIES GROUP LEAD FOR NUCLEAR PROGRAMS AND ANALYSIS GROUP LEAD FOR NUCLEAR WEAPON PROGRAMS GROUP LEAD FOR NUCLEAR MATERIALS PROCESSING AND STABILIZATION GROUP LEAD FOR NUCLEAR FACILITY DESIGN AND INFRASTRUCTURE
DEPARTMENT OF EDUCATION	
OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR FINANCIAL MANAGEMENT OPERATIONS DIRECTOR, FINANCIAL IMPROVEMENT AND POST AUDIT OPERATIONS DIRECTOR, CONTRACTS AND PURCHASING OPERATIONS
OFFICE OF THE CHIEF INFORMATION OFFICER	CHIEF INFORMATION OFFICER DEPUTY CHIEF INFORMATION OFFICER FOR INFORMATION MANAGEMENT DEPUTY CHIEF INFORMATION OFFICER FOR INFORMATION ASSURANCES
OFFICE OF MANAGEMENT	CHAIRPERSON, EDUCATION APPEAL BOARD DIRECTOR, HUMAN RESOURCES SERVICES
OFFICE OF INSPECTOR GENERAL	COUNSEL TO THE INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS SERVICES DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY AUDITS AND COMPUTER CRIME INVESTIGATIONS
OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR BUSINESS AND ADMINISTRATION LAW ASSISTANT GENERAL COUNSEL FOR EDUCTIONAL EQUITY ASSISTANT GENERAL COUNSEL FOR REGULATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF EDUCATION	
OFFICE OF THE GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR DIVISION OF LEGISLATIVE COUNSEL ASSISTANT GENERAL COUNSEL FOR POSTSECONDARY EDUCATION AND EDUCATION RESEARCH DIVISION
INSTITUTE OF EDUCATION SCIENCES	ASSOCIATE COMMISSIONER FOR DATA COLLECTION AND DISSEMINATION DEPUTY COMMISSIONER ASSOCIATE COMMISSIONER FOR ASSESSMENT
FEDERAL STUDENT AID	CHIEF FINANCIAL OFFICER DIRECTOR, STUDENT AID AWARENESS DEPUTY CHIEF FINANCIAL OFFICER
DEPARTMENT OF ENERGY	
DEPARTMENT OF ENERGY	ASSOCIATE CHIEF INFORMATION OFFICER FOR OPERATIONS
NATIONAL NUCLEAR SECURITY ADMINISTRATION	CHIEF OF DEFENSE NUCLEAR COUNTERINTELLIGENCE
DEPUTY ADMINISTRATOR FOR NAVAL REACTORS	DIRECTOR ADVANCED SUBMARINE SYSTEMS DIVISION ASSISTANT PROGRAM MANAGER FOR SURFACE SHIPS DEPUTY DIRECTOR FOR NAVAL REACTORS DIRECTOR REACTOR ENGINEERING DIVISION DEPUTY DIRECTOR REACTOR MATERIALS DIVISION DIRECTOR, FISCAL DIVISION DIRECTOR NUCLEAR COMPONENTS DIVISION SENIOR NAVAL REACTORS REPRESENTATIVE PROGRAM MANAGER SUBMARIE TECHNOLOGY DEVELOP DIRECTOR FOR SUBMARINE REFUELINGS SENIOR NAVAL REACTORS REPRESENTATIVE DEPUTY PROGRAM MANAGER FOR COMMISSIONED SUBS PROGRAM MANAGER PROTOTYPE AND MOORED TRAINING SHIP OPERATIONS/INACTIVATION PROGRAMS PROGRAM MANAGER PROTOTYPE AND MOORED TRAINING SHIP OPERATIONS/INACTIVATION PROGRAMS DIRECTOR, INSTRUMENTATION AND CONTROL DIVISION CHIEF INFORMATION OFFICER SENIOR TECHNICAL DIRECTOR, REGULATORY AFFAIRS SENIOR NAVAL REACTORS REPRESENTATIVE DIRECTOR REGULATORY AFFAIRS SENIOR NAVAL REACTORS REPRESENTATIVE (PEARL HARBOR)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF ENERGY	
SCHENECTADY NAVAL REACTORS	NUCLEAR ENGINEER
OFFICE OF INFRASTRUCTURE AND ENVIRONMENT	DIRECTOR, OFFICE OF INFRASTRUCTURE AND ENVIRONMENT
OFFICE OF MANAGEMENT AND ADMINISTRATION	DEPUTY ASSOCIATE ADMINISTRATOR FOR MANAGEMENT AND ADMINISTRATION
NATIONAL NUCLEAR SECURITY ADMINISTRATION FIELD SITE OFFICES	CHIEF COUNSEL MANAGER, SAVANNAH RIVER SITE OFFICE MANAGER, LIVERMORE SITE OFFICE MANAGER, NEVADA SITE OFFICE MANAGER, SANDIA SITE OFFICE MANAGER, KANSAS CITY SITE OFFICE
NATIONAL NUCLEAR SECURITY ADMINISTRATION SERVICE CENTER	DIRECTOR, OFFICE OF FIELD FINANCIAL MANAGEMENT
OFFICE OF SECURITY	DEPUTY DIRECTOR, OFFICE OF SECURITY AFFAIRS
OFFICE OF ENERGY ASSURANCE	DIRECTOR, OFFICE OF ENERGY ASSURANCE
OFFICE OF SAFEGUARDS AND SECURITY EVALUATIONS	DEPUTY DIRECTOR, OFFICE OF INDEPENDENT OVERSIGHT AND PERFORMANCE
OFFICE OF SECURITY AND SAFETY PERFORMANCE ASSURANCE	DIRECTOR, OFFICE OF SAFEGUARDS AND SECURITY EVALUATIONS DIRECTOR, OFFICE OF HEADQUARTERS SECURITY OPERATIONS DEPUTY DIRECTOR, OFFICE OF HEADQUARTERS SECURITY OPERATIONS DIRECTOR, OFFICE OF SECURITY AND SAFETY PERFORMANCE DIRECTOR, OFFICE OF INDEPENDENT OVERSIGHT AND PERFORMANCE DIRECTOR, OFFICE OF SAFEGUARDS AND SECURITY TRAINING
ASSISTANT SECRETARY FOR ENERGY EFFICIENCY AND RENEWABLE ENERGY	MANAGER, GOLDEN FIELD OFFICE PROGRAM MANAGER PROGRAM MANAGER DIRECTOR, REGIONAL OFFICE AND DEPLOYMENT OPERATIONS
ASSISTANT SECRETARY FOR ENVIRONMENT, SAFETY AND HEALTH	DIRECTOR OFFICE OF NUCLEAR SAFETY, POLICY AND STANDARDS DIRECTOR OFFICE OF REGULATORY LIAISON
ENERGY INFORMATION ADMINISTRATION	DIRECTOR, OFFICE OF OIL AND GAS DIRECTOR, OFFICE OF ENERGY MARKETS AND END USE DIRECTOR, ENERGY MARKETS AND CONTINGENCY INFORMATION DIVISION DIRECTOR, NATURAL GAS DIVISION DIRECTOR, PETROLEUM DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF ENERGY	
ENERGY INFORMATION ADMINISTRATION	DIRECTOR, OFFICE OF INTEGRATION ANALYSIS AND FORECASTING DIRECTOR, COAL AND ELECTRICAL POWER DIVISION DIRECTOR, ELECTRICAL POWER DIVISION DIRECTOR, COAL AND ELECTRIC POWER DIVISION
OFFICE OF ENVIRONMENTAL MANAGEMENT	DIRECTOR, OFFICE OF BUDGET SCIENCE ADVISOR DIRECTOR, OFFICE OF STRATEGIC IMPERATIVES DIRECTOR, OFFICE OF SAFEGUARDS AND SECURITY/EMERGENCY MANAGEMENT DIRECTOR, OFFICE OF SAFEGUARD & SECURITY/EMERGENCY MANAGEMENT
OFFICE OF SCIENCE	DIRECTOR HIGH ENERGY PHYSICS DIVISION ASSOCIATE DIRECTOR, OFFICE OF RESOURCE MANAGEMENT DIRECTOR, HEALTH EFFECTS AND LIFE SCIENTIST RESEARCH DIVISION DIRECTOR, FINANCIAL MANAGEMENT DIVISION
OFFICE OF FOSSIL ENERGY	DIRECTOR, MATERIALS PARTNERSHIPS RESEARCH CENTER
OFFICE OF FIELD MANAGEMENT	DEPUTY MANAGER, CHICAGO OFFICE
ALBUQUERQUE OPERATIONS OFFICE	DIRECTOR TRANSPORTATION SAFEGUARDS DIVISION DIRECTOR, WEAPONS PROGRAMS DIVISION ASSISTANT MANAGER FOR MANAGEMENT AND ADMINISTRATION CARLSBAD AREA OFFICE MANAGER
CHICAGO OPERATIONS OFFICE	ASSISTANT MANAGER, ACQUISITION AND ASSISTANCE AREA MANAGER, FERMI
OHIO FIELD OFFICE	MANAGER OHIO FIELD OFFICE DEPUTY MANAGER, OHIO FIELD OFFICE DIRECTOR, FERNALD CLOSURE PROJECT
OAKLAND OPERATIONS OFFICE	ASSOCIATE MANAGER FOR SITE MANAGEMENT
OAK RIDGE OPERATIONS OFFICE	ASSISTANT MANAGER FOR ADMINISTRATION CHIEF FINANCIAL OFFICER
ROCKY FLATS OFFICE	ASSISTANT MANAGER FOR ADMINISTRATION AND TRANSITION
SAVANNAH RIVER OPERATIONS OFFICE	ASSISTANT MANAGER, BUSINESS AND LOGISTICS
OFFICE OF GENERAL COUNSEL	ASSISTANT GENERAL COUNSEL FOR GENERAL LAW

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF ENERGY	
OFFICE OF HEARINGS AND APPEALS	DEPUTY DIRECTOR FOR LEGAL ANALYSIS
	DEPUTY DIRECTOR FOR FINANCIAL ANALYSIS
	DEPUTY DIRECTOR FOR ECONOMIC ANALYSIS
OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
	MANAGER, WESTERN REGIONAL AUDIT OFFICE
	DIRECTOR, AUDIT POLICY, PLANS AND PROGRAMS
	MANAGER, EASTERN REGIONAL AUDIT OFFICE
	DIRECTOR CAPITOL REGIONAL AUDIT OFFICE
	DEPUTY ASSISTANT INSPECTOR GENERAL FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION AND OTHER DEPARTMENTAL INVESTIGATIONS
	COUNSEL TO THE INSPECTOR GENERAL
	ASSISTANT INSPECTOR GENERAL FOR RESOURCE MANAGEMENT
	PRINCIPAL DEPUTY INSPECTOR GENERAL
	PRINCIPAL DEPUTY INSPECTOR GENERAL
	DEPUTY INSPECTOR GENERAL FOR INSPECTIONS
	DEPUTY INSPECTOR GENERAL FOR AUDITS
	DIRECTOR FOR FINANCIAL AUDITS
	DIRECTOR FOR PERFORMANCE AUDITS AND ADMINISTRATION
	ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES
	MANAGER, CAPITAL REGIONAL AUDIT OFFICE
	ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS
	PRINCIPAL DEPUTY INSPECTOR GENERAL
	DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES
	DIRECTOR OF NATIONAL NUCLEAR SECURITY ADMINISTRATION AUDITS
	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES
	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT SERVICES
	DIRECTOR FOR PLANNING AND ADMINISTRATION
	DIRECTOR, SCIENCE, ENERGY, TECHNOLOGY AND FINANCIAL AUDITS DIVISION
	DIRECTOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION AUDITS DIVISION
	DIRECTOR, ENVIRONMENTAL AUDITS DIVISION
	ASSISTANT INSPECTOR GENERAL FOR AUDIT OPERATIONS
	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS AND INSPECTIONS
OFFICE OF NUCLEAR ENERGY, SCIENCE AND TECHNOLOGY	ASSOCIATE DIRECTOR, ISOTOPE PRODUCTION AND DISTRIBUTION
OFFICE OF MANAGEMENT, BUDGET AND EVALUATION	DIRECTOR, OFFICE OF ADMINISTRATION
	DIRECTOR OFFICE OF BUDGET

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF ENERGY	
OFFICE OF MANAGEMENT, BUDGET AND EVALUATION	DEPUTY DIRECTOR OFC OF BUDGET DIRECTOR, FINANCIAL POLICY DIRECTOR, HEADQUARTERS AND EXECUTIVE PERSONNEL SERVICES DEPUTY DIRECTOR, OFFICE OF MANAGEMENT, BUDGET AND EVALUATION/DCFO DEPUTY DIRECTOR, OFFICE OF MANAGEMENT, BUDGET AND EVALUATION/DCFO DIRECTOR, OFFICE OF HEADQUARTERS AND HUMAN SERVICES DIRECTOR, OFFICE OF HEADQUARTERS & EXECUTIVE HUMAN RESOURCES
OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT	DIRECTOR, OFFICE OF FACILITY OPERATIONS
WESTERN AREA POWER ADMINISTRATION	CHIEF OPERATING OFFICER CHIEF FINANCIAL OFFICER
ENVIRONMENTAL PROTECTION AGENCY	
OFFICE OF HOMELAND SECURITY	DIRECTOR, OFFICE OF HOMELAND SECURITY
OFFICE OF EXECUTIVE SUPPORT	DIRECTOR, OFFICE OF EXECUTIVE SUPPORT
OFFICE OF REGULATORY POLICY AND MANAGEMENT	DIRECTOR, OFFICE OF REGULATORY POLICY AND MANAGEMENT
OFFICE OF THE CHIEF FINANCIAL OFFICER	ASSOCIATE COMPTROLLER DEPUTY CHIEF FINANCIAL OFFICER
OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY	DIRECTOR, OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY DEPUTY DIRECTOR, OFFICE OF PLANNING, ANALYSIS AND ACCOUNTABILITY
OFFICE OF ENTERPRISE TECHNOLOGY AND INNOVATION	COMPTROLLER DIRECTOR, OFFICE OF BUDGET
FINANCIAL MANAGEMENT DIVISION	DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT
FINANCIAL SERVICES DIVISION	DIRECTOR, OFFICE OF FINANCIAL SERVICES
OFFICE OF ENVIRONMENTAL INFORMATION	CHIEF TECHNOLOGY OFFICER CHIEF TECHNOLOGY OFFICER
OFFICE OF PLANNING, RESOURCES AND OUTREACH	DIRECTOR, OFFICE OF PLANNING, RESOURCES AND OUTREACH
OFFICE OF INFORMATION ANALYSIS AND ACCESS	DEPUTY DIRECTOR, OFFICE OF INFORMATION ANALYSIS AND ACCESS
OFFICE OF TECHNICAL OPERATIONS AND PLANNING	DEPUTY DIRECTOR, OFFICE OF TECHNICAL OPERATIONS AND PLANNING DIRECTOR, OFFICE OF TECHNICAL OPERATIONS AND PLANNING

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ENVIRONMENTAL PROTECTION AGENCY	
NATIONAL TECHNOLOGY SERVICES DIVISION	DIRECTOR, NATIONAL TECHNOLOGY SERVICES DIVISION
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR ADMINISTRATION AND RESOURCES MANAGEMENT	DEPUTY ASSISTANT ADMINISTRATOR FOR ADMINISTRATION AND RESEARCH MANAGEMENT SENIOR POLICY ADVISOR
OFFICE OF POLICY AND RESOURCE MANAGEMENT	DIRECTOR, OFFICE OF POLICY AND RESOURCE MANAGEMENT
OFFICE OF ADMINISTRATIVE SERVICES	DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES DEPUTY DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES DIRECTOR, FACILITIES MANAGEMENT AND SERVICES DIVISION DIRECTOR, SAFETY, HEALTH AND ENVIRONMENTAL MANAGEMENT DIVISION
OFFICE OF HUMAN RESOURCES	DIRECTOR, OFFICE OF HUMAN RESOURCES DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES ASSOCIATE DIRCTOR FOR REENGINEERING AND AUTOMATION DIRECTOR, EXECUTIVE RESOURCES AND SPECIAL PROGRAMS STAFF
OFFICE OF ACQUISITION MANAGEMENT	DIRECTOR, SUPERFUND/RESOURCE CONSERVATION AND RECOVERY ACT REGIONAL PROCUREMENT OPERATIONS/DIVISION DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT DEPUTY DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT
OFFICE OF GRANTS AND DEBARMENT	DIRECTOR, GRANTS ADMINISTRATION DIVISION DIRECTOR, OFFICE OF GRANTS AND DEBARMENT ASSOCIATE DIRECTOR FOR COMPETITION AND STRATEGIC PLANNING
OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT - CINCINNATI OHIO	DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT
OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT - RESEARCH TRIANGLE PARK, NORTH CAROLINA	DIRECTOR, OFFICE OF ADMINISTRATION AND RESEARCH MANAGEMENT SENIOR ADVISOR
FEDERAL FACILITIES ENFORCEMENT OFFICE	DIRECTOR, FEDERAL FACILITIES ENFORCEMENT OFFICE
OFFICE OF ENVIRONMENTAL JUSTICE	DIRECTOR, OFFICE OF ENVIRONMENTAL JUSTICE
OFFICE OF COMPLIANCE	DIRECTOR, OFFICE OF COMPLIANCE DIRECTOR, ENFORCEMENT PLANNING, TARGETING AND DATA DIVISION DIRECTOR, MANUFACTURING, ENERGY AND TRANSPORTATION DIVISION DEPUTY DIRECTOR, OFFICE OF COMPLIANCE DIRECTOR, IMPORT-EXPORT PROGRAM

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ENVIRONMENTAL PROTECTION AGENCY	
OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING	DIRECTOR, NATIONAL ENFORCEMENT TRAINING INSTITUTE DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS AND TRAINING DIRECTOR, CRIMINAL INVESTIGATION DIVISION DEPUTY DIRECTOR, OFFICE OF CRIMINAL ENFORCEMENT, FORENSICS TRAINING
OFFICE OF FEDERAL ACTIVITIES	DIRECTOR, INTERNATIONAL COMPLIANCE ASSURANCE DIVISION
OFFICE OF REGULATORY ENFORCEMENT	DIRECTOR, OFFICE OF REGULATORY ENFORCEMENT DEPUTY DIRECTOR, OFFICE OF REGULATORY ENFORCEMENT DIRECTOR, AIR ENFORCEMENT DIVISION
OFFICE OF SITE REMEDIATION ENFORCEMENT	DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT DEPUTY DIRECTOR, OFFICE OF SITE REMEDIATION ENFORCEMENT
OFFICE OF WESTERN HEMISPHERE AND BILATERAL AFFAIRS	DIRECTOR, WESTERN HEMISPHERE AND BILATERAL AFFAIRS
OFFICE OF THE INSPECTOR GENERAL	SENIOR SCIENCE ADVISOR DEPUTY INSPECTOR GENERAL
OFFICE OF COUNSEL	COUNSEL TO THE INSPECTOR GENERAL
OFFICE OF AUDIT	ASSISTANT INSPECTOR GENERAL FOR AUDIT
OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF PROGRAM EVALUATION	ASSISTANT INSPECTOR GENERAL FOR PROGRAM EVALUATION
OFFICE OF HUMAN CAPITAL	ASSISTANT INSPECTOR GENERAL FOR HUMAN CAPITAL
OFFICE OF MISSION SYSTEMS	ASSISTANT INSPECTOR GENERAL FOR MISSION SYSTEMS
OFFICE OF PLANNING, ANALYSIS AND RESULTS	ASSISTANT INSPECTOR GENERAL FOR PLANNING, ANALYSIS AND RESULTS
OFFICE OF CONGRESSIONAL AND PUBLIC LIAISON	ASSISTANT INSPECTOR GENERAL FOR CONGRESSIONAL AND PUBLIC LIAISON
OFFICE OF GROUND WATER AND DRINKING WATER	DIRECTOR, STANDARDS AND RISK MANAGEMENT DIVISION DIRECTOR, DRINKING WATER PROTECTION DIVISION
OFFICE OF SCIENCE AND TECHNOLOGY	DIRECTOR, STANDARDS AND APPLIED SCIENCE DIVISION DIRECTOR, HEALTH AND ECOLOGICAL CRITERIA DIVISION DIRECTOR, ENGINEERING AND ANALYSIS DIVISION
OFFICE OF WASTE WATER	DIRECTOR, MUNICIPAL SUPPORT DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ENVIRONMENTAL PROTECTION AGENCY	
OFFICE OF WASTE WATER	DEPUTY DIRECTOR, MUNICIPAL SUPPORT DIVISION DIRECTOR, WATER PERMITS DIVISION
OFFICE OF WETLANDS, OCEANS AND WATERSHEDS	DIRECTOR, ASSESSMENT AND WATERSHED PROTECTION DIVISION DIRECTOR, OCEANS AND COASTAL PROTECTION DIVISION DIRECTOR, WETLANDS DIVISION
OFFICE OF THE ASSISANT ADMINISTRATOR FOR SOLID WASTE AND EMERGENCY RESPONSE	DIRECTOR, OUTREACH AND SPECIAL PROJECTS STAFF SENIOR ADVISOR SENIOR ADVISOR FOR REVITALIZATION DIRECTOR, LAND REVITALIZATION STAFF
FEDERAL FACILLTIES RESTORATION AND REUSE OFFICE	DIRECTOR, FEDERAL FACILITIES RESTORATION AND REUSE OFFICE
OFFICE OF BROWNFIELDS CLEANUP AND REDEVLOPMENT	DIRECTOR, OFFICE OF BROWNFIELDS CLEANUP AND REDEVELOPMENT
OFFICE OF SUPERFUND REMEDIATION AND TECHNOLOGY INNOVATION	DIRECTOR, ASSESSMENT AND REMEDIATION DIVISION
OFFICE OF SOLID WASTE	DIRECTOR, HAZARDOUS WASTE IDENTIFICATION DIVISION DIRECTOR, HAZARDOUS WASTE MINIMIZATION AND MANAGEMENT DIVISION DIRECTOR, ECONOMICS, METHODS AND RISK ANALYSIS DIVISION DEPUTY DIRECTOR, OFFICE OF EMERGENCY PREVENTION PREPAREDNESS AND RESPONSE SENIOR ADVISOR FOR REVITALIZATION AND LABORATORY CAPACITY
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION	SENIOR ADVISOR SENIOR ADVISOR
OFFICE OF AIR QUALITY PLANNING AND STANDARDS - RESEARCH TRIANGLE PARK, NORTH CAROLINA	DIRECTOR, EMISSION STANDARDS DIVISION DIRECTOR, AIR QUALITY STRATEGIES AND STANDARDS DIVISION DIRECTOR, EMISSIONS MONITORING AND ANALYSIS DIVISION DIRECTOR, INFORMATION TRANSFER AND PROGRAM INTEGRATION DIVISION DEPUTY DIRECTOR, OFFICE OF AIR QUALITY PLANNING AND STANDARDS
OFFICE OF TRANSPORTATION AND AIR QUALITY	DIRECTOR, ADVANCED TECHNOLOGY DIVISION DIRECTOR, TRANSPORTATION AND REGIONAL PROGRAMS DIVISION DIRECTOR, ASSESSMENT AND STANDARDS DIVISION DIRECTOR, CERTIFICATION AND COMPLIANCE DIVISION
OFFICE OF RADIATION AND INDOOR AIR	DIRECTOR, INDOOR ENVIRONMENTS DIVISION DEPUTY DIRECTOR, OFFICE OF RADIATION AND INDOOR AIR

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ENVIRONMENTAL PROTECTION AGENCY	
OFFICE OF RADIATION AND INDOOR AIR	DIRECTOR, RADIATION PROTECTION DIVISION
OFFICE OF ATMOSPHERIC PROGRAMS	DIRECTOR, CLEAN AIR MARKETS DIVISION DIRECTOR, CLIMATE PROTECTION PARTENERSHIPS DIVISION
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR PREVENTION PESTICIDES AND TOXICS SUBSTANCES	SPECIAL ASSISTANT TO THE ASSISTANT ADMINISTRATOR
OFFICE OF PROGRAM MANAGEMENT OPERATIONS	ASSOCIATE ASSISTANT ADMINISTRATOR (MANAGEMENT)
OFFICE OF PESTICIDE PROGRAMS	DIRECTOR, REGISTRATION DIVISION DIRECTOR, BIOLOGICAL AND ECONOMIC ANALYSIS DIVISION DIRECTOR, SPECIAL REVIEW AND REREGISTRATION DIVISION DIRECTOR, ENVIRONMENTAL FATE AND EFFECTS DIVISION DIRECTOR, HEALTH EFFECTS DIVISION DIRECTOR, ANTIMICROBIALS DIVISION DIRECTOR, FIELD AND EXTERNAL AFFAIRS DIVISION DIRECTOR, INFORMATION RESOURCES AND SERVICES DIVISION DIRECTOR, BIOPESTICIDES AND POLLUTION PREVENTION DIVISION DEPUTY DIRECTOR, OFFICE OF PESTICIDES PROGRAMS (MANAGEMENT)
OFFICE OF POLLUTION PREVENTION AND TOXICS	DIRECTOR, ECONOMICS EXPOSURE AND TECHNOLOGY DIVISION DIRECTOR, CHEMICAL CONTROL DIVISION DIRECTOR, INFORMATION MANAGEMENT DIVISION DIRECTOR, POLLUTION PREVENTION DIVISION DIRECTOR, NATIONAL PROGRAM CHEMICALS DIVISION DIRECTOR, RISK ASSESSMENT DIVISION DIRECTOR, ENVIRONMENTAL ASSISTANCE DIVISION
OFFICE OF SCIENCE COORDINATION AND POLICY	DIRECTOR, OFFICE OF SCIENCE COORDINATION AND POLICY
OFFICE OF THE ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT	DIRECTOR FOR SUSTAINABLE DEVELOPMENT CHIEF SCIENTIST TO THE SCIENCE ADVISOR DIRECTOR, HUMAN STUDIES DIVISION
THE NATIONAL HOMELAND SECURITY RESEARCH CENTER	DIRECTOR, NATIONAL HOMELAND SECURITY RESEARCH CENTER
OFFICE OF RESOURCES MANAGEMENT AND ADMINISTRATION	DIRECTOR, OFFICE OF RESOURCES MANAGEMENT AND ADMINISTRATION
OFFICE OF SCIENCE POLICY	DIRECTOR, OFFICE OF SCIENCE POLICY
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS RESEARCH LABORATORY (RESEARCH TRIANGLE PARK)	DIRECTOR, NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS RESEARCH LABORATORY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ENVIRONMENTAL PROTECTION AGENCY	
NATIONAL HEALTH AND ENVIRONMENTAL EFFECTS RESEARCH LABORATORY (RESEARCH TRIANGLE PARK)	ASSOCIATE DIRECTOR FOR HEALTH ASSOCIATE DIRECTOR FOR ECOLOGY DEPUTY DIRECTOR FOR MANAGEMENT
ATLANTIC ECOLOGY DIVISION-NARRAGANSETT, RHODE ISLAND	DIRECTOR, ATLANTIC ECOLOGY DIVISION
WESTERN ECOLOGY DIVISION-CORVALLIS, OREGON	DIRECTOR, WESTERN ECOLOGY DIVISION CORVALLIS
GULF ECOLOGY DIVISION-GULF BREEZE, FLORIDA	DIRECTOR, GULF ECOLOGY DIVISION
MID-CONTINENT ECOLOGY DIVISION	DIRECTOR, MID-CONTINENT ECOLOGY DIVISION
EXPERIMENTAL TOXICOLOGY DIVISION	DIRECTOR, EXPERIMENTAL TOXICOLOGY DIVISION
NATIONAL EXPOSURE RESEARCH LABORATORY (RESEARCH TRIANGLE PARK)	DIRECTOR, NATIONAL EXPOSURE RESEARCH LABORATORY - RESEARCH TRIANGLE PARK DEPUTY DIRECTOR FOR MANAGEMENT (NATIONAL EXPOSURE RESEARCH LABORTORY) - RESEARCH TRIANGEL PARK ASSOCIATE DIRECTOR FOR ECOLOGY (NATIONAL EXPOSURE RESEARCH LABORATORY) - RESEARCH TRIANGEL PARK
ENVIRONMENTAL SCIENCES DIVISION-LAS VEGAS	DIRECTOR ENVIRONMENTAL SCIENCES DIVISION
ECOSYSTEMS RESEARCH DIVISION-ATHENS	DIRECTOR ECOSYSTEMS RESEARCH DIVISION ATHENS
HUMAN EXPOSURE AND ATMOSPHERIC SCIENCE DIVISION	DIRECTOR, HUMAN EXPOSURE AND ATMOSPHERIC SCIENCE DIVISION
NATIONAL RISK MANAGEMENT RESEARCH LABORATORY - CINCINNATI, OHIO	DIRECTOR, NATIONAL RISK MANAGEMENT RESEARCH LABORATORY - CINNCINATI DEPUTY DIRECTOR FOR MANAGEMENT (NATIONAL RISK MANAGEMENT RESEARCH LABORAOTRY) - CINCINNATI ASSOC DIR FOR HEALTH (NATIONAL RISK MANAGEMENT RESEARCH LABORATORY) - CINCINNATI DIRECTOR, WATER SUPPLY AND WATER RESOURCES DIVISION
AIR POLLUTION PREVENTION AND CONTROL DIVISION - RESEARCH TRIANGLE PARK, NORTH CAROLINA	DIRECTOR, AIR POLLUTION PREVENTION AND CONTROL DIVISION
GROUND WATER AND ECOSYTEMS RESTORATION DIVISION - ADA, OKLAHOMA	DIRECTOR, GROUND WATER AND ECOSYTEMS RESTORATION DIVISION
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT	DIRECTOR NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT ASSOCIATE DIRECTOR FOR HEALTH (NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT) ASSOCIATE DIRECTOR FOR ECOLOGY (NATIONAL CENTER FOR ENVIRONMENTAL

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ENVIRONMENTAL PROTECTION AGENCY	
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT	ASSESSMENT) DEPUTY DIRECTOR FOR MANAGEMENT
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT-WASHINGTON, DC	DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT-RESEARCH TRIANGLE PARK, NORTH CAROLINA	DIRECTOR NATIONAL CENTER ENVIRONMENTAL ASSESSMENT
NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT - CINCINNATI, OHIO	DIRECTOR, NATIONAL CENTER FOR ENVIRONMENTAL ASSESSMENT
NATIONAL CENTER FOR ENVIRONMENTAL RESEARCH AND QUALITY ASSURANCE	DEPUTY DIRECTOR FOR MANAGEMENT DIRECTOR, ENVIRONMENTAL ENGINEER RESEARCH DIVISION DIRECTOR NATIONAL CENTER FOR ENVIRONMENTAL RESEARCH AND QUALITY ASSURANCE DIRECTOR, ENVIRONMENTAL SCIENCES RESEARCH DIVISION
REGION 1- BOSTON, MASSACHUSETTS	DIRECTOR, OFFICE OF ECOSYSTEM PROTECTION DIRECTOR, OFFICE OF SITE REMEDIATION RESTORATION DIRECTOR, OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT DIRECTOR, OFFICE OF STRATEGIC ALIGNMENT DIRECTOR, OFFICE OF ENVIRONMENTAL STEWARDSHIP
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 2 - NEW YORK, NEW YORK	ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT DIRECTOR, OFFICE OF EMERGENCY AND REMEDIAL RESPONSE DIRECTOR, ENVIRONMENTAL PLANNING AND PROTECTION DIVISION DIRECTOR, ENVIRONMENTAL SCIENCE AND ASSESSMENT DIVISION DIRECTOR, CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION DIRECTOR, ENFORCEMENT AND COMPLIANCE ASSISTANCE DIVISION
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 3 - PHILADELPHIA, PENNSYLVANIA	DIRECTOR, WATER PROTECTION DIVISION DIRECTOR, ENVIRONMENTAL ASSESSMENT AND INNOVATION DIVISION ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT DIRECTOR, CHESAPEAKE BAY PROGRAM OFFICE DIRECTOR, AIR PROTECTION DIVISION DIRECTOR, HAZARDOUS SITE CLEANUP DIVISION DIRECTOR, WASTE AND CHEMICAL MANAGEMENT DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ENVIRONMENTAL PROTECTION AGENCY	
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 4 - ATLANTA, GEORGIA	DIRECTOR, WATER MANAGEMENT DIVISION ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT DIRECTOR, WASTE MANAGEMENT DIVISION DIRECTOR, SCIENCE AND ECOSYSTEM SUPPORT DIVISION DIRECTOR, AIR, PESTICIDES AND TOXICS MANAGEMENT DIVISION
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 5 - CHICAGO, ILLINOIS	DIRECTOR, AIR AND RADIATION DIVISION DIRECTOR, WATER DIVISION DIRECTOR, WASTE, PESTICIDES AND TOXICS DIVISION DIRECTOR, GREAT LAKES NATIONAL PROGRAM OFFICE DIRECTOR, SUPERFUND DIVISION ASSISTANT REGIONAL ADMINISTRATOR FOR RESOURCES MANAGEMENT
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 6 - DALLAS, TEXAS	ASSISTANT REGIONAL ADMINISTRATOR FOR MANAGEMENT DIRECTOR, COMPLIANCE ASSURANCE AND ENFORCEMENT DIVISION DIRECTOR, SUPERFUND DIVISION DIRECTOR, WATER QUALITY PROTECTION DIVISION DIRECTOR, MULTIMEDIA PLANNING AND PERMITTING DIVISION
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 7 - KANSAS CITY, KANSAS	ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT DIRECTOR, SUPERFUND DIVISION DIRECTOR, AIR, RCRA AND TOXICS DIVISION DIRECTOR, WATER WETLANDS AND PESTICIDES DIVISON DIRECTOR, ENVIRONMENTAL SERVICES DIVISION
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 8 - DENVER, COLORADO	ASSISTANT REGIONAL ADMINISTRATOR FOR ECOSYSTEMS PROTECTION AND REMEDIATION ASSISTANT REGIONAL ADMINISTRATOR FOR OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE ASSISTANT REGIONAL ADMINISTRATOR FOR TECHNICAL AND MANAGEMENT SERVICES

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
ENVIRONMENTAL PROTECTION AGENCY	
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 9 - SAN FRANCISCO, CALIFORNIA	DIRECTOR, WATER MANAGEMENT DIVISION DIRECTOR, AIR DIVISION ASSISTANT REGIONAL ADMINISTRATOR FOR POLICY AND MANAGEMENT DIRECTOR, OFFICE OF PLANNING AND PUBLIC AFFAIRS DIRECTOR, SUPERFUND DIVISION DIRECTOR, CROSS MEDIA DIVISION REGIONAL CHIEF INFORMATION OFFICER (SENIOR ADVISOR)
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
REGION 10 - SEATTLE, WASHINGTON	ASSISTANT REGIONAL ADMINISTRATOR FOR MANAGEMENT PROGRAMS DIRECTOR, OFFICE OF WATER DIRECTOR, OFFICE OF ECOSYSTEMS AND COMMUNITIES DIRECTOR, OFFICE OF ENVIRONMENTAL CLEANUP
OFFICE OF REGIONAL COUNSEL	REGIONAL COUNSEL
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	
OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL
OFFICE OF FIELD PROGRAMS	DISTRICT DIRECTOR (BALTIMORE) DISTRICT DIRECTOR-(NEW YORK) DISTRICT DIRECTOR-(ATLANTA) DISTRICT DIRECTOR-(HOUSTON) DISTRICT DIRECTOR (DETROIT) DISTRICT DIRECTOR (SAN FRANCISCO) DISTRICT DIRECTOR (DALLAS) DISTRICT DIRECTOR-(CHICAGO) DISTRICT DIRECTOR-(ST LOUIS) DISTRICT DIRECTOR (MIAMI) DISTRICT DIRECTOR-(INDIANAPOLIS) DISTRICT DIRECTOR (MEMPHIS) DISTRICT DIRECTOR (LOS ANGELES) DISTRICT DIRECTOR-(DENVER) DISTRICT DIRECTOR-(BIRMINGHAM) DISTRICT DIRECTOR-(NEW ORLEANS) DISTRICT DIRECTOR-(PHOENIX)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	
OFFICE OF FIELD PROGRAMS	DISTRICT DIRECTOR-(SAN ANTONIO) DISTRICT DIRECTOR-(CHARLOTTE) DISTRICT DIRECTOR (SEATTLE) DISTRICT DIRECTOR (CLEVELAND) DISTRICT DIRECTOR-(PHILADELPHIA) DISTRICT DIRECTOR (MILWAUKEE) PROGRAM MANAGER
FIELD MANAGEMENT PROGRAMS	DIRECTOR FIELD MANAGEMENT PROGRAMS
FIELD COORDINATION PROGRAMS	DIRECTOR, FIELD COORDINATION PROGRAMS
FEDERAL COMMUNICATIONS COMMISSION	
OFFICE OF INSPECTOR GENERAL	INSPECTOR GENERAL
OFFICE OF ENGINEERING AND TECHNOLOGY	ASSOCIATE OFFICE CHIEF ASSISTANT CHIEF ASSISTANT BUREAU CHIEF FOR TECHNOLOGY
FEDERAL ENERGY REGULATORY COMMISSION	
OFFICE OF ENERGY PROJECTS	DIRECTOR DIVISION OF DAM SAFETY AND INSPECTIONS
OFFICE OF MARKETS, TARIFFS, AND RATES	SENIOR ACCOUNTING ADVISER
OFFICE OF THE EXECUTIVE DIRECTOR	DIRECTOR, REGULATORY ACCOUNTING POLICY DEPUTY EXECUTIVE DIRECTOR AND CHIEF ACCOUNTANT
OFFICE OF MARKET OVERSIGHT AND INVESTIGATIONS	DIRECTOR, FINANCIAL AUDITS
FEDERAL LABOR RELATIONS AUTHORITY	
OFFICE OF THE CHAIRMAN	SOLICITOR DIRECTOR, POLICY, PLANNING AND PERFORMANCE MANAGEMENT CHIEF COUNSEL SENIOR ADVISOR
OFFICE OF MEMBER	CHIEF COUNSEL
OFFICE OF MEMBER	CHIEF COUNSEL
FEDERAL SERVICE IMPASSES PANEL	EXECUTIVE DIRECTOR, FEDERAL SERVICE IMPASSES PANEL

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
FEDERAL LABOR RELATIONS AUTHORITY	
OFFICE OF THE EXECUTIVE DIRECTOR	EXECUTIVE DIRECTOR
OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL
REGIONAL OFFICES	REGIONAL DIRECTOR-WASHINGTON, D.C. REGIONAL DIRECTOR-BOSTON REGIONAL DIRECTOR-ATLANTA REGIONAL DIRECTOR-DALLAS REGIONAL DIRECTOR, CHICAGO ILLINOIS REGIONAL DIRECTOR, SAN FRANCISCO REGIONAL DIRECTOR, DENVER
FEDERAL MARITIME COMMISSION	
OFFICE OF THE SECRETARY	SECRETARY
OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL FOR REPORTS OPINIONS AND DECISIONS
OFFICE OF OPERATIONS	DEPUTY EXECUTIVE DIRECTOR
BUREAU OF CERTIFICATION AND LICENSING	DIRECTOR, BUREAU OF CERTIFICATION AND LICENSING DIRECTOR, BUREAU OF CERTIFICATION AND LICENSING
BUREAU OF TRADE ANALYSIS	DIRECTOR, BUREAU OF TRADE ANALYSIS
BUREAU OF ENFORCEMENT	DEPUTY DIRECTOR BUREAU OF ENFORCEMENT DIRECTOR BUREAU OF ENFORCEMENT
OFFICE OF ADMINISTRATION	DIRECTOR OF ADMINISTRATION
FEDERAL MEDIATION AND CONCILIATION SERVICE	
OFFICE OF THE DIRECTOR	CHIEF OF STAFF NATIONAL REPRESENTATIVE
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD	
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD	DIRECTOR OF INVESTMENTS DIRECTOR OF CONTRACTS AND ADMINISTRATION DIRECTOR OF AUTOMATED SYSTEMS DIRECTOR OF ACCOUNTING DIRECTOR OF COMMUNICATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD	
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD	ASSOCIATE GENERAL COUNSEL DEPUTY DIRECTOR OF EXTERNAL AFFAIRS DEPUTY DIRECTOR OF BENEFITS AND INVESTMENTS DIRECTOR OF THE OFFICE OF BENEFITS AND INVESTMENTS DEPUTY DIRECTOR OF AUTOMATED SYSTEMS DIRECTOR OF BENEFITS SERVICES DIRECTOR OF INVESTMENT SERVICES
FEDERAL TRADE COMMISSION	
OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL
OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL
OFFICE OF EXECUTIVE DIRECTOR	DEPUTY EXECUTIVE DIRECTOR FOR MANAGEMENT CHIEF INFORMATION OFFICER DEPUTY EXECUTIVE DIRECTOR
BUREAU OF CONSUMER PROTECTION	ASSOCIATE DIRECTOR FOR INTERNATIONAL DIVISION OF CONSUMER PROTECTION
GENERAL SERVICES ADMINISTRATION	
OFFICE OF CITIZEN SERVICES AND COMMUNICATIONS	DIRECTOR FEDERAL CITIZEN INFORMATION CENTER
OFFICE OF THE CHIEF PEOPLE OFFICER	CHIEF PEOPLE OFFICER DIRECTOR OF MANAGEMENT SERVICES CHIEF INFORMATION OFFICER CHIEF INFORMATION OFFICER DIRECTOR OF HUMAN RESOURCES SERVICES DEPUTY CHIEF INFORMATION OFFICER DIRECTOR OF HUMAN CAPITAL MANAGEMENT
OFFICE OF GOVERNMENTWIDE POLICY	DEPUTY ASSOCIATE ADMINISTRATOR FOR ACQUISITION POLICY DEPUTY ASSOCIATE ADMINISTRATOR FOR REAL PROPERTY DIRECTOR OF INTERGOVERMENTAL SOLUTIONS DEPUTY ASSOCIATE ADMINISTRATOR FOR TRANSPORTATION AND PERSONAL PROPERTY DEPUTY ASSOCIATE ADMINISTRATOR FOR ELECTRONIC GOVERNMENT AND TECHNOLOGY
OFFICE OF THE CHIEF ACQUISITION OFFICER	CHIEF ACQUISITION OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
GENERAL SERVICES ADMINISTRATION	
OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDITING DEPUTY INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITING COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER FOR FINANCIAL POLICY AND OPERATIONS DIRECTOR OF BUDGET CHIEF FINANCIAL OFFICER DIRECTOR OF FINANCIAL MANAGEMENT SYSTEMS EXECUTIVE DIRECTOR, JFMIP
PUBLIC BUILDINGS SERVICE	ASSISTANT COMMISSIONER FOR FEDERAL PROTECTIVE SERVICE ASSISTANT COMMISSIONER FOR PORTFOLIO MANAGEMENT ASSISTANT COMMISSIONER FOR PROPERTY DISPOSAL ASSISTANT COMMISSIONER FOR BUSINESS PERFORMANCE CHIEF FINANCIAL OFFICER DIRECTOR OF REALTY SERVICES DEPUTY ASSISTANT COMMISSIONER FOR REAL ESTATE PORTFOLIO MANAGEMENT ASSISTANT COMMISSIONER FOR REAL PROPERTY ASSET MANAGEMENT ASSISTANT COMMISSIONER FOR REAL PROPERTY ASSET MANAGEMENT ASSISTANT COMMISSIONER FOR APPLIED SCIENCE ASSISTANT COMMISSIONER FOR NATIONAL CUSTOMER SERVICES MANAGEMENT
FEDERAL TECHNOLOGY SERVICE	ASSISTANT COMMISSIONER FOR SERVICE DEVELOPMENT ASSISTANT COMMISSIONER FOR SERVICE DELIVERY ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY INTEGRATION ASSISTANT COMMISSIONER FOR REGIONAL SERVICES ASSISTANT COMMISSIONER FOR ACQUISITION ASSISTANT COMMISSIONER FOR INFORMATION SECURITY ASSISTANT COMMISSIONER FOR CUSTOMER RELATIONSHIP MANAGEMENT AND SALES DEPUTY ASSISTANT COMMISSIONER FOR INFORMATION TECHNOLOGY INTEGRATION, FEDERAL TECHNOLOGY SERVICE PROGRAM EXECUTIVE FOR E-AUTHENTICATION
OFFICE OF THE CHIEF INFORMATION OFFICER	DIRECTOR OF INFRASTRUCTURE OPERATIONS DIRECTOR OF ENTERPRISE IT INVESTMENT PORTFOLIO & POLICY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
GENERAL SERVICES ADMINISTRATION	
FEDERAL SUPPLY SERVICE	ASSISTANT COMMISSIONER FOR COMMERCIAL ACQUISITION ASSISTANT COMMISSIONER FOR TRANSPORTATION AND PROPERTY MANAGEMENT ASSISTANT COMMISSIONER FOR BUSINESS MANAGEMENT AND MARKETING DEPUTY ASSISTANT COMMISSIONER FOR ACQUISITION FEDERAL SUPPLY SERVICE CHIEF INFORMATION OFFICER ASSISTANT COMMISSIONER FOR VEHICLE ACQUISTION AND LEASING SERVICES ASSISTANT COMMISSIONER FOR GLOBAL SUPPLY ASSISTANT COMMISSIONER FOR ENTERPRISE PLANNING
NEW ENGLAND REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDING SERVICE
NORTHEAST AND CARIBBEAN REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDINGS SERVICE ASSISTANT REGIONAL ADMINISTRATOR FOR FEDERAL SUPPLY SERVICE
MID-ATLANTIC REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDINGS SERVICE ASSISTANT REGIONAL ADMINISTRATOR FEDERAL SUPPLY SERVICE REGIONAL COUNSEL
NATIONAL CAPITAL REGION	ASSISTANT REGIONAL ADMINISTRATOR, PUBLIC BUILDINGS SERVICE, NATIONAL CAPITAL REGION PROJECT EXECUTIVE FOR REAL ESTATE DEVELOPMENT
SOUTHEAST SUNBELT REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDINGS SERVICE ASSISTANT REGIONAL ADMINISTRATOR FOR FEDEERAL TECHNOLOGY SERVICE ASSISTANT REGIONAL ADMINISTRATOR FOR FEDERAL SUPPLY AND SERVICES DEPUTY ASSISTANT REGIONAL ADMINISTRATOR FOR REAL ESTATE DESIGN, CONSTRUCTION AND DEVELOPMENT
GREAT LAKES REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDINGS SERVICE
THE HEARTLAND REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDINGS SERVICE ASSISTANT REGIONAL ADMINISTRATOR FOR FEDERAL TECHNOLOGY SERVICE, REGION-6
GREATER SOUTHWEST REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDINGS SERVICE ASSISTANT REGIONAL ADMINISTRATOR FOR FEDERAL TECHNICAL SERVICE ASSISTANT REGIONAL ADMINISTRATOR FOR FEDERAL SUPPLY SERVICE
ROCKY MOUNTAIN REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDINGS SERVICE
PACIFIC RIM REGION	ASSISTANT REGIONAL ADMINISTRATOR FOR PUBLIC BUILDINGS SERVICES ASSISTANT REGIONAL ADMINISTRATOR FOR FEDERAL SUPPLY SERVICE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
GENERAL SERVICES ADMINISTRATION	
PACIFIC RIM REGION	SENIOR ADVISOR
NORTHWEST/ARCTIC REGION	ASSISTANT REGIONAL ADMINISTRATOR, PUBLIC BUILDING SERVICES REGION 10
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT	DIRECTOR, ATLANTA HUMAN RESOURCES CENTER
OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET, TECHNOLOGY AND FINANCE	DEPUTY ASSISTANT SECRETARY FOR GRANTS AND PROCUREMENT
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR BUDGET	DIRECTOR DIVISION OF INTEGRITY AND ORGAN REVIEW
OFFICE OF THE DEPUTY ASSISTANT SECRETARY FOR FINANCE	DEPUTY ASSISTANT SECRETARY, FINANCE DIRECTOR, OFFICE OF FINANCIAL POLICY
OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION	DEPUTY TO THE DEPUTY ASSISTANT SECRETARY FOR PLANNING AND EVALUATION (HEALTH SERVICES POLICY)
OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC HEALTH AND SCIENCE	DIRECTOR, DIVISION OF RESEARCH INVESTIGATIONS DIRECTOR, OFFICE OF HUMAN IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNODEFICIENCY VIRUS POLICY DEPUTY DIRECTOR OFFICE OF MANAGEMENT DIRECTOR, OFFICE OF RESEARCH INTEGRITY
ASSOCIATE GENERAL COUNSEL DIVISIONS	ASSOCIATE GENERAL COUNSEL, GENERAL LAW DIVISION DEPUTY ASSOCIATE GENERAL COUNSEL FOR CLAIMS AND EMPLOYMENT LAW DEPUTY ASSOCIATE GENERAL COUNSEL, BUSINESS AND ADMINISTRATIVE LAW DIVISION
OFFICE OF THE INSPECTOR GENERAL	PRINCIPAL DEPUTY INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL FOR MANAGEMENT AND POLICY DEPUTY INSPECTOR GENERAL FOR LEGAL AFFAIRS
OFFICE OF THE DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS	DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIVE OPERATIONS ASSISTANT INSPECTOR GENERAL FOR CIVIL AND ADMINISTRATIVE REMEDIES ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIVE OVERSIGHT AND SUPPORT DEPUTY INSPECTOR GENERAL FOR ENFORCEMENT AND COMPLIANCE
OFFICE OF THE DEPUTY INSPECTOR GENERAL FOR AUDIT	DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
OFFICE OF THE DEPUTY INSPECTOR GENERAL FOR AUDIT SERVICES	ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION OF CARE/FINANCING AND AGING AUDITS ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATION OF CARE/FINANCING AND AGING AUDITS ASSISTANT INSPECTOR GENERAL FOR MEDICARE AND MEDICAID SERVICE AUDITS ASSISTANT INSPECTOR GENERAL FOR FINANCIAL MANAGEMENT AND REGIONAL OPERATIONS ASSISTANT INSPECTOR GENERAL FOR PUBLIC HEALTH SERVICE AUDITS ASSISTANT INSPECTOR GENERAL FOR GRANTS AND INTERNAL ACTIVITIES ASSISTANT INSPECTOR GENERAL FOR AUDIT MANAGEMENT AND POLICY
OFFICE OF THE DEPUTY INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS	DEPUTY INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS
PROGRAM SUPPORT CENTER	DEPUTY DIRECTOR OF OPERATIONS DEPUTY ASSISTANT SECRETARY FOR PROGRAM SUPPORT
OFFICE OF FINANCIAL MANAGEMENT SERVICE	DIRECTOR, FINANCIAL MANAGEMENT SERVICE
OFFICE OF PROGRAM SUPPORT	DIRECTOR OFFICE OF FINANCIAL MANAGEMENT
OFFICE OF THE ACTUARY	DIRECTOR, OFFICE OF THE ACTUARY (CHIEF ACTUARY) DIRECTOR, OFFICE OF MEDICARE AND MEDICAID COST ESTIMATES DIRECTOR, OFFICE OF THE ACTUARY (CHIEF ACTUARY) DIRECTOR, OFFICE OF MEDICARE AND MEDICAID COST ESTIMATES
CENTER FOR BENEFICIARY CHOICES	DEPUTY DIRECTOR, CENTER FOR BENEFICIARY SERVICES (MEDICARE CONTRACTOR MANAGEMENT) ASSOCIATE DEPUTY DIRECTOR, CENTER FOR BENEFICIARY CHOICES (CONTRACT MANAGEMENT)
CENTER FOR MEDICARE MANAGEMENT	DIRECTOR, MEDICARE CONTRACTOR MANAGEMENT GROUP
OFFICE OF INTERNAL CUSTOMER SUPPORT	DIRECTOR, OFFICE OF INTERNAL CUSTOMER SUUPPORT
OFFICE OF INFORMATION SERVICES	DIRECTOR, OFFICE OF INFORMATION SERVICES (CHIEF INFORMATION OFFICER) DEPUTY DIRECTOR OFFICE OF INFORMATION SERVICES DEPUTY DIRECTOR (TECHNOLOGY)
OFFICE OF FINANCIAL MANAGEMENT	DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT DIRECTOR OFFICE OF FINANCIAL MANAGEMENT DEPUTY DIRECTOR OFFICE FINANCIAL MANAGEMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
OFFICE OF FINANCIAL MANAGEMENT	DIRECTOR PROGRAM INTEGRITY GROUP DIRECTOR FINANCIAL SERVICES GROUP DEPUTY DIRECTOR, CHIEF FINANCIAL OFFICER AUDIT INTERNAL CONTROLS DIRECTOR, FINANCIAL SERVICES GROUP DIRECTOR, ACCOUNTING MANAGEMENT GROUP, OFFICE OF FINANCIAL MANAGEMENT DIRECTOR, FINANCIAL SERVICES GROUP
OFFICE OF POLICY, PLANNING, AND BUDGET	ASSOCIATE ADMINISTRATOR FOR POLICY AND PROGRAMS COORDINATOR
CENTER FOR SUBSTANCE ABUSE PREVENTION	DIRECTOR, DIVISION OF STATE AND COMMUNITY SYSTEMS DEVELOPMENT
CENTER FOR MENTAL HEALTH SERVICES	DIRECTOR CENTER FOR MENTAL HEALTH SERVICES DIRECTOR DIVISION OF STATE AND COMMUNITY SYSTEMS DEVELOPMENT
CENTERS FOR DISEASE CONTROL AND PREVENTION	DIRECTOR, FINANCIAL MANAGEMENT OFFICE DIRECTOR, FACILITIES PLANNING AND MANAGEMENT OFFICE CHIEF FINANCIAL OFFICER DIRECTOR, PROCUREMENT AND GRANTS OFFICE DIRECTOR, INFORMATION TECHNOLOGY SERVICES OFFICE CHIEF MANAGEMENT OFFICER, OFFICE OF TERRORISM PREPAREDNESS AND EMERGENCY RESPONSE
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH	DEPUTY DIRECTOR FOR MANAGEMENT
NATIONAL CENTER FOR CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION	DIRECTOR, OFFICE ON SMOKING AND HEALTH DIRECTOR, DIVISION OF ADULT AND COMMUNITY HEALTH
NATIONAL CENTER FOR HUMAN IMMUNODEFICIENCY VIRUS, SEXUALLY TRANSMITTED DISEASES AND TUBERCULOSIS PREVENTION	ASSOCIATE DIRECTOR FOR MANAGEMENT AND OPERATIONS
COORDINATING CENTER FOR HEALTH INFORMATION AND SERVICE	CHIEF MANAGEMENT OFFICER, COORDINATING CENTER FOR HEALTH INFORMATION AND SERVICES
OFFICE OF GLOBAL HEALTH	CHIEF MANAGEMENT OFFICER, OFFICE OF GLOBAL HEALTH
OFFICE OF WORKFORCE AND CAREER DEVELOPMENT	CHIEF MANAGEMENT OFFICER, OFFICE OF WORKFORCE AND CAREER DEVELOPMENT
OFFICE OF CHIEF COUNSEL	DEPUTY CHIEF COUNSEL FOR PROGRAM REVIEW ASSOCIATE DEPUTY CHIEF COUNSEL FOR DRUGS AND BIOLOGICS ASSOCIATEDEPUTY CHIEFCNSEL FOR DEVICES, FOODS AND VETERINARY MEDICINE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
OFFICE OF MANAGEMENT	DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT DIRECTOR, OFFICE OF ACQUISITIONS AND GRANTS SERVICES
OFFICE OF REGULATORY AFFAIRS	ASSOCIATE COMMISSIONER FOR REGULATORY AFFAIRS DEPUTY ASSOCIATE COMMISSIONER FOR REGULATORY AFFAIRS REGIONAL FOOD AND DRUG DIRECTOR, NORTHEAST REGION REGIONAL FOOD AND DRUG DIRECTOR, SOUTHEAST REGION REGL FOOD AND DRUG DIRECTOR, SOUTHWEST REGION DIRECTOR OFFICE OF CRIMINAL INVESTIGATIONS REGIONAL FOOD AND DRUG DIRECTOR, CENTRAL REGION DISTRICT FOOD AND DRUG DIRECTOR, NEW YORK DISTRICT DEPUTY DIRECTOR FOR INVESTIGATIONS DEPUTY DIRECTOR FOR INVESTIGATIONS DISTRICT FOOD AND DRUG DIRECTOR, LOS ANGELES DISTRICT
CENTER FOR BIOLOGICS EVALUATION AND RESEARCH	ASSOCIATE DIRECTOR FOR COMPLIANCE AND BIOLOGIC QUALITY
CENTER FOR DRUG EVALUATION AND RESEARCH	DIRECTOR, OFFICE OF MANAGEMENT DIRECTOR, DIVISION OF MEDICAL IMAGING SURGICAL AND DENTAL PRODUCTS DIRECTOR, OFFICE OF GENERIC DRUGS DIRECTOR, OFFICE OF EPIDEMIOLOGY AND BIOSTATISTICS DIRECTOR, OFFICE OF COMPLIANCE SENIOR ADVISOR FOR POLICY
CENTER FOR DEVICES AND RADIOLOGICAL HEALTH	DIRECTOR OFFICE OF COMPLIANCE DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY DIRECTOR OFFICE OF SYSTEM AND MANAGEMENT
CENTER FOR FOOD SAFETY AND APPLIED NUTRITION	DIRECTOR, OFFICE OF SEAFOOD DIRECTOR OFFICE OF PREMARKET APPROVAL DIRECTOR OFFICE OF FIELD PROGRAMS DIRECTOR, OFFICE OF PLANT AND DAIRY FOODS AND BEVERAGES DIRECTOR, OFFICE OF REGULATIONS AND POLICY
CENTER FOR VETERINARY MEDICINE	DIRECTOR, OFFICE OF SCIENCE DIRECTOR, OFFICE OF SURVEILLANCE AND COMPLIANCE
SPECIAL PROGRAMS BUREAU	ASSOCIATE ADMINISTRATOR, SPECIAL PROGRAMS BUREAU
HIV/AIDS BUREAU	DIRECTOR, OFFICE OF SCIENCE AND EPIDEMIOLOGY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
OFFICE OF THE DIRECTOR	DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT DIRECTOR, OFFICE OF CONTRACTS MANAGEMENT ASSOCIATE DIRECTOR FOR EXTRAMURAL AFFAIRS ASSOCIATE DIRECTOR FOR DISEASE PREVENTION DIRECTOR, OFFIC EOF MEDICAL APPLICATIONS OF RESEARCH ASSOCIATE DIRECTOR FOR ADMINISTRATION DIRECTOR, OFFICE OF POLICY FOR EXTRAMURAL RESEARCH ADMINISTRATION SENIOR ADVISOR FOR POLICY DIRECTOR, OFFICE OF REPORTS AND ANALYSIS SCIENTIFIC ADVISOR FOR CAPACITY DEVELOPMENT
NATIONAL HEART, LUNG AND BLOOD INSTITUTE	DIRECTOR, DIVISION OF HEART AND VASCULAR DISEASES DIRECTOR, DIVISION OF LUNG DISEASES DIRECTOR, DIVISION OF BLOOD DISEASES AND RESOURCES DIRECTOR, DIVISION OF EXTRAMURAL AFFAIRS ASSOCIATE DIRECTOR FOR INTERNATIONAL PROGRAMS DIRECTOR OFFICE OF BIOSTATICS RESEARCH DEPUTY DIRECTOR DIVISION OF HEART VASCULAR DISEASES DEPUTY DIRECTOR DIVISION OF EPIDEMIOLOGY AND CLINICAL APPLICATION DIRECTOR, EPIDEMIOLOGY AND BIOMETRY PROGRAM DIRECTOR, NATIONAL CENTER FOR SLEEP DISORDERS
INTRAMURAL RESEARCH	CHIEF LABORATORY OF BIOCHEMICAL GENETICS CHIEF LABORATORY OF BIOCHEMISTRY CHIEF LABORATORY OF BIOPHYSICAL CHEMISTRY CHIEF MACROMOLECULES SECTION CHIEF, INTERMEDIARY METABOLISM AND BIOENERGETICS SECTION CHIEF, LABORATORY OF KIDNEY AND ELECTROLYTE METABOLISM CHIEF LABORATORY OF CARDIAC ENERGETICS CHIEF, METABOLIC REGULATION SECTION
NATIONAL CANCER INSTITUTE	ASSOCIATE DIRECTOR FOR INTRAMURAL MANAGEMENT ASSOCIATE DIRECTOR FOR EXTRAMURAL MANAGEMENT ASSOCIATE DIRECTOR, CANCER DIAGNOSIS PROGRAM ASSISTANT DIRECTOR FOR BUDGET AND FINANCIAL MANAGEMENT DEPUTY DIRECTOR FOR MANAGEMENT ASSOCIATE DIRECTOR, REFERRAL REVIEW AND PROGRAM COORDINATION DEPUTY DIRECTOR FOR ADMINISTRATIVE OPERATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
DIVISION OF CANCER BIOLOGY, DIAGNOSIS AND CENTERS	CHIEF, MICROBIAL GENETICS AND BIOCHEMISTRY SECTION, LABORATORY OF BIOCHEMISTRY CHIEF, LABORATORY OF BIOCHEMEMISTRY INTRAMURAL RESEARCH PROGRAM ASSOCIATE DIRECTOR, EXTRAMURAL RESEARCH PROGRAM DEPUTY DIRECTOR, DIVISION OF CANCER BIOLOGY DIAGNOSIS AND CENTERS CHIEF DERMATOLOGY BRANCH, INTRAMURAL RESEARCH PROGRAM CHIEF, CELL MEDIATED IMMUNITY SECTION CHIEF, LABORATORY OF TUMOR AND BIOLOGICIAL IMMUNOLOGY, INTRAMURAL RESEARCH PROGRAMS DIRECTOR, DIVISION OF CANCER BIOLOGY DIAGNOSIS AND CENTERS ASSOCIATE DIRECTOR, CENTERS TRAINING AND RESOURCES PROG
DIVISION OF CANCER ETIOLOGY	CHIEF LABORATORY OF BIOLOGY CHIEF LABORATORY OF MOLECULAR CARCINOGENESIS CHIEF LABORATORY OF EXPERIMENTAL PATHOLOGY DIRECTOR, DIVISION OF CANCER ETIOLOGY
DIVISION OF CANCER PREVENTION AND CONTROL	DEPUTY DIRECTOR, DIVISION OF CANCER PREVENTION AND CONTROL ASSOCIATE DIRECTOR, SURVEILLANCE RESEARCH PROGRAM ASSOCIATE DIRECTOR, EARLY DEVELOPMENT AND CONCOLOGY PROGRAM
DIVISION OF EXTRAMURAL ACTIVITIES	DIRECTOR, DIVISION OF EXTRAMURAL ACTIVITIES DEPUTY DIRECTOR, DIVISION OF EXTRAMURAL ACTIVITIES
DIVISION OF CANCER TREATMENT	CHIEF-RADIATION CONCOLOGY BRANCH ASSOCIATE DIRECTOR, CANCER THERAPY EVALUATION PROGRAM
NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES	DIRECTOR, DIVISION KIDNEY UROLOGIC AND HEMATLOGIC DISEASES DIRECTOR DIVISION OF EXTRAMURAL ACTIVITIES ASSOCIATE DIRECTOR FOR MANAGEMENT CHIEF, LABORATORY OF MOLECULAR AND CELLULAR BIOLOGY DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS
INTRAMURAL RESEARCH	CHIEF SECTION ON BIOCHEMICAL MECHANISMS CHIEF SECTION ON METABOLIC ENZYMES CHIEF SECTION ON PHYSICAL CHEMISTRY CHIEF, SECTION ON MOLECULAR STRUCTURE CHIEF THEORETICAL BIOPHYSICS SECTION CHIEF, LABORATORY OF BIO-ORGANIC CHEMISTRY CHIEF OXIDATION MECHANISMS SECTION LABORATORY OF BIOORGANIC BIOCHEMISTRY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
INTRAMURAL RESEARCH	CHIEF LABORATORY OF BIOCHEMISTRY AND METABOLISM CLINICAL DIRECTOR AND CHIEF, KIDNEY DISEASE SECTION CHIEF, SECTION ON MOLECULAR BIOPHYSICS CHIEF, SECTION CARBOHYDRATES LABORATORY OF CHEMISTRY/NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES CHIEF, LABORATORY OF NEUROSCIENCE, NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES CHIEF, LABORATORY OF MEDICINAL CHEMISTRY CHIEF, MORPHOGENESIS SECTION
NATIONAL INSTITUTES OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES	DIRECTOR, EXTRAMURAL PROGRAM DEPUTY DIRECTOR ASSOCIATE DIRECTOR FOR MANAGEMENT AND OPERATIONS
NATIONAL LIBRARY OF MEDICINE	DEPUTY DIRECTOR, NATIONAL LIBRARY OF MEDICINE DEPUTY DIRECTOR FOR RESEARCH AND EDUCATION ASSOCIATE DIRECTOR FOR LIBARY OPERATIONS ASSOCIATE DIRECTOR FOR EXTRAMURAL PROGRAMS DIRECTOR, LISTER HILL NATIONAL CENTER FOR BIOMEDICAL COMMUNITY DEPUTY DIRECTOR LISTER HILL NATIONAL CENTER FOR BIOMEDICAL COMMISSIONERS DIRECTOR, INFORMATION SYSTEMS DIRECTOR NATIONAL CENTER FOR BIOTECHNOLOGY INFORMATION ASSOCIATE DIRECTOR FOR HEALTH AND INFORMATION PROGRAM DEVELOPMENT ASSOCIATE DIRECTOR FOR ADMINISTRATIVE MANAGEMENT
NATIONAL INSTITUTES OF ALLERGY AND INFECTIOUS DISEASES	DIRECTOR, DIVISION OF ALLERGY/IMMUNOLOGY/TRANSPLANTATN CHIEF, LABORATORY OF PARASITIC DISEASES DIRECTOR, DIVISION OF MICROBIOLOGY/INFECTIOUS DISEASES CHIEF, LABORATORY OF IMMUNOGENETICS DIRECTOR, DIVISON OF EXTRAMURAL ACTIVITIES CHIEF, LABORATORY OF MICROBIAL STRUCTURE AND FUNCTION CHIEF LABORATORY OF MOLECULAR MICROBIOLOGY DIRECTOR, DIVISION ACQUIRED IMMUNIDEFICIENCY SYNDROME CHIEF, BIOLOGICAL RESOURCES BRANCH HEAD, LYMPHOCYTE BIOLOGY SECTION CHIEF, LABORATORY OF INFECTIOUS DISEASES DEPUTY DIRECTOR DIVISION OF ACQUIRED IMMUNODEFICIENCY HEAD EPIDEMIOLOGY SECTION CHIEF, LABORATORY OF MALARIA RESEARCH

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
NATIONAL INSTITUTES OF ALLERGY AND INFECTIOUS DISEASES	DIRECTOR DIVISION OF INTRAMURAL RESEARCH DEPUTY CHIEF LABORATORY OF IMMUNOLOGY AND HEAD LYMPHOCYTE BIOLOGY SECTION
NATIONAL INSTITUTES ON AGING	SCIENTIFIC DIRECTOR GERONTOLOGY RESEARCH CENTER CLINICAL DIRECTOR AND CHIEF CLINICAL PHYSIOLOGY BRANCH ASSOCIATE DIRECTOR FOR BEHAVIORAL SCIENCES RESEARCH ASSOCIATE DIRECTOR BIOLOGY OF AGING PROGRAM ASSOCIATE DIRECTOR, OFFICE OF EXTRAMURAL AFFAIRS ASSOCIATE DIRECTOR, EPIDEMIOLOGY, DEMOGRAPHY, AND BIOMETRY PROGRAM ASSOCIATE DIRECTOR, OFFICE OF PLANNING, ANALYSIS AND INTERNATIONAL ACTIVITIES ASSOCIATE DIRECTOR NEUROSCIENCE AND NEUROPSYCHOLGIST OF AGING PROGRAMS ASSOCIATE DIRECTOR FOR MANAGEMENT
NATIONAL INSTITUTES OF CHILD HEALTH AND HUMAN DEVELOPMENT	CHIEF, LABORATORY OF MOLECULAR GENETICS CHIEF, ENDOCRINOLOGY AND REPRODUCTION RESEARCH BRANCH DIRECTOR CENTER FOR RESEARCH FOR MOTHERS AND CHILDREN DIRECTOR CENTER FOR POPULATION RESEARCH CHIEF, SECTION ON GROWTH FACTORS ASSOCIATE DIRECTOR FOR PREVENTION RESEARCH CHIEF LABORATORY OF MAMALIAN GENES AND DEVELOPMENT CHIEF, SECTION ON MOLECULAR ENDOCRINOLOGY CHIEF SECTION NEUROENDOCRINOLOGY CHIEF SECTION ON MICROBIAL GENETICS CHIEF, LABORATORY OF COMPARATIVE ETHOLOGY ASSOCIATE DIRECTOR FOR ADMINISTRATION DIRECTOR, NATIONAL CENTER FOR MEDICAL REHABILITATION RESEARCH
NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH	CHIEF, LABORATORY OF IMMUNOLOGY DIRECTOR, EXTRAMURAL PROGRAM ASSOCIATE DIRECTOR FOR INTERNATIONAL HEALTH ASSOCIATE DIRECTOR FOR MANAGEMENT ASSOCIATE DIRECTOR FOR PROGRAM DEVELOPMENT
NATIONAL INSTITUTES OF ENVIRONMENTAL HEALTH SCIENCES	CHIEF LABORATORY OF PULMONARY PATHOBIOLOGY HEAD MUTAGENESIS SECTION HEAD MAMMALIAN MUTAGENESIS SECTION SENIOR SCIENTIFIC ADVISOR

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
NATIONAL INSTITUTES OF ENVIRONMENTAL HEALTH SCIENCES	ASSOCIATE DIRECTOR FOR MANAGEMENT CHIEF LABORATORY OF MOLECULAR CARCINOGENESIS DIRECTOR NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCE DIRECTOR ENVIRONMENTAL TOXICOLOGY PROGRAM
NATIONAL INSTITUTES OF GENERAL MEDICAL SCIENCES	DIRECTOR GENETICS PROGRAM ASSOCIATE DIRECTOR FOR EXTRAMURAL ACTIVITIES DIRECTOR, DIVISION OF PHARAMCOLOGY, PHYSIOLOGY, AND BIOLOGICAL CHEMISTRY DIRECTOR BIOPHYSICS PHYSIOLOGICAL SCIENCES PROGRAM BRANCH DEPUTY DIRECTOR NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES DIRECTOR, MINORITY OPPORTUNITIES IN RESEARCH PROGRAM BRANCH ASSOCIATE DIRECTOR FOR ADMINISTRATION AND OPERATIONS
NATIONAL INSTITUTES OF NEUROLOGICAL DISORDERS AND STROKE	DIRECTOR, DIVISION OF FUNDAMENTAL NEUROSCIENCES ASSOCIATE DIRECTOR FOR ADMINISTRATION DIRECTOR, BASIC NEUROSCIENTIST PROGRAM/CHIEF/LABORATORY OF NEUROCHEMIST CHIEF, LABORATORY OF MOLECULAR AND CELLULAR NEUROBIOLOGY
INTRAMURAL RESEARCH	CHIEF LABORATORY OF CENTRAL NERVOUS SYSTEM STUDIES CHIEF, DEVELOPMENT AND METABOLIC NEUROLOGY BRANCH DEPUTY CHIEF, LABORATORY OF CENTRAL NERVOUS SYSTEM STUDIES CHIEF, NEUROIMAGING BRANCH CHIEF, LABORTORY OF NUEROBIOLOGY CHIEF, LABORATORY OF NEURA CONTROL CHIEF BRAIN STRUCTURAL PLATICITY SECTION CHIEF STROKE BRANCH
NATIONAL EYE INSTITUTE	CHIEF LABORATORY OF RETINAL CELL AND MOLECULAR BIOLOGY CHIEF, LABORATORY OF MOLECULAR AND DEVELOPMENT BIOLOGY CHIEF, LABORATORY OF SENSORIMOTOR RESEARCH
NATIONAL INSTITUTES ON DEAFNESS AND OTHER COMMUNICATION DISORDERS	DIRECTOR, DIVISION OF HUMAN COMMUNICATION CHIEF LABORATORY OF CELLULAR BIOLOGY ASSOCIATE DIRECTOR FOR ADMINISTRATION DIRECTOR, DIVISION OF EXTRAMURAL RESEARCH
NATIONAL INSTITUTES OF HEALTH CLINICAL CENTER	ASSOCIATE DIRECTOR FOR PLANNING ASSOCIATE CHIEF, POSITRON EMISSION TOMOGRAPHY AND RADIOCHEMISTRY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
NATIONAL INSTITUTES OF HEALTH CLINICAL CENTER	DEPUTY DIRECTOR FOR MANAGEMENT AND OPERATIONS CHIEF FINANCIAL OFFICER CHIEF OPERATING OFFICER
CENTER FOR INFORMATION TECHNOLOGY	CHIEF, COMPUTER CENTER BRANCH DEPUTY DIRECTOR ASSOC DIR OFC OF COMPUTING RESOURCES SERVICES SENIOR ADVISOR TO DIRECTOR, CENTER FOR INFORMATION TECHNOLOGY
JOHN E FOGARTY INTERNATIONAL CENTER	DEPUTY DIRECTOR FOGARTY INTERNATIONAL CENTER ASSOCIATE DIRECTOR FOR INTERNATIONAL ADVANCED STUDIES
NATIONAL CENTER FOR RESEARCH RESOURCES	DIRECTOR, NATIONAL CENTER FOR RESEARCH RESOURCES DIRECTOR, GENERAL CLINICAL RESEARCH CENTER FOR RESEARCH RESOURCES DEPUTY DIRECTOR, NATIONAL CENTER FOR RESEARCH RESOURCES ASSOCIATE DIRECTOR FOR BIOMEDICAL TECHNOLOGY ASSOCIATE DIRECTOR FOR COMPARATIVE MEDICINE ASSOCIATE DIRECTOR FOR RESEARCH INFRASTRUCTURE
CENTER FOR SCIENTIFIC REVIEW	ASSOCIATE DIRECTOR FOR REFERRAL AND REVIEW ASSOCIATE DIRECTOR FOR STATISTICS AND ANALYSIS DIRECTOR, DIVISION OF MOLECULAR AND CELLULAR MECHANISMS DIRECTOR, DIVISION OF PHYSIOLOGICAL SYSTEMS DIRECTOR, DIVISION OF CLINICAL AND POPULATION-BASED STUDIES DIRECTOR, DIVISION OF BIOLOGIC BASIS OF DISEASE
NATIONAL INSTITUTE OF NURSING RESEARCH	DIRECTOR NATIONAL CENTER FOR NURSING RESEARCH DEPUTY DIRECTOR/DIRECTOR, DIVISION OF EXTRAMURAL ACTIVITIES
NATIONAL HUMAN GENOME RESEARCH INSTITUTE	DEPUTY DIRECTOR DIRECTOR DIVISION OF INTRAMURAL RESEARCH NATIONAL CENTER HUMAN GENOME RESEARCH CHIEF DIAGNOSIS DEVELOPMENT BRANCH NATIONAL CENTER HUMAN GENOME RESEARCH INSTITUTE CHIEF, LABORATORY OF GENETIC DISEASE RESEARCH NATIONAL CENTER FOR HUMAN GENOME RESEARCH INSTITUTE ASSOCIATE DIRECTOR FOR MANAGEMENT
NATIONAL INSTITUTE ON DRUG ABUSE	ASSOCIATE DIRECTOR FOR MANAGEMENT AND OPERATIONS DIRECTOR, OFFICE OF EXTRAMURAL PROGRAM REVIEW DIRECTOR DIVISION OF CLINICAL RESEARCH

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
NATIONAL INSTITUTE ON DRUG ABUSE	DIRECTOR, MEDICATIONS DEVELOPMENT DIVISION CHIEF, NEUROSCIENCE RESEARCH BRANCH ASSOCIATE DIRECTOR FOR CLINCIAL NEUROSCIENCE AND MEDICAL AFFAIRS, DIVISION OF TREATMENT RESEARCH AND DEVELOPMENT SENIOR ADVISOR AND COUNSELOR FOR SPECIAL INITIATIVES
NATIONAL INSTITUTE OF MENTAL HEALTH	DEPUTY DIRECTOR, NATIONAL INSTITUTE OF MENTAL HEALTH ASSOCIATE DIRECTOR FOR SPECIAL POPULATIONS ASSOCIATE DIRECTOR FOR PREVENTION EXECUTIVE OFFICER, NATIONAL INSTITUTE OF MENTAL HEALTH DIRECTOR, OFFICE OF LEGISLATIVE ANALYSIS AND COORDINATOR DIRECTOR, DIVISION OF NEUROSCIENCE AND BEHAVIORAL SCIENTIST CHIEF, NEUROPSYCHIATRY BRANCH CHIEF, CHILD PSYCHIATRY BRANCH CHIEF, BIOLOGICAL PSYCHIATRY BRANCH CHIEF, LABORATORY OF CLINICAL SCIENCE CHIEF, SECTION ON HISTOPHARMACOLOGY DIRECTOR, OFFICE ON ACQUIRED IMMUNODEFICIENCY SYNDROME CHIEF, SECTION ON CLINICAL AND EXPERIMENTAL NEUROPSYCHOLOGY DIRECTOR, DIVISION OF MENTAL DISORDERS, BEHAVIORAL RESEARCH AND ACQUIRED IMMUNODEFICIENCY SYNDROME DIRECTOR, DIVISION OF SERVICES AND INTERVENTION RESEARCH CHIEF, SECTION ON COGNITIVE NEUROSCIENCE
NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM	DIRECTOR, DIVISION OF BASIC RESEARCH ASSOCIATE DIRECTOR FOR ADMINISTRATION
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY	DIRECTOR CTENTER FOR OUTCOMES AND EFFECTIVENESS RESEARCH EXECUTIVE OFFICER DIRECTOR, OFFICE OF RESEARCH REVIEW, EDUCATION, AND POLICY
DEPARTMENT OF HOMELAND SECURITY	
DEPARTMENT OF HOMELAND SECURITY	SENIOR DIRECTOR, OFFICE OF INFORMATION PLANS AND PROGRAMS (CHIEF INFORMATION OFFICER) DIRECTOR OF FIELD OPERATIONS DEPUTY CHIEF SECURITY OFFICER
OFFICE OF THE SECRETARY	DEPUTY ASSISTANT SECRETARY FOR LEGISLATIVE AFFAIRS (HOUSE)
OFFICE OF THE ASSISTANT SECRETARY FOR PUBLIC AFFAIRS	DIRECTOR OF INTERNAL COMMUNICATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOMELAND SECURITY	
OFFICE OF THE GENERAL COUNSEL	DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW
OFFICE OF CIVIL RIGHTS AND CIVIL LIBERTIES	DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
OFFICE OF COUNTERNARCOTICS	DIRECTOR, COUNTERNARCOTICS POLICIES AND PROGRAMS
U.S. CITIZENSHIP AND IMMIGRATION SERVICES	SENIOR MANAGEMENT CONSULTANT ASSOCIATE COMMISSIONER, POLICY AND PLANNING DIRECTOR, ASYLUM DEPUTY GENERAL COUNSEL DISTRICT DIRECTOR DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER, FIELD OPERATIONS ASSOCIATE COMMISSIONER, SERVICE CENTER OPERATIONS 1 SENIOR MANAGEMENT ADVISOR ASSOCIATE COMMISSIONER, FIELD SERVICES OPERATIONS ASSISTANT DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER FOR ISD ASSISTANT COMMISSIONER, ADJUDICATION AND NATURALIZATION
UNITED STATES SECRET SERVICE	SPECIAL AGENT IN CHARGE, INTELLIGENCE DIVISION DEPUTY SPECIAL AGENT IN CHARGE, PRESIDENTIAL PROTECTIVE DIVISION DEPUTY ASSISTANT DIRECTOR DEPUTY ASSISTANT DIRECTOR DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS DIRECTOR OF THE SECRET SERVICE DEPUTY DIRECTOR ASSISTANT DIRECTOR, INVESTIGATIONS ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS ASSISTANT DIRECTOR, PROTECTIVE RESEARCH ASSISTANT DIRECTOR, PROTECTIVE RESEARCH ASSISTANT DIRECTOR - ADMINISTRATION/CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR, INSPECTION DEPUTY ASSISTANT DIRECTOR, PROTECTIVE OPERATIONS SPECIAL AGENT IN CHARGE - PRESIDENTIAL PROTECTIVE DIVISION SPECIAL AGENT IN CHARGE - NEW YORK FIELD OFFICE SPECIAL AGENT IN CHARGE, CHICAGO FIELD OFFICE SPECIAL AGENT IN CHARGE - LOS ANGELES FIELD OFFICE SPECIAL AGENT IN CHARGE, INTELLIGENCE DIVISION ASSISTANT DIRECTOR - HUMAN RESOURCES AND TRAINING ASSISTANT DIRECTOR -GOVERNMENT AND PUBLIC AFFAIRS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOMELAND SECURITY	
UNITED STATES SECRET SERVICE	SPECIAL AGENT IN CHARGE - VICE PRESIDENTIAL PROTECTIVE DIVISION SPECIAL AGENT IN CHARGE - TECHNICAL SECURITY DIVISION SPECIAL AGENT IN CHARGE - PHILADELPHIA FIELD OFFICE ASSISTANT DIRECTOR - HOMELAND SECURITY CHIEF COUNSEL SPECIAL AGENT IN CHARGE - SAN FRANCISCO FIELD OFFICE SPECIAL AGENT IN CHARGE - DALLAS FIELD OFFICE DEPUTY CHIEF COUNSEL DEPUTY SPECIAL AGENT IN CHARGE - PRESIDENTIAL PROTECTIVE DIVISION DEPUTY ASSISTANT DIRECTOR - ADMINISTRATION SPECIAL AGENT IN CHARGE - WASHINGTON FIELD OFFICE DEPUTY SPECIAL AGENT IN CHARGE - PRESIDENTIAL PROTECTIVE DIVISION DEPUTY ASSISTANT DIRECTOR - HUMAN RESOURCES AND TRAINING DEPUTY ASSISTANT DIRECTOR - HUMAN RESOURCES AND TRAINING DEPUTY ASSISTANT DIRECTOR - INVESTIGATIONS SPECIAL AGENT IN CHARGE - HOUSTON FIELD OFFICE DEPUTY ASSISTANT DIRECTOR - ROWLEY TRAINING CENTER DEPUTY ASSISTANT DIRECTOR - INVESTIGATIONS (SES OFFICES) DEPUTY ASSISTANT DIRECTOR - TECHNOLOGY (CHIEF TECHNOLOGY OFFICER)/PROTECTIVE RESEARCH SPECIAL AGENT IN CHARGE - MIAMI FIELD OFFICE DEPUTY ASSISTANT DIRECTOR, PROTECTIVE RESEARCH CHIEF, INFORMATION RESOURCES MANAGEMENT DIVISION/CHIEF INFORMATION OFFICER DEPUTY SPECIAL AGENT IN CHARGE - VICE PRESIDENTIAL PROTECTIVE DIVISION SPECIAL AGENT IN CHARGE - ATLANTA FIELD OFFICE CHIEF OF STAFF DEPUTY ASSISTANT DIRECTOR - PROTECTIVE OPERATIONS SPECIAL AGENT IN CHARGE - HONOLULU FIELD OFFICE
UNITED STATES COAST GUARD	DIRECTOR OF FINANCE, PROCUREMENT AND SECURITY DEPUTY PROGRAM EXECUTIVE OFFICER
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL, AUDITS ASSISTANT INSPECTOR GENERAL, AUDITS ASSISTANT INSPECTOR GENERAL, COUNSEL ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOMELAND SECURITY	
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY
	ASSISTANT INSPECTOR GENERAL, INSPECTIONS, EVALUATIONS, AND SPECIAL REVIEWS
	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS
	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS
	ASSISTANT INSPECTOR GENERAL, ADMINISTRATIVE SERVICES
	DEPUTY ASSISTANT INSPECTOR GENERAL, AUDITS
	DEPUTY INSPECTOR GENERAL
	DEPUTY ASSISTANT INSPECTOR GENERAL, AUDITS
	DEPUTY ASSISTANT INSPECTOR GENERAL, INVESTIGATIONS
OFFICE OF U.S.-VISIT PROGRAM	DEPUTY DIRECTOR, U.S.-VISIT PROGRAM
OFFICE OF DOMESTIC PREPAREDNESS	DIRECTOR OF OPERATIONS FOR OFFICE OF DOMESTIC PREPARENESS
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT	SPECIAL AGENT IN CHARGE, TUCSON
	SPECIAL AGENT IN CHARGE, EL PASO
	SPECIAL AGENT IN CHARGE (MIAMI)
	DEPUTY ASSISTANT DIRECTOR, INVESTIGATIONS (NATIONAL SECURITY)
	SPECIAL AGENT IN CHARGE (NEW YORK)
	ASSISTANT DIRECTOR, OFFICE OF INVESTIGATION
	DEPUTY ASSISTANT DIRECTOR, OFFICE OF INVESTIGATIONS (INVESTIGATIVE SERVICES)
	DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT
	DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT
	DEPUTY ASSISTANT SECRETARY FOR IMMIGRATION AND CUSTOMS ENFORCEMENT
	SENIOR ADVISOR TO THE DEPUTY ASSISTANT SECRETARY
	CHIEF OF STAFF
	DIRECTOR, FEDERAL PROTECTIVE SERVICE
	SPECIAL AGENT IN CHARGE, MIAMI
	SPECIAL AGENT IN CHARGE, LOS ANGELES
	DEPUTY ASSISTANT COMMISSIONER, INTERNAL AFFAIRS
	REGIONAL SPECIAL AGENT IN CHARGE, EL PASO
	DEPUTY ASSISTANT COMMISSIONER, INVESTIGATIONS
	SPECIAL AGENT IN CHARGE, NEW ORLEANS
	DEPUTY ASSISTANT DIRECTOR, FINANCE AND TRADE INVESTIGATIONS
	SPECIAL AGENT IN CHARGE, SAN JUAN
	SPECIAL AGENT IN CHARGE, HOUSTON
	SPECIAL AGENT IN CHARGE, CHICAGO

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOMELAND SECURITY	
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT	SPECIAL AGENT IN CHARGE, SAN DIEGO
	SPECIAL AGENT IN CHARGE, SAN ANTONIO
	REGIONAL SPECIAL AGENT IN CHARGE, PLANTATION
	DIRECTOR, WORKFORCE MANAGEMENT
	DEPUTY ASSISTANT DIRECTOR, SMUGGLING/PUBLIC SAFETY INVESTIGATIONS
	FIELD OFFICE DIRECTOR, DETENTION AND REMOVAL, NEW YORK
	SPECIAL AGENT IN CHARGE, SAN FRANCISCO
	CHIEF INFORMATION OFFICER
	REGIONAL DIRECTOR
	SPECIAL AGENT IN CHARGE, MIAMI
	DIRECTOR OF INTERNAL AUDIT
	REGIONAL DIRECTOR
	EXECUTIVE ASSOCIATE COMMISSIONER, FIELD OPERATIONS
	ASSISTANT COMMISSIONER FOR ADMINISTRATION
	DIRECTOR, OFFICE OF INVESTIGATIONS
	DIRECTOR, DETENTION AND REMOVAL OPERATIONS
	LEGAL ADVISOR
	SENIOR MANAGEMENT CONSULTANT
	DEPUTY PRINCIPAL LEGAL ADVISOR
	Did not find title for this position
	DIRECTOR, INTELLIGENCE
	SPECIAL AGENT IN CHARGE, EL PASO
U.S. CUSTOMS AND BORDER PROTECTION	SPECIAL AGENT IN CHARGE, SAN JUAN
	SPECIAL AGENT IN CHARGE, SAN ANTONIO
	AREA DIRECTOR, JFK AIRPORT
	EXECUTIVE DIRECTOR, FIELD OPERATIONS
	DEPUTY CHIEF COUNSEL
	DIRECTOR, FIELD OPERATIONS (DETROIT)
	DIRECTOR, FIELD OPERATIONS (SEATTLE)
	DIRECTOR, FIELD OPERATIONS (BUFFALO)
	DIRECTOR, FIELD OPERATIONS (TUCSON)
	DIRECTOR, FIELD OPERATIONS (BOSTON)
	PORT DIRECTOR, LOS ANGELES INTERNATIONAL AIRPORT
	EXECUTIVE DIRECTOR , AGRICULTURE INSPECTION POLICY AND PROGRAMS
	DIRECTOR, CONTAINER SECURITY INITIATIVE
	DIRECTOR, CONTAINER SECURITY INITIATIVE
	EXECUTIVE DIRECTOR, NATIONAL TARGETING CENTER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOMELAND SECURITY	
U.S. CUSTOMS AND BORDER PROTECTION	CHIEF PATROL AGENT (MCALLEN)
	CHIEF PATROL AGENT (TUCSON)
	CHIEF PATROL AGENT (TUCSON)
	PORT DIRECTOR (LONG BEACH)
	DIRECTOR, FIELD OPERATIONS, SAN FRANCISCO
	PORT DIRECTOR (EL PASO)
	ASSISTANT COMMISSIONER, FINANCE
	DIRECTOR, FIELD OPERATIONS (BOSTON)
	ASSISTANT COMMISSIONER, INTERNAL AFFAIRS
	DEPUTY CHIEF COUNSEL
	ASSOCIATE CHIEF COUNSEL - ADMINISTRATION
	ASSOCIATE CHIEF COUNSEL - SOUTHEAST
	ASSOCIATE CHIEF COUNSEL - NORTH CENTRAL
	ASSOCIATE CHIEF COUNSEL - NEW YORK
	ASSISTANT DEPUTY ADMINISTRATOR, AGRICULTURE QUARANTINE INSPECTION
	DIRECTOR, REGULATORY AUDIT
	ASSOCIATE CHIEF COUNSEL - ENFORCEMENT
	ASSOCIATE CHIEF COUNSEL - TRADE
	ASSOCIATE CHIEF COUNSEL - SOUTHWEST
	DEPUTY ASSISTANT COMMISSIONER, HUMAN RESOURCES MANAGEMENT
	EXECUTIVE DIRECTOR, COMMUNICATIONS MANAGEMENT
	EXECUTIVE DIRECTOR, ASSET ACQUISITION MANAGEMENT
	EXECUTIVE DIRECTOR, LABOR AND EMPLOYEE RELATIONS
	DIRECTOR, INTERNATIONAL TRADE COMPLIANCE
	DIRECTOR, CUSTOMS MODERNIZATION
	DIRECTOR, FIELD OPERATIONS (NEW YORK)
	AREA DIRECTOR, NEWARK
	ASSISTANT COMMISSIONER, FIELD OPERATIONS
	ASSISTANT COMMISSIONER, FIELD OPERATIONS
	ASSISTANT COMMISSIONER, REGULATIONS AND RULINGS
	DIRECTOR, STRATEGIC TRADE CENTER (CHICAGO)
	ASSOCIATE CHIEF COUNSEL - PACIFIC
	AREA DIRECTOR, JFK AIRPORT
	ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY
	ASSISTANT COMMISSIONER, PUBLIC AFFAIRS
	CHIEF PROCUREMENT OFFICER
	DIRECTOR, LABORATORIES AND SCIENTIFIC SERVICES
	EXECUTIVE DIRECTOR, TRADES SECURITY AND FACILITATION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOMELAND SECURITY	
U.S. CUSTOMS AND BORDER PROTECTION	DEPUTY ASSISTANT COMMISSIONER, FIELD OPERATIONS DIRECTOR, US-VISIT EXECUTIVE DIRECTOR, PASSENGER SERVICES DIRECTOR, FIELD OPERATIONS (HOUSTON) EXECUTIVE DIRECTOR, ENFORCEMENT PLANNING ASSISTANT COMMISSIONER, FINANCE DIRECTOR, FIELD OPERATIONS (MIAMI) DIRECTOR, CBP ACADEMY EXECUTIVE DIRECTOR, AIR AND MARINE INTERDICTION DIRECTOR, FIELD OPERATIONS (SAN DIEGO) EXECUTIVE DIRECTOR, BUDGET EXEUTIVE DIRECTOR, FIELD OPERATIONS DIRECTOR, FIELD OPERATIONS (CHICAGO) EXECUTIVE DIRECTOR, SOUTHWEST BORDER DIRECTOR, FIELD OPERATIONS (LOS ANGELES) DIRECTOR, FIELD OPERATIONS (LAREDO) ASSISTANT COMMISSIONER, STRATEGIC TRADE ASSISTANT COMMISSIONER, HUMAN RESOURCES PORT DIRECTOR, MIAMI INTERNATIONAL AIRPORT ASSISTANT COMMISSIONER, TRAINING AND DEVELOPMENT ASSISTANT COMMISSIONER, POLICY AND INSPECTION ASSISTANT COMMISSIONER, BORDER PATROL ASSISTANT COMMISSIONER, BORDER PATROL DISTRICT DIRECTOR, SAN DIEGO DIRECTOR, FIELD OPERATIONS, EL PASO CHIEF PATROL AGENT (SAN DIEGO) CHIEF PATROL AGENT (EL PASO) CHIEF PATROL AGENT (EL CENTRO) CHIEF PATROL AGENT (TUCSON) EXECUTIVE DIRECTOR, INFRASTRUCTURE SERVICES DEPUTY ASSISTANT COMMISSIONER, INFORMATION AND TECHNOLOGY DEPUTY CHIEF FINANCIAL OFFICER
FEDERAL LAW ENFORCEMENT TRAINING CENTER	ASSISTANT DIRECTOR, TRAINING INNOVATION AND MANAGEMENT DIRECTORATE DEPUTY DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER SENIOR ASSISTANT DIRECTOR, WASHINGTON OPERATIONS ASSISTANT DIRECTOR, TRAINING DIRECTORATE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOMELAND SECURITY	
FEDERAL LAW ENFORCEMENT TRAINING CENTER	ASSISTANT DIRECTOR, ADMINISTRATION ASSISTANT DIRECTOR, FIELD TRAINING
FEDERAL EMERGENCY MANAGEMENT AGENCY	PROGRAM ADVISOR TO THE DIVISION DIRECTOR SENIOR ADVISOR FOR INSURANCE CHIEF FINANCIAL OFFICER DIVISION DIRECTOR DEPUTY ADMINISTRATOR FOR INSURANCE DEPUTY CHIEF FINANCIAL OFFICER DEPUTY ADMINISTRATOR FOR MITIGATION SENIOR PROCUREMENT EXECUTIVE DIVISION DIRECTOR DIVISION DIRECTOR DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDITING ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE FOR INFRASTRUCTURE PROTECTION	DIRECTOR, STRATEGIC PARTNERSHIPS CHIEF, TECHNOLOGY AND STANDARDS
OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT	DIRECTOR OF ASSET MANAGEMENT
OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, DEPARTMENTAL BUDGET DIRECTOR, PROGRAM ANALYSIS AND EVALUATION DIRECTOR, FINANCIAL MANAGEMENT DIRECTOR, FINANCIAL MANAGEMENT DIRECTOR, FINANCIAL SYSTEMS SERVICE
OFFICE OF PROCUREMENT	DEPUTY CHIEF PROCUREMENT OFFICER
OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER	DIRECTOR, DEPARTMENTAL HUMAN RESOURCES POLICY DIRECTOR, DEPARTMENTAL HUMAN RESOURCES POLICY
OFFICE OF THE CHIEF INFORMATION OFFICER	DIRECTOR, INFORMATION SECURITY DEPUTY DIRECTOR, ITDS
OFFICE OF THE DIRECTOR FOR SYSTEMS ENGINEERING AND DEVELOPMENT	DIRECTOR, OFFICE OF INTEROPERABILITY AND COMPATIBILITY DIRECTOR, OFFICE OF INTEROPERABILITY AND COMPATIBILITY
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
OFFICE OF THE GENERAL COUNSEL	DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER DEPUTY DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER ASSOCIATE GENERAL COUNSEL FOR PROGRAM ENFORCEMENT DEPUTY DIRECTOR, OPERATIONS AND COMPLIANCE
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY DEPUTY ASSISTANT INSPECTOR FOR INVESTIGATION DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION COUNSEL TO THE INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY
OFFICE OF THE CHIEF FINANCIAL OFFICER	ASSISTANT CHIEF FINANCIAL OFFICER FOR BUDGET DEPUTY CHIEF FINANCIAL OFFICER ASSISTANT CHIEF FINANCIAL OFFICER FOR FINANCIAL MANAGEMENT ASSISTANT CHIEF FINANCIAL OFFICER FOR ACCOUNTING
DEPARTMENTAL ENFORCEMENT CENTER	CHIEF COUNSEL ASSOCIATE DIRECTOR, DEPARTMENTAL ENFORCEMENT CENTER
ASSISTANT SECRETARY FOR ADMINISTRATION	DIRECTOR, OFFICE OF PROCUREMENT AND CONTRACTS DIRECTOR, GRANTS MANAGEMENT CENTER DEPUTY CHIEF PROCUREMENT OFFICER DEPUTY CHIEF TECHNOLOGY OFFICER FOR IT OPERATIONS SENIOR ADVISOR FOR PROCUREMENT PLANNING AND PROGRAM LIAISON
OFFICE OF THE CHIEF INFORMATION OFFICER	INFORMATION TECHNOLOGY ADVISOR DEPUTY CHIEF INFORMATION OFFICER FOR INFORMATION TECHNOLOGY REFORM
ASSISTANT SECRETARY FOR HOUSING	HOUSING/FEDERAL HOUSING ADMINISTRATION COMPTROLLER HOUSING-FAMILY HOUSING AUTHORITY DEPUTY COMPTROLLER DIRECTOR, OFFICE OF ASSET MANAGEMENT DIRECTOR, OFFICE OF PROGRAM SYSTEMS MANAGEMENT DEPUTY ASSISTANT SECRETARY FOR FINANCE AND BUDGET
ASSISTANT SECRETARY FOR FAIR HOUSING AND EQUAL OPPORTUNITY	DIRECTOR, OFFICE OF ENFORCEMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY	DIRECTOR, OFFICE OF DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY
ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT	DIRECTOR, OFFICE OF COMMUNITY VIABILITY COMPTROLLER
GOVERNMENT NATIONAL MORTGAGE ASSOCIATION	SENIOR VICE PRESIDENT OFFICE OF CAPITAL MARKETS AND POLICY SENIOR VICE PRESIDENT, OFFICE OF FINANCE SENIOR VICE PRESIDENT, OFFICE OF MULTIFAMILY PROGRAMS SENIOR VICE PRESIDENT, OFFICE OF PROGRAM OPERATIONS AND SUPPORT SENIOR VICE PRESIDENT, OFFICE OF MANAGEMENT AND COMMUNICATION SENIOR VICE PRESIDENT, OFFICE OF MANAGEMENT OPERATIONS SENIOR VICE PRESIDENT, OFFICE OF PROGRAM OPERATIONS SENIOR ADVISOR TO THE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING	GENERAL DEPUTY ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING DEPUTY PUBLIC AND INDIAN HOUSING COMPTROLLER DIRECTOR, OFFICE OF PUBLIC HOUSING PARTNERSHIP DEPUTY ASSISTANT SECRETARY, OFFICE OF TROUBLED AGENCY RECOVERY DEPUTY DIRECTOR FOR FINANCE COMPTROLLER, REAL ESTATE ASSESSMENT CENTER DIRECTOR, REAL ESTATE ASSESSMENT CENTER DIRECTOR, ADMINISTRATIVE OPERATIONS DEPUTY ASSISTANT SECRETARY FOR ADMINISTRATOR AND BUDGET/CHIEF FINANCIAL OFFICER
DEPARTMENT OF THE INTERIOR	
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDITING ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY ASSISTANT INSPECTOR GENERAL FOR PROGRAM INTEGRITY ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATIVE SERVICES AND INFORMATION MANAGEMENT ASSISTANT INSPECTOR GENERAL FOR HUMAN CAPITAL MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR ADMINISTRATIVE SERVICES AND INFORMATION MANAGEMENT CHIEF INFORMATION OFFICER GENERAL COUNSEL

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE INTERIOR	
OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS
OFFICE OF THE SOLICITOR	DEPUTY ASSOCIATE SOLICITOR, GENERAL LAW DEPUTY ASSOCIATE SOLICTOR, DIVISION OF PARKS AND WILDLIFE DEPUTY ASSOCIATE SOLICITOR-MINERAL RESOURCES ASSOCIATE SOLICITOR FOR ADMINSTRATION DEPUTY ASSOCIATE SOLICITOR, DIVISION OF LAND AND WATER RESOURCES
ASSISTANT SECRETARY - POLICY, MANAGEMENT AND BUDGET	ASSISTANT DIRECTOR FOR ECONOMICS MANAGER, SCIENCE AND ENGINEERING DESIGNATED AGENCY ETHICS OFFICIAL DEPUTY ASSISTANT SECRETARY - LAW ENFORCEMENT AND SECURITY ASSOCIATE DIRECTOR FOR FINANCIAL REPORTING AND SYSTEMS ASSOCIATE DIRECTOR FOR FINANCIAL POLICY AND OPERATIONS DEPUTY CHIEF HUMAN CAPITAL OFFICER DEPUTY ASSISTANT SECRETARY - BUSINESS MANAGEMENT AND WILDLAND FIRE DEPUTY ASSISTANT SECRETARY - BUSINESS MANAGEMENT AND WILDLAND FIRE DEPUTY ASSISTANT SECRETARY - BUSINESS MANAGEMENT AND WILDLAND FIRE DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT AND DEPUTY CHIEF FINANCIAL OFFICER CHIEF DIVISION OF BUDGET AND PROGRAM REVIEW DEPUTY AGENCY ETHICS STAFF OFFICER
NATIONAL PARK SERVICE	FINANCIAL ADVISOR (COMPTROLLER) PARK MANAGER-GRAND CANYON
FIELD OFFICES	PARK MANAGER-YOSEMITE (SUPERINTENDENT) PARK MANAGER EVERGLADES PARK MANAGER-YELLOWSTONE (SUPERINTENDENT) ASSISTANT DIRECTOR, DESIGN AND CONSTRUCTION (MANAGER) PARK MANAGER-INDEPENDENCE NATIONAL HISTORIC PARK
ASSISTANT SECRETARY - FISH AND WILDLIFE AND PARKS	DIRECTOR FOR EVERGLADES RESTORATION
UNITED STATES FISH AND WILDLIFE SERVICE	EXECUTIVE DIRECTOR - REGIONAL ECOSYSTEM OFFICE
FIELD OFFICES	DIRECTOR, TECHNICAL SERVICES CENTER DIRECTOR, MANAGEMENT SERVICES OFFICE
DIRECTORS OFFICE	GEOGRAPHIC INFORMATION OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE INTERIOR	
DIRECTORS OFFICE	DEPUTY DIRECTOR, UNITED STATES GEOLOGICAL SURVEY REGIONAL DIRECTOR, EASTERN REGION REGIONAL DIRECTOR, WESTERN REGION PHYSICAL SCIENTIST CHIEF, OFFICE OF ADMINISTRATIVE POLICY AND SERVICES DEPUTY CHIEF, OFFICE OF ADMINISTRATIVE POLICY AND SERVICES (FINANCIAL MANAGEMENT) DIRECTOR, OFFICE OF HUMAN RESOURCES DIRECTOR, OFFICE OF HUMAN RESOURCES CHIEF, OFFICE OF BUDGET AND PERFORMANCE
NATIONAL MAPPING DIVISION	ASSOCIATE DIRECTOR FOR GEOGRAPHY ASSOCIATE DIVISION CHIEF FOR OPERATIONS
FIELD OFFICES	REGIONAL GEOGRAPHER, EASTERN REGION REGIONAL GEOGRAPHER, WESTERN REGION
WATER RESOURCES DIVISION	ASSOCIATE DIRECTOR FOR WATER CHIEF SCIENTIST FOR HYDROLOGY
FIELD OFFICES	REGIONAL HYDROLOGIST CENTRAL REGION REGIONAL HYDROLOGIST SOUTHEASTERN REGION REGIONAL HYDROLOGIST, NORTHEASTERN REGION REGIONAL HYDROLOGIST, WESTERN REGION
GEOLOGIC DIVISION	ASSOCIATE DIRECTOR FOR GEOLOGY REGIONAL GEOLOGIST WESTERN REGION REGIONAL GEOLOGIST, EASTERN REGION CHIEF SCIENTIST FOR GEOLOGY
BIOLOGICAL RESOURCES DIVISION	ASSOCIATE CHIEF BIOLOGIST FOR INFORMATION
FIELD OFFICES	REGIONAL CHIEF BIOLOGIST, EASTERN REGION REGIONAL BIOLOGIST, WESTERN REGION
FIELD OFFICES	REGIONAL DIRECTOR REGIONAL DIRECTOR REGIONAL DIRECTOR
MINERALS MANAGEMENT SERVICE	ASSOCIATE DIRECTOR FOR POLICY AND MANAGEMENT IMPROVEMENT CHIEF, OFFSHORE ENGINEERING AND OPERATIONS DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE INTERIOR	
FIELD OFFICES	REGIONAL DIRECTOR, GULF OF MEXICO OUTER CONTINENTAL SHELF REGION ASSISTANT PROGRAM DIRECTOR FOR OFFSHORE COMPLIANCE AND ASSET MANAGEMENT PROGRAM DIRECTOR FOR ONSHORE COMPLIANCE AND ASSET MANAGEMENT PROGRAM DIRECTOR FOR RIK REGIONAL DIRECTOR, ALASKA OUTER CONTINENTAL SHELF REGION REGIONAL DIRECTOR, PACIFIC OUTER CONTINENTAL SHELF REGION DEPUTY ASSOCIATE DIRECTOR FOR MINERALS REVENUE MANAGEMENT
ASSISTANT SECRETARY - INDIAN AFFAIRS	CHIEF FINANCIAL OFFICER DIRECTOR, PLANNING AND POLICY ANALYSIS
BUREAU OF INDIAN AFFAIRS	DEPUTY DIRECTOR, FIELD OPERATIONS DEPUTY DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS
OFFICE OF HEARINGS AND APPEALS	DIRECTOR, OFFICE OF HEARINGS AND APPEALS
DEPARTMENT OF JUSTICE	
OFFICE OF THE LEGAL COUNSEL	SPECIAL COUNSEL SPECIAL COUNSEL
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL, EVALUATION AND INSPECTIONS DIVISION ASSISTANT INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND PLANNING DEPUTY INSPECTOR GENERAL GENERAL COUNSEL DIRECTOR, OFFICE OF OVERSIGHT AND REVIEW
OFFICE OF PROFESSIONAL RESPONSIBILITY	COUNSEL ON PROFESSIONAL RESPONSIBILITY DEPUTY COUNSEL ON PROFESSIONAL RESPONSIBILITY
JUSTICE MANAGEMENT DIVISION	ASSISTANT ATTORNEY GENERAL FOR ADMINISTRATION DEPUTY ASSISTANT ATTORNEY GENERAL, POLICY, MANAGEMENT, AND PLANNING DIRECTOR, HUMAN RESOURCES DIRECTOR, SECURITY AND EMERGENCY PLANNING STAFF DIRECTOR, COMPUTER SERVICES STAFF DIRECTOR FINANCE STAFF DEPUTY ASSISTANT ATTORNEY GENERAL CONTROLLER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF JUSTICE	
JUSTICE MANAGEMENT DIVISION	DEPUTY ASSISTANT ATTORNEY GENERAL HUMAN RESOURCES/ADMINISTRATION DIRECTOR LIBRARY STAFF DIRECTOR, INFORMATION MANAGEMENT AND SECURITY STAFF DIRECTOR, FACILITIES AND ADMINISTRATIVE SERVICES STAFF DIRECTOR, OFFICE OF ATTORNEY PERSONNEL MANAGEMENT DIRECTOR TELECOMMUNICATIONS SERVICES STAFF INFORMATION TECHNOLOGY PROJECT MANAGER INFORMATION TECHNOLOGY SECURITY PROJECT MANAGER CHIEF OF STAFF DIRECTOR, OPERATIONS SERVICES STAFF INFORMATION TECHNOLOGY POLICY AND PLANNING MANAGER DIRECTOR MANAGEMENT AND PLANNING STAFF DIRECTOR, BUDGET STAFF DIRECTOR, DEBT COLLECTION MANAGEMENT STAFF ASSISTANT DIRECTOR, MANAGEMENT AND PLANNING STAFF SENIOR POLICY ADVISOR CHIEF INFORMATION OFFICER DIRECTOR PROCUREMENT SERVICES STAFF DIRECTOR, SYSTEMS TECHNOLOGY STAFF GENERAL COUNSEL DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY STAFF SENIOR COUNSEL DIRECTOR, DEPARTMENT ETHICS OFFICE DEPUTY DIRECTOR, BUDGET STAFF DIRECTOR, SYSTEMS ENGINEERING AND DEVELOPMENT STAFF SENIOR PROGRAM MANAGER DEPUTY DIRECTOR (PROGRAM S & PERFORMANCE), BUDGET STAFF SENIOR SPECIAL ASSISTANT
PROFESSIONAL RESPONSIBILITY ADVISORY OFFICE	DIRECTOR, PROFESSIONAL RESPONSPONSIBILITY ADVSIORY OFFICE
OFFICE OF FEDERAL DETENTION TRUSTEE	FEDERAL DETENTION TRUSTEE
FEDERAL BUREAU OF PRISONS	ASSISTANT DIRECTOR FOR ADMINISTRATION ASSISTANT DIRECTOR CORRECTIONAL PROGRAMS DIVISION ASSISTANT DIRECTOR CORRECTIONAL PROGRAMS DIVISION GENERAL COUNSEL REGIONAL DIRECTOR, NORTHEAST REGION REGIONAL DIRECTOR, SOUTHEAST REGION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF JUSTICE	
FEDERAL BUREAU OF PRISONS	REGIONAL DIRECTOR, NORTH CENTRAL REGION
	REGIONAL DIRECTOR, WESTERN REGION
	REGIONAL DIRECTOR, SOUTH CENTRAL REGION
	WARDEN ATLANTA
	WARDEN EL RENO OKLAHOMA
	WARDEN LEAVENWORTH KANSAS
	WARDEN LEWISBURG PA
	WARDEN, LOMPOC, CALIFORNIA
	WARDEN SPRINGFIELD MISSOURI
	WARDEN, LEXINGTON KENTUCKY
	WARDEN, UNITED STATES PENITENTIARY, MARION ILLINOIS
	ASSOCIATE COMMISSIONER, FEDERAL PRISONS INDUSTRIES, UNICORE
	WARDEN TERRE HAUTE, INDIANA
	WARDEN BUTNER NORTH CAROLINA
	DEPUTY ASSOCIATE COMMISSIONER FEDERAL PRISON INDUSTRIES
	WARDEN, FEDERAL MEDICAL CENTER, FORT WORTH TEXAS
	WARDEN MARIANNA FLORIDA
	ASSISTANT DIRECTOR FOR HUMAN RESOURCES MANAGEMENT
	WARDEN, MCKEAN, PENNSYLVANIA
	(WARDEN) MIAMI, FLORIDA
	SENIOR DEPUTY ASSISTANT DIRECTOR HEALTH SERVICES DIVISION
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION, PHOENIX, ARIZONA
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN, FEDERAL MEDICAL CENTER, ROCHESTER, MINNESOTA)
	REGIONAL DIRECTOR MIDDLE ATLANTIC DIVISION
	WARDEN FEDERAL CORRECTIONAL INSTITUTION
	ASSISTANT DIRECTOR, COMMUNITY CORRECTIONS AND DETENTION
	ASSISTANT DIRECTOR, INFORMATION, POLICY, AND PUBLIC AFFAIRS DIVISION
	WARDEN TALLADEGA, ALABAMA
	GENERAL COUNSEL, FEDERAL PRISON INDUSTRIES (UNICOR)
	WARDEN, ALLENWOOD, PENNSYLVANIA
	SENIOR MANAGEMENT COUNSEL,(FEDERAL BUREAU OF PRISONS)
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FORT DIX, NEW JERSEY
	(WARDEN) FEDERAL CORRECTIONAL COMPLEX, FLOREN, COLORADO
	CORRECTIONAL INSTITUTION ADMINISTRATOR (ASSISTANT REGIONAL DIRECTOR) SOUTH CENTRAL REGION, DALLAS,TEXAS
	CORRECTIONAL INSTITUTION ADMINISTRATOR (SENIOR DEPUTY ASSISTANT DIRECTOR), COMMUNITY CORRECTIONS AND DETENTION DIVISION,

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF JUSTICE	
FEDERAL BUREAU OF PRISONS	WASHINGTON, DISTRICT OF COLUMBIA
	WARDEN, UNITED STATES PENITENTIARY, FLORENCE, COLORADO
	WARDEN, FEDERAL CORRECTIONAL COMPLEX, OAKDALE, LOUISIANA
	WARDEN, FEDERAL CORRECTIONAL COMPLEX, OAKDALE, LOUISIANA
	WARDEN, FEDERAL MEDICAL CENTER, CARSWELL, TEXAS
	WARDEN, UNITED STATES PENITENTIARY, ALLENWOOD, PENNSYLVANIA
	(WARDEN) FEDERAL TRANSFER CENTER, OKLAHOMA CITY, OKLAHOMA
	SENIOR DEPUTY ASSISTANT DIRECTOR (ADMINISTRATION)
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN) FEDERAL CORRECTIONAL INSTITUTE/EL RENO, OKLAHOMA
	WARDEN, FEDERAL DETENTION CENTER, MIAMI, FLORIDA
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION, FAIRTON, NEW JERSEY
	CORRECTIONAL PROGRAM OFFICER/SENIOR DEPUTY REGIONAL DIRECTOR
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN) FEDERAL CCORRECTIONAL INSTITUTION
	CORRECTIONAL PROGRAM OFFICER/SENIOR DEPUTY ASSISTANT DIRECTOR PROGRAM REVIEW DIVISION
	CORRECTIONAL PROGRAM OFFICER
	CORRECTIONAL PROGRAM OFFICER (WARDEN FEDERAL CORRECTIONAL INSITUTION, ESTILL, SOUTH CAROLINA)
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION, EDGEFIELD, SOUTH CAROLINA
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN,FEDERAL MEDICAL CENTER,FEDERAL TRANSFER CENTER,MASSACHUSETTS)
	CORRECTIONAL INSTITUTION ADMINISTRATOR
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN, UNITED STATES PENTENTIARY, BEAUMONT, TEXAS)
	ASSISTANT DIRECTOR, HEALTH SERVICES DIVISION
	DEPUTY ASSISTANT DIRECTOR FOR ADMINISTRATION
	WARDEN
	CORRECTIONAL PROGRAM OFFICER
	WARDEN
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MEDIUM, BEAUMONT, TEXAS
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN, FEDERAL CORRECTIONAL INSTITUTION, BECKLEY, WEST VIRGINIA)
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF JUSTICE	
FEDERAL BUREAU OF PRISONS	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION, JESUP, GEORGIA
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION, MCKEAN, PENNSYLVANIA
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	WARDEN, METROPOLITAN CORRECTIONAL CENTER, NEW YORK, NEW YORK
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	WARDEN, FEDERAL DETENTION CENTER, PHILADELPHIA, PENNSLYVANIA
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	CORRECTION PROGRAM OFFICER (SENIOR DEPUTY ASSISTANT DIRECTOR)
	BUDGET OFFICER
	WARDEN
	WARDEN
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN)
	WARDEN, UNITED STATES PENITENTIARY, LEE, VIRGINIA
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION
	WARDEN, FEDERAL CORRECTIONAL INSTITUTION, THREE RIVERS, TEXAS
	SENIOR COUNSEL
	WARDEN, FEDERAL CORRECTION INSTITUTION, PETERSBURG, VIRGINIA
	WARDEN, UNITED STATES PENITENTIARY, BIG SANDY, KENTUCKY
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN, UNITED STATES PENITENTIARY VICTORVILLE, CALIFORNIA)
	CORRECTIONAL INSTITUTION ADMINISTRATOR (WARDEN, UNITED STATES PENITENTIARY, MCCREARY, KENTUCKY)
	WARDEN, UNITED STATES PRISON, HAZELTON, WEST VIRIGINA
	WARDEN, FCC YAZOO CITY, MISSISSIPPI
	WARDEN, UNITED STATES PENITENTIARY, WAYMART PENNSYLVANIA
OFFICE OF INTELLIGENCE POLICY AND REVIEW	DEPUTY COUNSEL FOR INTELLIGENCE LAW
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW	CHIEF IMMIGRATION JUDGE
	ASSISTANT TO THE DIRECTOR
	CHAIRMAN, BOARD OF IMIGRATION APPEALS
	GENERAL COUNSEL
	ATTORNEY-EXAMINER (IMMIGRATION)
	ASSOCIATE DIRECTOR
	CHIEF ADMINISTRATOR HEARING OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF JUSTICE	
CRIMINAL DIVISION	SENIOR COUNSEL TO THE ASSISTANT ATTORNEY GENERAL
	DIRECTOR, ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES
	CHIEF PUBLIC INTEGRITY SECTION
	SENIOR COUNSEL FOR LITIGATION
	DEPUTY CHIEF, FRAUD SECTION
	CHIEF, ASSET FORFEITURE AND MONEY LAUNDERING SECTION
	DEPUTY CHIEF PUBLIC INTEGRITY SECTION
	COUNSEL TO THE OFFICE FRAUD SECTION
	SENIOR APPELLATE COUNSEL
	SENIOR COUNSEL
	EXECUTIVE OFFICER
	DIRECTOR INTERNATIONAL CRIMINAL INVESTIGATIVE TRAINING ASSISTANCE PROGRAM
	CHIEF, GENERAL LITIGATION AND LEGAL ADVICE SECTION
	SENIOR COUNSEL FOR NATIONAL SECURITY MATTERS
	DEPUTY CHIEF TERRORISM AND VIOLENT CRIME SECTION
	DEPUTY CHIEF, COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION
	CHIEF OF INTERNATIONAL TRAINING AND DEVELOPMENT PROGRAMS
	SENIOR COUNSEL TO THE ASSISTANT ATTORNEY GENERAL
	PRINCIPAL DEPUTY CHIEF, NARCOTIC AND DANGEROUS DRUG SECTION
	DIRECTOR, OFFICE OF OVERSEAS PROSECUTORIAL DEVELOPMENT, ASSISTANCE, AND TRAINING
	CHIEF, ASSET FORFEITURE OFFICE
	SENIOR COUNSEL FOR NATIONAL SECURITY MATTERS
EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS	DIRECTOR OFFICE OF MANAGEMENT INFORMATION SYSTEMS SUPPORT
	DIRECTOR, OFFICE OF ADMINISTRATION AND REVIEW
	DEPUTY DIRECTOR FOR OPERATIONS
	EXECUTIVE OFFICER (PRINCIPAL ASSOCIATE DIRECTOR)
	DIRECTOR, OFFICE OF LEGAL EDUCATION
	DEPUTY DIRECTOR, FINANCIAL MANAGEMENT STAFF
UNITED STATES MARSHALS SERVICE	ASSISTANT DIRECTOR FOR OPERATIONS SUPPORT
	ASSISTANT DIRECTOR FOR HUMAN RESOURCES
	ASSOCIATE DIRECTOR FOR OPERATIONAL SUPPORT
	SENIOR MANAGEMENT ADVISOR
	ASSISTANT DIRECTOR FOR PRISONER SERVICES
	ASSISTANT DIRECTOR FOR BUSINESS SERVICES
	ASSISTANT DIRECTOR FOR MANAGEMENT AND BUDGET

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF JUSTICE	
UNITED STATES MARSHALS SERVICE	ASSISTANT DIRECTOR FOR EXECUTIVE SERVICE ASSISTANT DIRECTOR FOR INVESTIGATIVE SERVICE ASSISTANT DIRECTOR FOR JUDICAL SECURITY ASSISTANT DIRECTOR FOR ORGANIZATIONAL DEVELOPMENT ASSISTANT DIRECTOR FOR TRAINING ASSISTANT DIRECTOR, JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM ASSISTANT DIRECTOR, FOR INVESTIGATIVE SERVICES ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY
OFFICE OF THE ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES	DEPUTY DIRECTOR DEPUTY DIRECTOR ASSISTANT DIRECTOR (LIAISON AND PUBLIC INFORMATION) ASSISTANT DIRECTOR (FIELD OPERATIONS) DEPUTY ASSISTANT DIRECTOR (CRIMINAL ENFORCEMENT FIELD OPERATIONS - CENTRAL) ASSISTANT DIRECTOR (FIREARMS, EXPLOSIVES AND ARSON) DEPUTY ASSISTANT DIRECTOR (FIREARMS, EXPLOSIVES AND ARSON) ASSISTANT DIRECTOR (INSPECTION) DEPUTY ASSISTANT DIRECTOR (RECRUITMENT AND HIRING) CHAIR, PROFESSIONAL REVIEW BOARD DEPUTY ASSISANT DIRECTOR (SCIENCE AND TECHNOLOGY) ASSISTANT DIRECTOR (SCIENCE AND TECHNOLOGY) DIRECTOR, LABORATORY SERVICES ASSOCIATE CHIEF COUNSEL (ADMINISTRATION AND ETHICS) DEPUTY ASSISTANT DIRECTOR (FIELD OPERATIONS - WEST) DIVISION DIRECTOR/SPECIAL-AGENT-IN-CHARGE, LOS ANGELES DIVISION DIRECTOR/SPECIAL-AGENT-IN-CHARGE, PHOENIX DIVISION DIRECTOR/SPECIAL-AGENT-IN-CHARGE, CHICAGO DIVISION DIRECTOR/SPECIAL-AGENT-IN-CHARGE, NEW YORK DIVISION DIRECTOR/SPECIAL-AGENT-IN-CHARGE, WASHINGTON DIVISION DIRECTOR/SPECIAL AGENT IN CHARGE DEPUTY ASSISTANT DIRECTOR (INSPECTION) DEPUTY ASSISTANT DIRECTOR (INDUSTRY OPERATIONS) DIRECTOR, NASHVILLE FIELD DIVISION/SPECIAL AGENT IN CHARGE SPECIAL AGENT IN CHARGE ASSISTANT DIRECTOR (PUBLIC AND GOVERNMENTAL AFFAIRS) DEPUTY ASSISTANT DIRECTOR (STRATEGIC INTELLIGENCE AND INFORMATION)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF JUSTICE	
OFFICE OF THE ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES	ASSISTANT DIRECTOR (STRATEGIC INTELLIGENCE AND INFORMATION)
OFFICE OF THE ASSOCIATE ATTORNEY GENERAL	DEPUTY DIRECTOR FOR SUPPORT SERVICES
EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES	EXECUTIVE OFFICER
ANTITRUST DIVISION	DEPUTY DIRECTOR OF OPERATIONS DIRECTOR, ECONOMIC ENFORCEMENT SENIOR LITIGATOR EXECUTIVE OFFICER CHIEF, TELECOMMUNICATIONS AND MEDIA SECTION SENIOR LITIGATOR SENIOR LITIGATOR, ATLANTA FIELD OFFICE DEPUTY CHIEF, LITIGATION II SECTION
CIVIL DIVISION	SPECIAL LITIGATION COUNSEL (FOREIGN LITIGATION) SPECIAL LITIGATION COUNSEL SPECIAL LITIGATION COUNSEL SPECIAL LITIGATION COUNSEL (FEDERAL PROGRAMS) SPECIAL LITIGATION COUNSEL, COMMERCIAL LITIGATION BRANCH DEPUTY BRANCH DIRECTOR DEPUTY BRANCH DIRECTOR/COMMERCIAL LITIGATION DEPUTY BRANCH DIRECTOR DIRECTOR OF MANAGEMENT PROGRAMS DEPUTY BRANCH DIRECTOR DEPUTY BRANCH DIRECTOR CIVIL FRAUDS DEPUTY BRANCH DIRECTOR DIRECTOR OFFICE OF CONSUMER LITIGATION DEPUTY DIRECTOR, COMMERCIAL LITIGATION BRANCH APPELLATE LITIGATION COUNSEL DEPUTY BRANCH DIRECTOR DEPUTY DIRECTOR, TOBACCO LITIGATION TEAM DEPUTY DIRECTOR, APPELLATE STAFF
ENVIRONMENT AND NATURAL RESOURCES DIVISION	SENIOR LITIGATION COUNSEL ATTORNEY-EXAMINER DEPUTY CHIEF, ENVIRONMENTAL ENFORCEMENT SECTION EXECUTIVE OFFICER PRINCIPAL DEPUTY CHIEF ENVIRONMENT ENFORCEMENT SECTION SUPERVISORY TRIAL ATTORNEY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF JUSTICE	
TAX DIVISION	SPECIAL LITIGATION COUNSEL SENIOR LITIGATION COUNSEL SPECIAL LITIGATION COUNSEL SPECIAL LITIGATION COUNSEL CHIEF CIVIL TRIAL SECTION SOUTHWESTERN REGION EXECUTIVE OFFICER
CIVIL RIGHTS DIVISION	SPECIAL LITIGATION COUNSEL EXECUTIVE OFFICER
COMMUNITY ORIENTED POLICING SERVICES	DEPUTY DIRECTOR, OFFICE OF COMMUNITY POLICING DEVELOPMENT
OFFICE OF JUSTICE PROGRAMS	DIRECTOR OF ADMINISTRATION DEPUTY DIRECTORECTOR, NATIONAL INSTITUTE OF JUSTICE COMPTROLLER BUDGET OFFICER DEPUTY DIRECTOR, OFFICE FOR VICTIMS OF CRIME (POLICY AND INTERNATIONAL PROGRAMS) ASSISTANT DIRECTOR, OFFICE OF ADMINISTRATION PRINCIPAL DEPUTY DIRECTOR, OFFICE OF VICTIMS OF CRIME SENIOR COUNSEL
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION	SPECIAL ADVISOR
NATIONAL INSTITUTE OF JUSTICE	SPECIAL ADVISOR ASSISTANT DIRECTOR
BUREAU OF JUSTICE STATISTICS	SUPERVISORY STATISTICIAN
DEPARTMENT OF LABOR	
OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR LABOR RACKETEERING COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF THE SOLICITOR	ASSOCIATE SOLICITOR FOR LABOR-MANAGEMENT LAWS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF LABOR	
OFFICE OF THE SOLICITOR	ASSOCIATE SOLICITOR FOR PLAN BENEFITS SECURITY REGIONAL SOLICITOR CHICAGO ASSOCIATE SOLICITOR FOR CIVIL RIGHTS ASSOCIATE SOLICITOR FOR OCCUPATIONAL SAFETY AND HEALTH ASSOCIATE SOLICITOR FOR MINE SAFETY AND HEALTH ASSOCIATE SOLICITOR FOR FAIR LABOR STANDARDS REGIONAL SOLICITOR ATLANTA ASSOCIATE SOLICITOR FOR FEDERAL EMPLOYEES' AND ENERGY WORKERS' COMPENSATION REGIONAL SOLICITOR BOSTON REGIONAL SOLICITOR NEW YORK REGIONAL SOLICITOR PHILADELPHIA REGIONAL SOLICITOR DALLAS REGIONAL SOLICITOR KANSAS CITY REGIONAL SOLICITOR SAN FRANCISCO DEPUTY SOLICITOR (REGIONAL OPERATIONS) ASSOCIATE SOLICITOR FOR SPECIAL APPEL AND SUPREME COURT LITIGATION DEPUTY SOLICITOR FOR PLANNING AND COORDINATION ASSOCIATE SOLICITOR FOR BLACK LUNG BENEFITS DEPUTY SOLICITOR (NATIONAL OPERATIONS) DEPUTY SOLICITOR (NATIONAL OPERATIONS) DEPUTY SOLICITOR (NATIONAL OPERATIONS) DEPUTY SOLICITOR (NATIONAL OPERATIONS)
OFFICE OF CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER ASSOCIATE DEPUTY CHIEF FINANCIAL OFFICER ASSOCIATE DEPUTY CHEIF FINANCIAL OFFICER FOR FINANCIAL SYSTEMS
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT	DIRECTOR OF HUMAN RESOURCES DEPUTY DIRECTOR, INFORMATION TECHNOLOGY CENTER DIRECTOR OFFICE OF BUDGET DIRECTOR BUSINESS OPERATIONS CENTER DIRECTOR OF CIVIL RIGHTS DIRECTOR, MANAGEMENT SYSTEMS DEVELOPMENT AND INNOVATION DIRECTOR OF SAFETY AND HEALTH DIRECTOR OF INFORMATION TECHNOLOGY OPERATIONS DEPUTY ASSISTANT SECRETARY FOR BUDGET AND PERFORMANCE PLANNING DEPUTY ASSISTANT SECRETARY FOR OPERATIONS DIRECTOR, PROGRAM PLANNING AND RESULTS CENTER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF LABOR	
OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT	DEPUTY ASSISTANT SECRETARY FOR SECURITY AND EMERGENCY MANAGEMENT
EMPLOYMENT STANDARDS ADMINISTRATION	DIRECTOR OFFICE OF MANAGEMENT, ADMINISTRATION AND PLANNING
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS	DIRECTOR DIVISION OF PROGRAMS OPERATIONS
WAGE AND HOUR DIVISION	DEPUTY NATIONAL OFFICE PROGRAM ADMINISTRATION DEPUTY WAGE AND HOUR ADMINISTRATOR (OPERATIONS) PRINCIPAL DEPUTY WAGE AND HOUR ADMINISTRATOR
OFFICE OF WORKERS COMPENSATION PROGRAMS	DIRECTOR FOR FEDERAL EMPLOYEES' COMPENSATION DIRECTOR COAL MINE WORKERS' COMPENSATION DIRECTOR, ENERGY EMPLOYEES' OCCUPATIONAL ILLNESS COMPENATION
OFFICE OF LABOR-MANAGEMENT STANDARDS	DEPUTY DIRECTOR, EMPLOYMENT STANDARDS ADMINISTRATION DIRECTOR, OFFICE OF POLICY, REPORTS AND DISCLOSURE
EMPLOYEE BENEFITS SECURITY ADMINISTRATION	DIRECTOR OF REGULATIONS AND INTERPRETATIONS DEPUTY ASSISTANT SECRETARY FOR PROGRAM OPERATIONS DIRECTOR OF EXEMPTION DETERMINATIONS SENIOR POLICY ADVISOR REGIONAL DIRECTOR - BOSTON REGIONAL DIRECTOR - ATLANTA REGIONAL DIRECTOR - NEW YOK REGIONAL DIRECTOR - KANSAS CITY REGIONAL DIRECTOR - SAN FRANCISCO DIRECTOR OF ENFORCEMENT DIRECTOR OF HEALTH PLAN STANDARDS COMPLIANCE AND ASSISTANCE DIRECTOR OF PARTICIPANT ASSISTANCE AND COMMUNICATIONS DIRECTOR OF INFORMATION MANAGEMENT CHIEF ACCOUNTANT
BUREAU OF LABOR STATISTICS	ASSOCIATE COMMISSIONER FOR FIELD OPERATIONS ASSOCIATE COMMISSIONER FOR ADMINISTRATION ASSOCIATE COMMISSIONER FOR EMPLOYMENT PROJECTIONS ASSOCIATE COMMISSIONER FOR PRICES AND LIVING CONDITIONS ASSOCIATE COMMISSIONER PRODUCTIVITY AND TECHNOLOGY DEPUTY COMMISSIONER ASSOCIATE COMMISSIONER/SURVEY METHODS RESEARCH ASSOCIATE COMMISSIONER FOR EMPLOYMENT AND UNEMPLOYMENT STATISTICS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF LABOR	
BUREAU OF LABOR STATISTICS	ASSISTANT COMMISSIONER FOR INDUSTRIAL PRICES AND PRICE INDEXES DIRECTOR OF SURVEY PROCESSING DIRECTOR OF TECHNOLOGY AND COMPUTING SERVICES ASSISTANT COMMISSIONER FOR CURRENT EMPLOYEE ANALYSIS ASSOCIATE COMMISSIONER FOR TECHNOLOGY AND SURVEY PROCESSING ASSISTANT COMMISSIONER FOR COMPENSATION LEVELS AND TRENDS ASSISTANT COMMISSIONER FOR SAFETY, HEALTH AND WORKING CONDITIONS ASSOCIATE COMMISSIONER COMPENSATION AND WORKING CONDITIONS ASSISTANT COMMISSIONER FOR INTERNATIONAL PRICES ASSOCIATE COMMISSIONER FOR PUBLICATIONS AND SPECIAL STUDIES ASSISTANT COMMISSIONER FOR INDUSTRIAL PRICES AND PRICE INDEXES ASSISTANT COMMISSIONER FOR FEDERAL/STATE COOPERATIVE STATISTICS PROGRAMS ASSISTANT COMMISSIONER FOR OCCUPATIONAL STATISTICS AND EMPLOYMENT PROJECTIONS ASSISTANT COMMISSIONER FOR CONSUMER PRICES AND PRICES INDEXES
EMPLOYMENT AND TRAINING ADMINISTRATION	ADMINISTRATOR, OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT DIRECTOR, OFFICE OF CAREER TRANSITION ASSISTANCE
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION	DIRECTOR, DIRECTORATE OF SCIENCE, TECHNOLOGY AND MEDICINE DIRECTOR SAFETY STANDARDS PROGRAMS DIRECTOR, DIRECTORATE OF COOPERATIVE AND STATE PROGRAMS DIRECTOR, HEALTH STANDARDS PROGRAMS DIRECTOR, ADMINISTRATOR PROGRAMS DIRECTOR, DIRECTORATE OF EVALUATION AND ANALYSIS DIRECTOR, DIRECTORATE OF STANDARDS AND GUIDANCE
MINE SAFETY AND HEALTH ADMINISTRATION	DIRECTOR OF ADMINISTRATION AND MANAGEMENT DIRECTOR OF TECHNICAL SUPPORT DIRECTOR OF PROGRAM EVALUATION AND INFORMATION RESOURCES
VETERANS EMPLOYMENT AND TRAINING SERVICE	DIRECTOR OF RESOURCE MANAGEMENT DIRECTOR OF OPERATIONS AND PROGRAMS DEPUTY ASSISTANT SECRETARY FOR OPERATIONS AND MANAGEMENT
OFFICE OF DISABILITY EMPLOYMENT POLICY	DIRECTOR, OFFICE OF OPERATIONS
MERIT SYSTEMS PROTECTION BOARD	
OFFICE OF THE CLERK OF THE BOARD	CLERK OF THE BOARD

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
MERIT SYSTEMS PROTECTION BOARD	
OFFICE OF FINANCIAL AND ADMINISTRATIVE MANAGEMENT	DIRECTOR, FINANCIAL AND ADMINISTRATIVE MANAGEMENT
OFFICE OF POLICY AND EVALUATION	DIRECTOR, OFFICE OF POLICY AND EVALUATION
OFFICE OF INFORMATION RESOURCES MANAGEMENT	DIRECTOR, INFORMATION RESOURCES MANAGEMENT
OFFICE OF REGIONAL OPERATIONS	DIRECTOR, OFFICE OF REGIONAL OPERATIONS
ATLANTA REGIONAL OFFICE	REGIONAL DIRECTOR, ATLANTA
CENTRAL REGION, CHICAGO REGIONAL OFFICE	REGIONAL DIRECTOR, CHICAGO
NORTHEAST REGION, PHILADELPHIA REGIONAL OFFICE	REGIONAL DIRECTOR, PHILADELPHIA
WESTERN REGION, SAN FRANCISCO REGIONAL OFFICE	REGIONAL DIRECTOR, SAN FRANCISCO
WASHINGTON, DC REGION, WASHINGTON REGIONAL OFFICE	REGIONAL DIRECTOR, WASHINGTON, D.C.
DALLAS REGIONAL OFFICE	REGIONAL DIRECTOR, DALLAS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	EXECUTIVE DIRECTOR OF THE U.S. CENTENNIAL OF FLIGHT COMMISSION SENIOR PROGRAM EXECUTIVE, ADVANCED TECHNOLOGY PROGRAM MANAGEMENT SENIOR SYSTEMS ENGINEER
OFFICE OF THE ADMINISTRATOR	Did not find title for this position PROGRAM DIRECTOR, INTEGRATED FINANCIAL MANAGEMENT PROGRAM SPACE ARCHITECT ASSOCIATE DEPUTY ADMINISTRATOR FOR TECHNICAL PROGRAMS POLICY ADVISOR
OFFICE OF THE CHIEF INFORMATION OFFICER	ASSOCIATE CHIEF INFORMATION OFFICER FOR PROGRAMS DEPUTY CHIEF INFORMATION OFFICER
OFFICE OF THE CHIEF FINANCIAL OFFICER/COMPTROLLER	DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, FINANCIAL MANAGEMENT DIVISION DIRECTOR, RESOURCES ANALYSIS DIVISION ASSOCIATE CHIEF FINANCIAL OFFICER FOR INTEGRATED FINANCIAL MANAGEMENT PROGRAM SPECIAL ASSISTANT DIRECTOR, STRATEGIC MANAGEMENT AND PLANNING DIRECTOR, COST ANALYSIS DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
OFFICE OF THE CHIEF FINANCIAL OFFICER/COMPTROLLER	DEPUTY COMPTROLLER FOR APPROPRIATIONS DEPUTY CHIEF FINANCIAL OFFICER FOR FOR RESOURCES (COMPTROLLER
OFFICE OF HEADQUARTERS OPERATIONS	DIRECTOR, HUMAN RESOURCE MANGEMENT DIVISION EXECUTIVE DIRECTOR OF NASA'S SHARED SERVICE CENTER
OFFICE OF EQUAL OPPORTUNITY PROGRAMS	DIRECTOR, DISCRIMINATION COMPLAINTS DIVISION DIRECTOR, POLICIES AND PROGRAMS DIVISION
OFFICE OF HUMAN RESOURCES	DIRECTOR, MANAGEMENT SYSTEM DIVISION ASSISTANT ADMINISTRATOR FOR HUMAN RESOURCES AND EDUCATION DIRECTOR, EDUCATION DIVISION DIRECTOR, EDUCATION DIVISION DIRECTOR, PERSONNEL DIVISION DIRECTOR, MANAGEMENT SYSTEMS DIVISION DIRECTOR, TRAINING AND DEVELOPMENT DIVISION SENIOR ADVISOR FOR HUMAN CAPITOL
OFFICE OF PROCUREMENT	ASSISTANT ADMINISTRATOR FOR PROCUREMENT DIRECTOR, PROGRAM OPERATIONS DIVISION DIRECTOR, CONTRACT MANAGEMENT DIVISION DIRECTOR ANALYSIS DIVISION
OFFICE OF EXTERNAL RELATIONS	DEPUTY ASSOCIATE ADMINISTRATOR FOR EXTERNAL RELATIONS (SPACE FLIGHT) MANAGER, INTERNATIONAL TECHNOLOGY TRANSFER POLICY DIRECTOR, SPACE FLIGHT DIVISION DIRECTOR, RESEARCH DIVISION DIRECTOR, EARTH SCIENCE DIVISION DIRECTOR, SPACE SCIENCE AND AERONAUTICS DIVISION MANAGER, INTERNATIONAL TECHNOLOGY TRANSFER POLICY DIRECTOR, SPACE OPERATIONS DIVISION NASA SPAIN REPRESENTATIVE DEPUTY ASSISTANT ADMINISTRATOR FOR EXTERNAL RELATIONS (EXPLORATION)
SPACE FLIGHT	PROGRAM EXECUTIVE OFFICER FOR HUMAN SPACE FLIGHT
OFFICE OF INSTITUTIONAL AND CORPORATE MANAGEMENT	DIRECTOR, FACILITIES ENGINEERING DIVISION SPECIAL ASSISTANT DIRECTOR ENVIRONMENTAL MANAGEMENT DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
OFFICE OF INSTITUTIONAL AND CORPORATE MANAGEMENT	DIRECTOR, LOGISTICS MANAGEMENT OFFICE DIRECTOR OF ENVIRONMENTAL MANAGEMENT
INFORMATION RESOURCES MANAGEMENT	DIRECTOR, INFORMATION RESOURCES MGMT DIVISION
OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION	ASSISTANT ADMINISTRATOR FOR SMALL AND DISADVANTAGED BUSINESS UTILIZATION
OFFICE OF LEGISLATIVE AFFAIRS	DEPUTY ASSOCIATE ADMINISTRATOR DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS DIRECTOR, LIAISON DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR LEGISLATIVE AFFAIRS DEPUTY ASSOCIATE ADMINISTRATOR FOR LEGISLATIVE AFFAIRS DEPUTY ASSOCIATE ADMINISTRATOR FOR LEGISLATIVE AFFAIRS
OFFICE OF SPACE FLIGHT	DIRECTOR, INTERNATIONAL SPACE STATION AND SPACE SHUTTLE PROGRAM RESOURCE DEPUTY CHIEF DIRECTOR, ADVANCED PROJECT OFFICE DEPUTY ASSOCIATE ADMINISTRATOR FOR BUSINESS MANAGEMENT DEPUTY ASSOCIATE ADMINITRATOR FOR SPACE OPERATIONS SPECIAL ASSISTANT TO THE ASSOCIATE ADMINISTRATOR ASSISTANT ASSOCIATE ADMINISTATOR FOR POLICY AND PLANS ASSISTANT ASSOCIATE ADMINISTRATOR FOR INTERNATIONAL SPACE STATION ASSISTANT ASSOCIATE ADMINISTRATOR FOR SPACE SHUTTLE PROGRAM SPECIAL ASSISTANT TO THE ASSOCIATE ADMINISTRATOR ASSISTANT ASSOCIATE ADMINISTRATOR FOR LAUNCH SERVICES
INSTITUTIONS	DEPUTY ASSOCIATE ADMINISTRATOR FOR INTERAGENCY ENTERPRISE
SPACE FLIGHT DEVELOPMENT	DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE DEVELOPMENT
JOHNSON SPACE CENTER	CHIEF FINANCIAL OFFICER DIRECTOR OF HUMAN RESOURCES DIRECTOR OF TECHNICAL TRANSFER AND COMMERCIALIZATION CHIEF INFORMATION OFFICER DEPUTY CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR (TECHNICAL) ASSISTANT DIRECTOR, SPACE OPERATIONS MANAGER ADVANCED COMMUNICATIONS OPERATIONS ASSOCIATE DIRECTOR (MANAGEMENT)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
JOHNSON SPACE CENTER	ASSISTANT DIRECTOR FOR UNIVERSITY RESEARCH AND AFFAIRS DIRECTOR, EXTERNAL RELATIONS MANAGER FOR INTERNATIONAL OPERATIONS CHIEF ENGINEER ASSOCIATE DIRECTOR (SPACE DEVELOPMENT AND COMMERCE) MANAGER, EXPLORATION PROGRAMS OFFICE MANAGER, EXPLORATION PROGRAMS OFFICE
SPACE OPERATIONS OFFICE	MANAGER, SPACE OPERATION MANGEMENT OFFICE MANAGER, SPACE OPERATIONS ENGINEERING OFFICE DIRECTOR, SPACE OPERATIONS OFFICE DEPUTY DIRECTOR, SPACE OPERATIONS OFFICE DIRECTOR SPACE OPERATIONS NATIONAL AERONAUTICS AND SPACE ADMINISTRATION REPRESENTATIVE TO HEADQUARTERS, AIR FORCE SPACE COMMAND
SPACE STATION PROGRAM OFFICE	MANAGER, VEHICLE OFFICE DIRECTOR, MANAGEMENT OPERATIONS DEPUTY SPACE STATION VEHICLE MANAGER MANAGER INTERNATIONAL PARTNERS OFFICE TECHNICAL ASSISTANT TO THE MANAGER, SPACE STATION PROGRAM DEPUTY PROGRAM MANAGER FOR BUSINESS MANAGEMENT DEPUTY PROGRAM MANAGER FOR TECHNICAL DEVELOPMENT MANAGER, RESEARCH PROGRAMS TECHNICAL ASSISTANT FOR EXTERNAL REVIEWS MANAGER, PROGRAM PLANNING AND CONTROL OFFICE MANAGER, SPACE STATION PAYLOADS OFFICE MANAGER, INTERNATIONAL SPACE STATION PROGRAM DEPUTY MANAGER, INTERNATIONAL SPACE STATION PROGRAM MANAGER, AVIONICS AND SOFTWARE OFFICE MANAGER, PROGRAM INTEGRATION OFFICE MANAGER, MISSION INTEGRATION AND OPERATIONS OFFICE MANAGER, EXTERNAL RELATIONS OFFICE, INTERNATIONAL SPACE STATION
SPACE SHUTTLE PROGRAM OFFICE	MANAGER, SPACE SHUTTLE VEHICLE ENGINEER OFFICE MANAGER, SHUTTLE PROJECTS OFFICE (MARSHALL SPACE FLIGHT CENTER) MGR LAUNCH INTEGRATION (KSC) SPACE SHUTTLE MGR LAUNCH INTEGRATION (KSC) SPACE SHUTTLE ASSISTANT MANAGER SPACE SHUTTLE PROGRAM

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
SPACE SHUTTLE PROGRAM OFFICE	MANAGER FOR SPACE SHUTTLE PROGRAM DEVELOPMENT MANAGER, SPACE SHUTTLE PROGRAM INTEGRATION SPACE OPERATIONS COMMERCIALIZATION MANAGER MANAGER, SPACE SHUTTLE FLIGHT OPERATIONS AND INTEGRATION DEPUTY MANAGER, SPACE SHUTTLE PROGRAM MANAGER, ORBITER PROJECT OFFICE MANAGER, SPACE SHUTTLE BUSINESS OFFICE MANAGER, SPACE SHUTTLE BUSINESS OFFICE MANAGER, SPACE SHUTTLE SYSTEMS ENGINEERING AND INTEGRATION OFFICE MANAGER, SPACE SHUTTLE MANAGEMENT INTEGRATION AND PLANNING OFFICE
MISSION OPERATIONS	DIRECTOR, MISSION OPERATIONS CHIEF FLIGHT DIRECTOR OFFICE DEPUTY DIRECTOR, MISSION OPERATIONS ASSISTANT DIRECTOR FOR OPERATIONS CHIEF ENGINEER, MISSION OPERATIONS DIRECTORATE CHIEF FLIGHT DIRECTOR OFFICE CHIEF, ADVANCED OPERATIONS AND DEVELOPMENT DIVISION
FLIGHT CREW OPERATIONS	CHIEF, AIRCRAFT OPERATIONS DIVISION DEPUTY DIRECTOR, FLIGHT CREW OPERATIONS MANAGER, PHASE ONE PROGRAM OFFICE ASSISTANT CHIEF, AIRCRAFT OPERATIONS DIVISION CHIEF ASTRONAUT OFFICE
ENGINEERING	CHIEF STRUCTURES AND MECHANCIS DIVISION CHIEF, CREW AND THERMAL SYSTEMS DIVISION DEPUTY DIRECTOR, ENGINEERING CHIEF, AUTOMATION, ROBOTICS AND SIMULATION DIVISION DIRECTOR, ENGINEERING CHIEF ENGINEER SPACE STATION PROGRAM CHIEF AVIONIC SYSTEMS DIVISION ASSISTANT TO THE DIRECTOR, ENGINEERING DEPUTY CHIEF, AVIONIC SYSTEMS DIVISION CHIEF, AEROSCIENCE AND FLIGHT MECHANICS DIV MANAGER, ADVANCED DEVELOPMENT OFFICE DEPUTY MANAGER, ADVANCED DEVELOPMENT OFFICE ASSISTANT MANAGER, ADVANCED DEVELOPMENT OFFICE DEPUTY MANAGER FOR EXPLORATION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
ENGINEERING	CHIEF ENERGY SYSTEMS DIVISION DEPUTY DIRECTOR OF ENGINEERING FOR FLIGHT ASSISTANT TO THE DIRECTOR CHIEF, STRUCTURAL ENGINEERING DIVISION
SPACE AND LIFE SCIENCES	CHIEF, MEDICAL SCIENCES DIVISION ASSISTANT DIRECTOR FOR ENGINEERING ASSISTANT TO THE DIRECTOR FOR RUSSIAN PROGS CHIEF, FLIGHT CREW SUPPORT DIVISION ASSOCIATE DIRECTOR, SPACE AND LIFE SCIENCES CHIEF, SOLAR SYSTEM EXPLORATION DIVISION DEPUTY DIRECTOR, SPACE AND LIFE SCIENCES ASSISTANT DIRECTOR FOR FLIGHT PROGRAMS ASSISTANT DIRECTOR FOR SPACE MEDICINE ASSISTANT DIRECTOR, SPACE AND LIFE SCIENCES ASSOCIATE DIRECTOR, ASTROMATERIALS RESEARCH AND EXPLORATION SCIENCE ASSOCIATE DIRECTOR, TECHNICAL DEPUTY ASSOCIATE DIRECTOR, BIOLOGICAL SCIENCES AND APPLICATIONS MANAGER OF OPERATIONS AND INTEGRATION
INFORMATION RESOURCES	DEPUTY DIRECTOR INFORMATION SYSTEMS DEPUTY DIRECTOR, INFORMATION SYSTEMS ASSISTANT TO THE DIRECTOR DIRECTOR, INFORMATION RESOURCES
OFFICE OF PROCUREMENT	PROCUREMENT OFFICER ASSISTANT DIRECTOR, BUSINESS AND INFO SYSTEMS SPECIAL ASSISTANT TO THE DIRECTOR MANAGER SPACE STATION BUSINESS OFFICE ASSISTANT DIRECTOR BUSINESS MANAGEMENT DEPUTY DIRECTOR, OFFICE OF PROCUREMENT
CENTER OPERATIONS	DIRECTOR CENTER OPERATIONS DEPUTY DIRECTOR, CENTER OPERATIONS
SAFETY AND MISSION ASSURANCE	DIRECTOR, SAFETY AND MISSION ASSURANCE DIRECTOR, MISSION SUPPORT DIVISION ASSOCIATE DIRECTOR FOR TECHNICAL, SAFETY AND MISSION ASSURANCE DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
SAFETY AND MISSION ASSURANCE	ASSISTANT DIRECTOR FOR SPACE FLIGHT AWARENESS
WHITE SANDS TEST FACILITY	MANAGER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION WHITE SANDS TEST FACILITY
EVA PROJECT OFFICE	MANAGER EVA PROJECT OFFICE
KENNEDY SPACE CENTER	DIRECTOR, JOHN F KENNEDY SPACE CENTER ASSOCIATE DIRECTOR, JOHN F KENNEDY SPACE CENTER CHIEF FINANCIAL OFFICER SPECIAL ASSISTANT TO THE DIRECTOR
CAPE CANAVERAL SPACEPORT MANAGEMENT	EXECUTIVE DIRECTOR, CAPE CANAVERAL SPACEPORT MANAGEMENT OFFICE
PROCUREMENT	DIRECTOR, PROCUREMENT OFFICE
HUMAN RESOURCES	DIRECTOR, HUMAN RESOURCES OFFICE
INDEPENDENT TECHNICAL AUTHORITY AND SYSTEMS MANAGEMENT	DIRECTOR, INDEPENDENT TECHNICAL AUTHORITY & SYSTEMS MANAGEMENT
INFORMATION TECHNOLOGY AND COMMUNICATIONS SERVICES	DIRECTOR, INFORMATION TECHNOLOGY AND COMMUNICATIONS SERVICES
SHUTTLE PROCESSING	DIRECTOR OF SHUTTLE PROCESSING DEPUTY DIRECTOR OF SHUTTLE PROCESSING
SAFETY AND MISSION ASSURANCE	DIRECTOR OF SAFETY AND MISSION ASSURANCE DIRECTOR OF SAFETY AND MISSION ASSURANCE DEPUTY DIRECTOR OF SAFETY AND MISSION ASSURANCE ASSOCIATE DIRECTOR FOR AGENCY OCCUPATIONAL HEALTH PROGRAM ASSOCIATE DIRECTOR FOR SAFETY AND MISSION ASSURANCE DIRECTOR FOR SAFETY AND MISSION ASSURANCE
SPACEPORT ENGINEERING AND TECHNOLOGY	DEPUTY DIRECTOR OF SPACEPORT ENGINEERING AND TECHNOLOGY ASSOCIATE DIRECTOR FOR ADVANCED SPACE TRANSPORTATION SUPPORT ASSOCIATE DIRECTOR FOR SPACEPORT TECHNOLOGY PROJECTS
SPACEPORT SERVICES	DIRECTOR OF SPACEPORT SERVICES DEPUTY DIRECTOR OF SPACEPORT SERVICES AND CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR OF SPACEPORT SERVICES AND CHIEF MEDICAL OFFICER ASSISTANT DIRECTOR OF SPACEPORT SERVICES
INTERNATIONAL SPACE STATION AND PAYLOAD PROCESSING	DIRECTOR OF INTERNATIONAL SPACE STATION/PAYLOAD PROCESSING

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
INTERNATIONAL SPACE STATION AND PAYLOAD PROCESSING	DEPUTY DIRECTOR OF INTERNATIONAL SPACE STATION/PAYLOAD PROCESSING
KENNEDY SPACE CENTER EXPLORATION OFFICE	DIRECTOR OF KENNEDY SPACE CENTER EXPLORATION OFFICE
EXTERNAL RELATIONS	DIRECTOR, EXTERNAL RELATIONS DEPUTY DIRECTOR, EXTERNAL RELATIONS AND BUSINESS DEVELOPMENT ASSISTANT DIRECTOR, EXTERNAL RELATIONS ASSOCIATE DIRECTOR, EXTERNAL RELATIONS AND BUSINESS DEVELOPMENT (WASHINGTON, DC) ASSOCIATE DIRECTOR, EXTERNAL RELATIONS AND BUSINESS DEVELOPMENT AND SENIOR PUBLIC COMMUNICATIONS OFFICER
LAUNCH SERVICES PROGRAM	MANAGER, LAUNCH SERVICES PROGRAM DEPUTY MANAGER, LAUNCH SERVICES PROGRAM DIRECTOR, EXPENDABLE LAUNCH VEHICLE LAUNCH SERVICES
MARSHALL SPACE FLIGHT CENTER	CHIEF FINANCIAL OFFICER DIRECTOR, SAFETY AND MISSION ASSURANCE OFFICE ASSOCIATE DIRECTOR MANAGER, SECOND GENERATION REUSABLE LAUNCH VEHICLE PROGRAM OFFICE DEPUTY MANAGER, SPACE SHUTTLE PROPULSION OFFICE INTERGRATED FINANCIAL MANAGEMENT PROGRAM ADMINISTRATIVE SYSTEMS IMPLEMENTATION MANAGER INTERGRATED FINANCIAL MANAGEMENT PROGRAM COMPETENCY CENTER MANAGER DEPUTY CHIEF FINANCIAL OFFICER SPECIAL ASSISTANT TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ASSOCIATE ADMINISTRATOR FOR EDUCATION MANAGER, SHUTTLE PROPULSION OFFICE BUSINESS INTEGRATION EXECUTIVE ASSISTANT FOR PROJECT MANAGEMENT AND DEVELOPMENT
SCIENCE DIRECTORATE	DEPUTY FOR MANAGEMENT DEPUTY DIRECTOR, SCIENCE MANAGER, MICROGRAVITY SCIENCE AND APPLICATIONS DEPARTMENT MANAGER, MICROGRAVITY RESEARCH PROGRAM CHIEF OPERATING OFFICER, NATIONAL SPACE SCIENCE AND TECHNOLOGY CENTER MANAGER, GRAVITY PROBE-B PROGRAM OFFICE
ENGINEERING DIRECTORATE	MANAGER, ENGINEERING SYSTEMS DEPARTMENT MANAGER, AVIONICS DEPARTMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
ENGINEERING DIRECTORATE	MANAGER, STRUCTURES, MECHANICS AND THERMAL DEPARTMENT CHIEF ENGINEER SPACE SHUTTLE MAINTAINENCE ENGINEERING PROJECT MANAGER, MATERIALS, PROCESSES, AND MANUFACTURING DEPARTMENT ASSISTANT TO THE DIRECTOR, ENGINEERING DEPUTY DIRECTOR, ENGINEERING DEPUTY MANAGER, MATERIALS, PROCESSES AND MANUFACTURING DEPARTMENT DEPUTY MANAGER, STRUCTURES, MECHANICS AND THERMAL DEPARTMENT SPACE SHUTTLE PROPULSION CHIEF ENGINEER MANAGER, MISSION OPERATIONS LABORATORY DEPUTY MANAGER, PROPULSION SYSTEMS DEPARTMENT
AVIONICS DEPARTMENT	DEPUTY MANAGER, AVIONICS DEPARTMENT
CENTER OPERATIONS DIRECTORATE	DIRECTOR, INFORMATION SYSTEMS SERVICES OFFICE DIRECTOR, PROCUREMENT OFFICE DIRECTOR EVIRNONMENTAL ENGINEERING AND MANAGEMENT OFFICE DIRECTOR CENTER OPERATIONS DIRECTOR CENTER OPERATIONS DEPUTY DIRECTOR,CENTER OPERATIONS MANAGER, INFORMATION SERVICES DEPARTMENT SPECIAL ASSISTANT TO THE DIRECTOR
SHUTTLE PROPULSION OFFICE	MANAGER, EXTERNAL TANK PROJECT MANAGER SOLID ROCKET BOOSTER PROJECT MANAGER, SPACE SHUTTLE MAIN ENGINE PROJECT, SPACE SHUTTLE PROPULSION OFFICE MANAGER, REUSABLE SOLID ROCKET MOTOR PROJECT CHIEF ENGINEER SPACE SHUTTLE MAINTAINENCE ENGINEERING PROGRAM MANAGER, PROPULSION SYSTEMS INTEGRATION PROJECT MANAGER, PROPULSION SYSTEMS INTEGRATION PROJECT CHIEF OPERATING OFFICER, MICHOUS ASSEMBLY FACILITY
SAFETY AND MISSION ASSURANCE OFFICE	DEPUTY DIRECTOR, SAFETY AND MISSION ASSURANCE OFFICE DIRECTOR, SAFETY AND ASSURANCE REQUIREMENTS DIVISION DIRECTOR, REVIEW AND ASSESSMENT DIVISION
GLOBAL HYDROLOGY RESEARCH OFFICE	MANAGER MICROGRAVITY RESEARCH PROGRAM OFFICE
SCIENCE AND TECHNOLOGY DIRECTORATE	MANAGER, PROPULSION RESEARCH CENTER
FLIGHT PROJECTS DIRECTORATE	DEPUTY DIRECTOR, FLIGHT PROJECTS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
FLIGHT PROJECTS DIRECTORATE	ASSISTANT TO THE DIRECTOR, FLIGHT PROJECTS DEPUTY ASSOCIATE DIRECTOR FOR EARTH OBSERVING SYSTEMS (EARTH OBSERVING SYSTEMS) DEVELOPMENT DEPUTY DIRECTOR FOR PLANNING AND BUSINESS MANAGEMENT DEPUTY ASSOCIATE DIRECTOR FOR EARTH OBSERVING SYSTEM OPERATIONS MANAGER, PAYLOAD OPERATIONS AND INTEGRATION DEPARTMENT CHIEF ENGINEER MANAGER, GROUND SYSTEMS DEPARTMENT MANAGER, FLIGHT SYSTEMS DEPARTMENT
SPACE TRANSPORTATION DIRECTORATE	DIRECTOR, ADVANCED TRANSPORTATION SYSTEM OFFICE MANAGER, VEHICLES AND SYSTEMS DEVELOPMENT DEPARTMENT MANAGER, TEST AND EVALUATION DEPARTMENT MANAGER, SECOND GENERATION REUSABLE LAUNCH VEHICLE PROGRAM OFFICE MANAGER, SUBSYSTEM AND COMPONENTS DEVELOPMENT DEPARTMENT DEPUTY DIRECTOR SPACE TRANSPORTATION DIRECTORATE CHIEF ENGINEER, SPACE TRANSPORTATION MANAGER, PROPULSION RESEARCH CENTER DEPUTY MANAGER, SECOND GENERATION REUSABLE LAUNCH VEHICLE PROGRAM OFFICE MANAGER, PROPULSION OFFICE
OFFICE OF CHIEF INFORMATION OFFICER	CHIEF INFORMATION OFFICER
CUSTOMER AND EMPLOYEE RELATIONS DIRECTORATE	DIRECTOR, CUSTOMER AND EMPLOYEE RELATIONS DEPUTY DIRECTOR, CUSTOMER AND EMPLOYEE RELATIONS
STENNIS SPACE CENTER	DIRECTOR, PROPULSION TEST DIRECTORATE DEPUTY DIRECTOR, PROPULSION TEST DIRECTORATE CHIEF FINANCIAL OFFICER SPECIAL ASSISTANT TO THE DIRECTOR DIRECTOR, CENTER OPERATIONS AND SUPPORT DIRECTORATE MANAGER, PROPULSION TEST PROGRAM OFFICE ASSISTANT TO THE DIRECTOR DIRECTOR, EARTH SCIENCE APPLICATIONS DIRECTORATE DIRECTOR, BUSINESS MANAGEMENT DIRECTORATE ASSISTANT DIRECTOR DEPUTY DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION STENNIS SPACE CENTER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
OFFICE OF PUBLIC AFFAIRS	DIRECTOR OF PROGRAM OPERATIONS DIRECTOR MEDIA SERVICES DIVISION
OFFICE OF SAFETY AND MISSION ASSURANCE	DEPUTY ASSOCIATE ADMINISTRATOR FOR SAFETY AND MISSION ASSURANCE DIRECTOR, PAYLOADS AND AERONAUTICS DIVISION
SAFETY AND RISK MANAGEMENT	DIRECTOR, SAFETY AND RISK MANAGEMENT DIVISION
OFFICE OF AEROSPACE TECHNOLOGY	DIRECTOR, COMMERICAL DEVELOPMENT AND TECHNOLOGY TRANSFER SENIOR ENGINEER DIRECTOR, RESEARCH SUPPORT DIVISION DIRECTOR, GOALS DIVISION DEPUTY ASSISTANT ADMINISTRATOR FOR AEROSPACE TECHNOLOGY (SPACE TRANSPORTATION) ASSISTANT ASSOCIATE ADMINISTRATOR (ENTERPRISE OPERATIONS) DIRECTOR STRATEGY COMMUNICATIONS AND PROGRAM INTEGRATION DIRECTOR, AERONAUTICS TECHNOLOGY DIVISION
RESOURCES AND MANAGEMENT SYSTEMS	DIRECTOR, RESOURCES MANAGEMENT OFFICE
AMES RESEARCH CENTER	CHIEF FINANCIAL OFFICER ASSOCIATE DIRECTOR FOR SPACE PROGRAMS AND PROJECTS ASSISTANT DIRECTOR FOR AVIATION DEPUTY DIRECTOR FOR RESEARCH DEPUTY DIRECTOR, INFORMATION SCIENCE AND TECHNOLOGY DEPUTY DIRECTOR AMES RESEARCH CENTER DEPUTY DIRECTOR AMES RESEARCH CENTER ASSISTANT DIRECTOR FOR INFORMATION TECHNOLOGY DIRECTOR, OFFICE OF SAFETY, ENVIRONMENT AND MISSION ASSURANCE ASSISTANT TO THE DIRECTOR CHIEF, COMPUTATIONAL SCIENCES DIVISION ASSOCIATE DIRECTOR FOR ASTROBIOLOGY AND SPACE PROGRAMS CHIEF COUNSEL ASSOCIATE DIRECTOR FOR SYSTEMS MANAGEMENT AND PLANNING SPECIAL ASSISTANT FOR SOFTWARE INTEGRATION SPECIAL ASSISTANT TO THE DIRECTOR CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR OF PROJECT MANAGEMENT AND ENGINEERING ASSOCIATE DIRECTOR FOR INSTITUTIONAL MANAGEMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
AEROSPACE	DEPUTY DIRECTOR FLIGHT PROJECTS OFFICE CHIEF, SPACE TECHNOLOGY DIVISION CHIEF, AVIATION SYSTEMS RESEARCH TECHNOLOGY AND SIMULATION CHIEF, ARMY/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ROTORCRAFT DIVISION DEPUTY DIRECTOR OF AEROSPACE
AEROPHYSICS	CHIEF, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SYSTEMS DIVISION
ASTROBIOLOGY AND SPACE RESEARCH	DIRECTOR OF ASTROBIOLOGY AND SPACE RESEARCH CHIEF, LIFE SCIENCES DIVISION CHIEF, SPACE SCIENCE DIVISION DEPUTY DIRECTOR OF ASTROBIOLOGY AND SPACE RESEARCH
CENTER OPERATIONS	DIRECTOR OF CENTER OPERATIONS DIRECTOR OF CENTER OPERATIONS DEPUTY DIRECTOR, CENTER OPERATIONS
RESEARCH AND DEVELOPMENT SERVICES	CHIEF SYSTEMS ENGINEERING DIVISION CHIEF, WIND TUNNEL OPERATIONS DIVISION DIRECTOR, RESEARCH AND DEVELOPMENT SERVICES DEPUTY DIRECTOR, RESEARCH AND DEVELOPMENT SERVICES
INFORMATION SCIENCES AND TECHNOLOGY	CHIEF, HUMAN FACTORS RESEARCH AND TECHNOLOGY DIVISION
DRYDEN FLIGHT RESEARCH CENTER	AEROSPACE ENGINEER (CHIEF ENGINEER) DIRECTOR RESEARCH SYSTEMS DIRECTORATE CHIEF FINANCIAL OFFICER (FINANCIAL MANGER) DIRECTOR FLIGHT OPS DIRECTORATE DIRECTOR FOR SAFETY AND MISSION ASSURANCE CHIEF COUNSEL CHIEF INFORMATION OFFICER DIRECTOR, AEROSPACE PROJECT DIRECTORATE DEPUTY, DIRECTOR, AEROSPACE PROJECTS
LANGLEY RESEARCH CENTER	DIRECTOR AIRFRAME SYSTEMS PROGRAM OFFICE CHIEF ATMOSPHERIC SCIENCES DIVISION FACILITY GROUP DIRECTOR FOR THE AEROSPACE TECHNOLOGY ENTERPRISE CHIEF INFORMATION AND ELECTROMAGNETIC TECH ASSOCIATE DIRECTOR OF OPERATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
LANGLEY RESEARCH CENTER	CHIEF OF STAFF
	DEPUTY ASSOCIATE DIRECTOR OF OPERATIONS FOR INTEGRATED MANAGEMENT
	DEPUTY DIRECTOR SPACE AND EXPLORATION PROGRAM OFFICE
	DIRECTOR INDEPENDENT PROGRAM ASSESS OFFICE
	CHIEF FINANCIAL OFFICER
	DIRECTOR, OFFICE OF EDUCATION
	ASSISTANT DIRECTOR FOR PLANNING
	DEPUTY DIRECTOR, AERODYNAMICS AND ACOUSTICS
	DIRECTOR, OFFICE OF COMMUNICATIONS AND EDUCATION
	DIRECTOR, STRATEGIC PARTNERSHIP, PLANNING, AND MANAGEMENT OFFICE
	DIRECTOR, SYSTEMS ENGINEERING DIRECTORATE
	DEPUTY DIRECTOR, SYSTEMS ENGINEERING DIRECTORATE
	DIRECTOR, RESEARCH AND TECHNOLOGY DIRECTORATE
	DEPUTY DIRECTOR, RESEARCH AND TECHNOLOGY DIRECTORATE
	DIRECTOR, CENTER OPERATIONS DIRECTORATE
	DIRECTOR, CENTER OPERATIONS DIRECTORATE
	DIRECTOR, AERONAUTICS RESEARCH DIRECTORATE
	DIRECTOR, EXPLORATION SYSTEMS AND SPACE OPERATIONS TECHNOLOGY DIRECTORATE
	DIRECTOR, SCIENCE DIRECTORATE
	DIRECTOR, SYSTEMS ANALYSIS AND ADVANCED CONCEPTS DIRECTORATE
	DIRECTOR, INCUBATOR INSTITUTE
	DIRECTOR, FLIGHT RESEARCH SERVICES DIRECTORATE
	DIRECTOR, FLIGHT PROJECTS OFFICE
	DEPUTY DIRECTOR SYSTEMS ANALYSIS AND CONCEPTS DIRECTORATE
	ASSOCIATE DIRECTOR FOR AERODYNAMICS, AEROTHERMODYNAMICS, AND ACOUSTICS
	ASSOCIATE DIRECTOR FOR STRUCTURES AND MATERIALS
	ASSOCIATE DIRECTOR FOR AIRBORNE SYSTEMS
	ASSOCIATE DIRECTOR FOR TRANSFORMATION PROJECTS
	ASSOCIATE DIRECTOR FOR FLIGHT PROJECTS
	ASSOCIATE DIRECTOR FOR FLIGHT PROJECTS
	ASSOCIATE DIRECTOR FOR TECHNOLOGY PROJECTS
	DEPUTY DIRECTOR OFFICE OF COMMUNICATIONS AND EDUCATION
	DIRECTOR, ATMOSPHERIC SCIENCES
	CHF, SYST SFTY, QUALITY AND RELIABILITY DIV
	DEPUTY DIRECTOR, AERODYNAMICS, AEROTHERMODYNAMICS, AND ACOUSTICS COMPETENCY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
LANGLEY RESEARCH CENTER	ASSOCIATE DIRECTOR RESEARCH AND TECHNOLOGY COMPETENCIES
	DIRECTOR, AERODYNAMICS, AEROTHERMODYNAMICS, AND ACOUSTICS
	DIRECTOR, RESEARCH FACILITIES MANAGEMENT COMPETENCY
	DIRECTOR, SYSTEMS ENGINEERING COMPETENCY
	DEPUTY DIRECTOR, AIRFRAME SYSTEMS PROG OFFICE
	DIRECTOR, OFFICE OF PROCUREMENT
	MANAGER, SYSTEMS ENGINEERING OFFICE
	SPECIAL ASSISTANT FOR OUTREACH
	DEPUTY DIRECTOR, STRUCTURES AND MATERIALS
	MANAGER, NEXT GENERATION LAUNCH TECHNOLOGY FLIGHT VEHICLE AND SYSTEMS PROGRAM OFFICE
	DEPUTY DIRECTOR INDEPENDENT PROGRAM ASSESSMENT OFFICE
	DIRECTOR, STRUCTURES AND MATERIALS
	DIRECTOR
	ASSOCIATE DIRECTOR FOR BUSINESS MANAGEMENT
	ASSOCIATE DIRECTOR FOR RESEARCH AND TECHNOLOGY
	DIRECTOR, AIRBORNE SYSTEMS
	DEPUTY DIRECTOR, STRUCTURES AND MATERIALS COMPETENCY
	DIRECTOR, SPACE ACCESS AND EXPLORATION PROGRAM OFFICE
	DEPUTY DIRECTOR, AIRBORNE SYSTEMS COMPETENCY
	SPECIAL ASSISTANT TO THE DIRECTOR
	DIRECTOR, NASA ENGINEERING AND SAFETY CENTER
	DEPUTY DIRECTOR, NASA ENGINEERING AND SAFETY CENTER
	DIRECTOR, AIRSPACE SYSTEMS PROGRAM OFFICE
	MANAGER, BUSINESS MANAGEMENT AND SUPPORT OFFICE
	DIRECTOR PROJECT IMPLEMENTATION OFFICE
	DEPUTY DIRECTOR FOR SAFETY
	DIRECTOR, OFFICE OF HUMAN RESOURCES
	DIRECTOR, AVIATION SAFETY AND SECURITY PROGRAM OFFICE
	ASSOCIATE DIRECTOR FOR PROGRAM INTEGRATION
	DIRECTOR, EARTH AND SPACE SCIENCE PROGRAM OFFICE
	DIRECTOR, AERODYNAMICS, AEROTHERMODYNAMIC, AND AEROPROPULSION FACILITY GROUP
	DIRECTOR, AERODYNAMICS, AEROTHERMODYNAMIC, AND AEROPROPULSION FACILITY GROUP
	DEPUTY DIRECTOR, FACILITIES AND TEST TECHNIQUES
	DEPUTY DIRECTOR, INDEPENDENT PROGRAM ASSESSMENT OFFICE
	DIRECTOR NATIONAL INSTITUTE OF AEROSPACE MANAGEMENT OFFICE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
LANGLEY RESEARCH CENTER	DIRECTOR NATIONAL INSTITUTE OF AEROSPACE MANAGEMENT OFFICE DIRECTOR NATIONAL INSTITUTE OF AEROSPACE MANAGEMENT OFFICE DEPUTY DIRECT AEROSPACE SYSTEMS CONCEPTS AND ANALYSIS COMPETENCY
SPACE AND ATMOSPHERIC SCIENCES	DEPUTY DIR, SPACE AND ATMOSPHERIC SCIENCES PROGRAM GROUP DIRECTOR, AEROSPACE TRANSPORTATION PROGRAM OFFICE CHIEF, SPACE SYSTEMS AND CONCEPTS DIVISION
INTERNAL OPERATIONS	CHIEF, SIMULATION AND RESEARCH AIRCRAFT DIVISION
HIGH-SPEED RESEARCH PROJECT	DIRECTOR FOR HIGH-SPEED RESEARCH PROJECT OFFICE CHIEF ENGINEER, HIGH-SPEED RESEARCH
AEROSPACE VEHICLE SYSTEMS TECHNOLOGY PROGRAM OFFICE	DEPUTY DIRECTOR AEROSPACE TRANSPORTATION TECHNOLOGY OFFICE DEPUTY DIRECTOR AEROSPACE TRANSPORTATION TECHNICAL OFFICE DIRECTOR AEROSPACE TRANSPORT TECHNOLOGY OFFICE
GLENN RESEARCH CENTER	DIRECTOR OF CENTER OPERATIONS DIRECTOR OF CENTER OPERATIONS DEPUTY DIRECTOR OF PROGRAMS AND PROJECTS ASSOCIATE DIRECTOR FOR EXPLORATION SYSTEMS ASSOCIATE DIRECTOR FOR AERONAUTICS ASSOCIATE DIRECTOR FOR SCIENCE ASSOCIATE DIRECTOR FOR PARTNERSHIPS CHIEF EXPLORATION SYSTEMS DIVISION CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR FOR OPERATIONS ASSISTANT DEPUTY DIRECTOR FOR POLICY CHIEF, ENGINEERING DESIGN AND ANALYSIS DIVISION DIRECTOR, SYSTEMS MANAGEMENT OFFICE CHIEF, SPACE TRANSPORTATION OFFICE CHIEF, SPACE TRANSPORTATION OFFICE CHIEF, AEROPROPULSION PROJECT OFFICE CHIEF, AEROPROPULSION PROJECT OFFICE
AERONAUTICS	DEPUTY DIRECTOR OF AERONAUTICS CHIEF, ULTRA EFFICIENT ENGINE TECHNOLOGY OFFICE CHIEF, ULTRA EFFICIENT ENGINE TECHNOLOGY OFFICE
RESEARCH AND TECHNOLOGY	CHIEF, TURBOMACHINERY AND PROPULSION SYSTEM DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
RESEARCH AND TECHNOLOGY	CHIEF, MATERIALS DIVISION CHIEF, STRUCTURES AND ACOUSTICS DIVISION CHIEF, POWER AND ON-BOARD PROPULSION TECHNICAL DIVISION
SPACE	CHIEF MICROGRAVITY DIVISION CHIEF MICROGRAVITY DIVISION DEPUTY DIRECTOR OF SPACE DEPUTY DIRECTOR OF SPACE CHIEF POWER SYSTEMS PROJECT OFFICE CHIEF POWER SYSTEMS PROJECT OFFICE
ENGINEERING AND TECHNICAL SERVICES	CHIEF, COMPUTER SERVICES DIVISION DIRECTOR OF ENGINEERING AND TECHNICAL SERVICES DEPUTY DIRECTOR OF ENGINERING AND TECHNICAL SERVICES CHIEF, SYSTEMS ENGINEERING DIVISION
EXTERNAL PROGRAMS	DIRECTOR, EXTERNAL PROGRAMS
MISSION SAFETY AND ASSURANCE	DIRECTOR, OFFICE OF SAFETY, ENVIRONMENTAL AND MISSION ASSURANCE
OFFICE OF SPACE SCIENCE	DIRECTOR, RESEARCH PROGRAM MANAGEMENT TECHNICAL ASSISTANT TO THE DIRECTOR, OFFICE OF SPACE SCIENCE SCIENCE PROGRAM DIRECTOR DIRECTOR, ADMINISTRATION AND RESOURCE MANAGEMENT DIVISION SENIOR PROGRAM EXECUTIVE SPACE SCIENCE PROGRAM MANAGEMENT DEPUTY DIRECTOR RESEARCH PROGRAM MANAGEMENT DIVISION DEPUTY DIRECTOR FLIGHT PROGRAM DIVISION SENIOR PROGRAM EXECUTIVE FOR DECADAL PLANNING TEAM (SCIENCE) ASSOCIATE DIRECTOR, SUN-EARTH CONNECTION DIVISION DIRECTOR, APPLICATIONS DIVISION ASSOCIATE DIRECTOR, SOLAR SYSTEM EXPLORATION DIVISION DIRECTOR, UNIVERSE DIVISION DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS DEPUTY ASSOCIATE ADMINISTRATOR FOR SPACE SCIENCE DIRECTOR OF TECHNOLOGY DIRECTOR, POLICY AND BUSINESS MANAGEMENT OFFICE DIRECTOR, APPLICATIONS DIVISION
SOLAR SYSTEM EXPLORATION	SCIENCE PROGRAM DIRECTOR DIRECTOR, MISSION AND PAYLOAD DEVELOPMENT DIVISION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
SOLAR SYSTEM EXPLORATION	DIRECTOR, ADVANCED TECHNOLOGY AND MISSION STUDIES DIVISION
SPACE PHYSICS	SCIENCE PROGRAM DIRECTOR, SUN-EARCH CONNECTION SENIOR SCIENTIST PROGRAM EXECUTIVE FOR REVIEW AND EVALUATION SENIOR SCIENTIST PROGRAM EXECUTIVE FOR REVIEW AND EVALUATION
TECHNOLOGY AND INFORMATION SYSTEMS	DIRECTOR, HEADQUARTERS INFORMATION, TECHNOLOGY AND COMM DIVISION SENIOR SCIENTIST PROGRAM EXECUTIVE FOR INFORMATION SYSTEMS
ASTROPHYSICS	SCIENCE PROGRAM DIRECTOR, GALAXY AND UNIVERSE ASSISTANT ASSOCIATE ADMINISTRATOR FOR EDUCATION AND OUTREACH SCIENCE PROGRAM DIRECTOR, ORIGINS AND PLANETARY SYSTEMS
OFFICE OF BIOLOGICAL AND PHYSICAL RESEARCH	CHIEF, ADVANCED PLANS OFFICE (STAFF) MANAGER, LIFE SCIENCES AND TECHNOLOGY DIRECTOR LIFE AND BIOMEDICAL SCIENCE AND APPLICATIONS DIVISION DIRECTOR, MICROGRAVITY SCIENCES AND APPLICATIONS DIVISION DIRECTOR, SPACE PROCESSING DIVISION DIRECTOR, SPACE UTILIZATION AND PRODUCT DEVELOPMENT DIVISION DIRECTOR, MISSION INTEGRATION DIVISION DEPUTY ASSOCIATE ADMINISTRATOR (SCIENCE) DEPUTY ASSOCIATE ADMINISTRATOR FOR PROGRAMS DIRECTOR, MISSION INTEGRATION DIVISION
OFFICE OF INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS, ADMINISTRATRIVE INVESTIGATIONS, AND ASSESSMENTS COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL, NETWORK AND ADVANCED TECHNOLOGY PROTECTIONS OFFICE DIRECTOR, TECHNICAL SERVICES OFFICE DIRECTOR, COMPUTER AND TECHNOLOGY CRIMES OFFICE
OFFICE OF EARTH SCIENCE	SENIOR ENGINEER, PROGRAM INTEGRATION DIRECTOR, BUSINESS DIVISION MANAGER, EARTH SCIENCES DEPARTMENT DEPUTY ASSOCIATE ADMINISTRATOR ADVANCED PLANNING DEPUTY ASSOCIATE ADMINISTRATOR FOR MISSION TO PLANET EARTH ASSISTANT ASSOCIATE ADMINISTRATOR FOR OFFICE OF EARTH SCIENCE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
OFFICE OF EARTH SCIENCE	DIRECTOR RESEARCH DIVISION DEPUTY ASSOCIATE ADMINISTRATOR (PROGRAMS)
GODDARD SPACE FLIGHT CENTER	DIRECTOR OF UNIVERSITY PROGRAMS CHIEF, NATAIONAL AERONAUTICS AND SPACE ADMINISTRATION SPACE OPERATIONS MANAGEMENT OFFICE MISSION SERVICES OFFICES ASSOCIATE DIRECTOR/PROGRAM MANAGER FOR EXPLORERS DEPUTY ASSOCIATE DIRECTOR FOR EARTH OBSERVING SYSTEM - GODDARD DEVELOPMENT ASSOCIATE DIRECTOR/PROGRAM MANAGER FOR THE HUBBLE SPACE TELESCOPE (HUBBLE SPACE TELESCOPE) DEPUTY ASSOCIATE DIRECTOR FOR HUBBLE SPACE TELESCOPE (HUBBLE SPACE TELESCOPE) DEVELOPMENT DEPUTY DIRECTOR FOR SYSTEMS MANAGEMENT DEPUTY DIRECTOR OF APPLIED ENGINEERING AND TECHNOLOGY FOR PLANNING AND DEVELOPMENT SPECIAL ASSISTANT TO THE DIRECTOR
HUMAN RESOURCES	DIRECTOR OF HUMAN RESOURCES
COMPTROLLER	CHIEF FINANCIAL OFFICER/COMPTROLLER
MANAGEMENT OPERATIONS	DEPUTY DIRECTOR OF MANAGEMENT OPERATIONS ASSOCIATE DIRECTOR FOR ACQUISITION
FLIGHT ASSURANCE	DIRECTOR OF SYSTEMS SAFETY & MISSION ASSURANCE DEPUTY DIRECTOR OF FLIGHT ASSURANCE
FLIGHT PROJECTS	DEPUTY DIRECTOR OF FLIGHT PROJECTS PROJECT MANAGER, OPERATIONS AND GROUND SYSTEMS PROJECT MANAGER, EARTH OBSERVING SYSTEMS MORNING CROSSING (DESCENDING) MISSION PROJECT GEOSTATIONARY OPERATIONAL ENVIRONMENTAL SATELLITE AFTERNOON CROSSING (ASCENDING) MISSION PM DIRECTOR OF FLIGHT PROJECTS TRACKING AND DATA RELAY SATELLITE PROJECT MANAGER ASSOCIATE DIRECTOR FOR EARTH SCIENTIST DATA AND INFORMATION SYSTEM PROJECT MANAGER, EARTH OBSERVING SYSTEM - AFTERNOON CROSSING (ASCENDING) MISSION PROJECT FLIGHT PROJ DIRECT DEPUTY DIRECTOR FLIGHT PROJECTS FOR PLAN AND BUSINESS MANAGEMENT PROJECT MANAGER, POLAR OPERATIONAL ENVIRONMENTAL SATELLITE PROGRAM ASSOCIATE DIRECTOR OF FLIGHT PROJECTS FOR EOS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
FLIGHT PROJECTS	ASSOCIATE DIRECTOR/PROGRAM MANAGER FOR THE EARTH EXPLORERS PROGRAM OFFICE ASSOCIATE DIRECTOR/PROGRAM MANAGER FOR THE SUN-EARTH CONNECTION PROGRAM OFFICE SUN EARTH CONNECTION DEPUTY PROGRAM MANAGER
APPLIED ENGINEERING AND TECHNOLOGY DIRECTORATE	DEPUTY ASSOCIATE DIRECTOR OF FLIGHT PROJECT CORNET AND MISSION SERVICE PROJECT ASSOCIATE DIRECTOR OF FLIGHT PROJECT FOR NETWORK AND MISSION SERVICE PROJECT DEPUTY DIRECTOR OF APPLIED ENGINEERING AND TECHNOLOGY CHIEF INFORMATION SYSTEMS CENTER CHIEF, ELECTRICAL SYSTEMS CENTER CHIEF, INSTRUMENT SYSTEMS AND TECHNOLOGY CENTER CHIEF, MISSION ENGINEERING AND SYSTEMS ANALYSIS DIVISION
SYSTEMS, TECHNOLOGY AND ADVANCED CONCEPTS	DEPUTY DIRECTOR OF SYSTEMS, TECHNOLOGY AND ADVANCED CONCEPTS
SPACE SCIENCES	CHIEF, LABORATORY FOR ASTRONOMY AND SOLAR PHYSICS CHIEF, LABORATORY FOR EXTRATERRESTRIAL PHYSICS DIRECTOR OF SPACE SCIENCES CHIEF, GODDARD INSTITUTE FOR SPACE STUDIES CHIEF LABORATORY FOR HIGH ENERGY ASTROPHYSICS DEPUTY DIRECTOR OF SPACE SCIENCES
ENGINEERING	CHIEF ENGINEER CHIEF ENGINEER ASSOCIATE DIRECTOR OF FLIGHT PROJECTS CHIEF, MECHANICAL SYSTEM CENTER CHIEF, SYSTEMS ENGINEERING DIVISION CHIEF TECHNOLOGY COMMERICALIZATION OFFICE
EARTH SCIENCES	CHIEF LABORATORY FOR HYDROSPHERIC PROCESSES ASSISTANT DIRECTOR OF EARTH SCIENTIST FOR PROJECTS ENGINEERING CHIEF, LABORATORY FOR ATMOSPHERES DEPUTY DIRECTOR FOR EARTH SCIENCES DIRECTOR FOR EARTH SCIENCES CHIEF LABORATORY FOR TERRESTRIAL PHYSICS ASSISTANT DIRECTOR OF MISSION TO PLANET EARTH PROGRAM FOR GLOBE CHIEF, EARTH AND SPACE DATA COMPUTING DIVISION GLOBE PROGRAM MANAGER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
OFFICE OF POLICY AND PLANS	DIRECTOR OF SPECIAL STUDIES
OFFICE OF SECURITY MANAGEMENT AND SAFEGUARDS	DEPUTY ASSISTANT ADMINISTRATOR FOR SECURITY AND PROGRAM PROTECTION
OFFICE OF CHIEF EDUCATION OFFICER	ASSOCIATE ADMINISTRATOR FOR EDUCATION DIRECTOR ELEMENTARY AND SECONDARY EDUCATION DIVSION ASSISTANT ASSOCIATE ADMINISTRATOR FOR EDUCATION SENIOR POLICY ADVISOR
OFFICE OF THE CHIEF ENGINEER	SPECIAL ASSISTANT FOR INDEPENDENT ASSESSMENT DEPUTY CHIEF ENGINEER, ADVANCED PLANNING, INTERGRATION, AND ENGINEERING SUPPORT DEPUTY CHIEF ENGINEER, PROGRAM AND PROJECT MANAGEMENT POLICY AND SUPPORT DEPUTY CHIEF ENGINEER, SYSTEMS ENGINEERING
OFFICE OF SECURITY MANAGEMENT AND SAFEGUARDS	ASSISTANT ADMINISTRATOR FOR SECURITY AND PROGRAM PROTECTION DEPUTY ASSISTANT ADMINISTRATOR FOR SECURITY MANAGEMENT AND SAFEGUARDS
OFFICE OF EXPLORATION SYSTEMS	MANAGER, STRATEGIC PLANNING ASSISTANT ASSOCIATE ADMINISTRATOR FOR ADMINSTRATION SPECIAL ASSISTANT DIRECTOR BUSINESS OPERATIONS DIVISION
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION	
ARCHIVIST OF UNITED STATES AND DEPUTY ARCHIVIST OF THE UNITED STATES/CHIEF OF STAFF	DEPUTY ARCHIVIST OF THE UNITED STATES
OFFICE OF ADMINISTRATIVE SERVICES	ASSISTANT ARCHIVIST FOR ADMINISTRATIVE SERVICES
OFFICE OF THE FEDERAL REGISTER	DIRECTOR OF THE FEDERAL REGISTER
OFFICE OF REGIONAL RECORDS SERVICES	ASSISTANT ARCHIVIST FOR REGIONAL RECORDS SERVICES
OFFICE OF HUMAN RESOURCES AND INFORMATION SERVICES	ASSISTANT ARCHIVIST FOR HUMAN RESOURCES AND INFORMATION SERVICES
OFFICE OF RECORDS SERVICES - WASHINGTON, DC	ASSISTANT ARCHIVIST FOR RECORDS SERVICES
OFFICE OF PRESIDENTIAL LIBRARIES	ASSISTANT ARCHIVIST FOR PRESIDENTIAL LIBRARIES
NATIONAL CAPITAL PLANNING COMMISSION	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL CAPITAL PLANNING COMMISSION	
NATIONAL CAPITAL PLANNING COMMISSION STAFF	EXECUTIVE DIRECTOR GENERAL COUNSEL CHIEF OPERATING OFFICER DEPUTY EXECUTIVE DIRECTOR
NATIONAL ENDOWMENT FOR THE ARTS	
NATIONAL ENDOWMENT FOR THE ARTS	DEPUTY CHAIRMAN FOR GUIDELINES, PANEL AND COUNCIL OPERATIONS DEPUTY CHAIRMAN FOR MANAGEMENT AND BUDGET DEPUTY CHAIRMAN FOR GUIDELINES & PANEL OPERATIONS CHIEF INFORMATION OFFICER
NATIONAL ENDOWMENT FOR THE HUMANITIES	
NATIONAL ENDOWMENT FOR THE HUMANITIES	ASSISTANT CHAIRMAN FOR PLANNING AND OPERATIONS
NATIONAL LABOR RELATIONS BOARD	
OFFICE OF THE BOARD MEMBERS	EXECUTIVE SECRETARY DEPUTY EXECUTIVE SECRETARY INSPECTOR GENERAL CHIEF INFORMATION OFFICER
DIVISION OF ENFORCEMENT LITIGATION	DEPUTY ASSOCIATE GENERAL COUNSEL , APPELLATE COURT BRANCH DIRECTOR, OFFICE OF APPEALS
DIVISION OF ADVICE	ASSOCIATE GENERAL COUNSEL, DIVISION OF ADVICE DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF ADVICE
DIVISION OF ADMINISTRATION	DIRECTOR, DIVISION OF ADMINISTRATION DEPUTY DIRECTOR, DIVISION OF ADMINISTRATION
DIVISION OF OPERATIONS MANAGEMENT	ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATION-MANAGEMENT DEPUTY ASSOCIATE GENERAL COUNSEL, DIVISION OF OPERATIONS-MANAGEMENT ASSISTANT GENERAL COUNSEL ASSISTANT GENERAL COUNSEL ASSISTANT GENERAL COUNSEL ASSISTANT GENERAL COUNSEL ASSISTANT GENERAL COUNSEL ASSISTANT TO GENERAL COUNSEL

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL LABOR RELATIONS BOARD	
REGIONAL OFFICES	REGIONAL DIRECTOR, REGION 1, BOSTON, MASSACHUSETTS
	REGIONAL DIRECTOR REGION 2, NEW YORK
	REGIONAL DIRECTOR, REGION 3, BUFFALO, NEW YORK
	REGIONAL DIRECTOR, REGION 4, PHILADELPHIA, PENNSYLVANIA
	REGIONAL DIRECTOR, REGION 5, BALTIMORE, MARYLAND
	REGIONAL DIRECTOR, REGION 6, PITTSBURGH, PENNSYLVANIA
	REGIONAL DIRECTOR, REGION 7, DETROIT, MICHIGAN
	REGIONAL DIRECTOR, REGION 8, CLEVELAND, OHIO
	REGIONAL DIRECTOR, REGION 9, CINCINNATI, OHIO
	REGIONAL DIRECTOR, REGION 10, ATLANTA, GEORGIA
	REGIONAL DIRECTOR, REGION 11, WINSTON SALEM, NORTH CAROLINA
	REGIONAL DIRECTOR, REGION 12, TAMPA, FLORIDA
	REGIONAL DIRECTOR, REGION 13, CHICAGO, ILLINOIS
	REGIONAL DIRECTOR, REGION 14, SAINT LOUIS, MISSOURI
	REGIONAL DIRECTOR, REGION 15, NEW ORLEANS, LOUISIANA
	REGIONAL DIRECTOR, REGION 16, FORT WORTH, TEXAS
	REGIONAL DIRECTOR, REGION 17, KANSAS CITY, KANSAS
	REGIONAL DIRECTOR, REGION 18, MINNEAPOLIS, MINNESOTA
	REGIONAL DIRECTOR, REGION 19, SEATTLE, WASHINGTON
	REGIONAL DIRECTOR, REGION 20, SAN FRANCISCO, CALIFORNIA
	REGIONAL DIRECTOR, REGION 21, LOS ANGELES, CALIFORNIA
	REGIONAL DIRECTOR, REGION 22, NEWARK, NEW JERSEY
	REGIONAL DIRECTOR, REGION 24, HATO REY, PUERTO RICO
	REGIONAL DIRECTOR, REGION 25, INDIANAPOLIS, INDIANA
	REGIONAL DIRECTOR, REGION 26, MEMPHIS, TENNESSEE
	REGIONAL DIRECTOR, REGION 27, DENVER, COLORADO
	REGIONAL DIRECTOR, REGION 28, PHOENIX, ARIZONA
	REGIONAL DIRECTOR, REGION 29, BROOKLYN, NEW YORK
	REGIONAL DIRECTOR, REGION 30, MILWAUKEE, WISCONSIN
	REGIONAL DIRECTOR, REGION 32, OAKLAND, CALFORNIA
	REGIONAL DIRECTOR, REGION 33, PEORIA, ILLINOIS
	REGIONAL DIRECTOR, REGION 31, LOS ANGELES, CALIFORNIA
	REGIONAL DIRECTOR, REGION 34, HARTFORD, CONNECTICUT
NATIONAL SCIENCE FOUNDATION	
OFFICE OF THE DIRECTOR	SENIOR ADVISOR
	SENIOR STAFF ASSOCIATE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL SCIENCE FOUNDATION	
OFFICE OF THE DIRECTOR	SENIOR ADVISOR SENIOR ADVISOR
OFFICE OF INTEGRATIVE ACTIVITIES	SENIOR SCIENTIST SENIOR ADVISOR
OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL
OFFICE OF POLAR PROGRAMS	HEAD POLAR RESEARCH SUPPORT SECTION
OFFICE OF INTERNATIONAL SCIENCE AND ENGINEERING	DEPUTY DIVISION DIRECTOR SENIOR STAFF ASSOCIATE SENIOR ADVISOR
OFFICE OF THE INSPECTOR GENERAL	INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL ASSOCIATE INSPECTOR GENERAL FOR AUDIT ASSOCIATE INSPECTOR GENERAL FOR INVESTIGATIONS
NATIONAL SCIENCE BOARD	SENIOR POLICY OFFICER
DIVISION OF ATMOSPHERIC SCIENCES	HEAD, UPPER ATMOSPHERE SECTION
DIVISION OF EARTH SCIENCES	HEAD, DEEP EARTH PROCESSES SECTION HEAD, RESEARCH GRANTS SECTION
DIVISION OF OCEAN SCIENCES	HEAD, OCEANS SECTION SENIOR SCIENTIST/SECTION HEAD
DIRECTORATE FOR ENGINEERING	SENIOR ADVISOR SENIOR ADVISOR
DIVISION OF ENGINEERING EDUCATION AND CENTERS	DEPUTY DIVISION DIRECTOR (EDUCATION) SENIOR STAFF ASSOCIATE
DIVISION OF DESIGN, MANUFACTURE AND INDUSTRIAL INNOVATION	SENIOR ADVISOR, TECHNOLOGY INTEGRATION SENIOR ADVISOR
DIVISION OF CHEMICAL AND TRANSPORT SYSTEMS	DEPUTY DIVISION DIRECTOR
DIRECTORATE FOR BIOLOGICAL SCIENCES	DEPUTY ASSISTANT DIRECTOR EXECUTIVE OFFICER
DIVISION OF ENVIRONMENTAL BIOLOGY	DEPUTY DIVISION DIRECTOR

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL SCIENCE FOUNDATION	
DIVISION OF INTEGRATIVE BIOLOGY AND NEUROSCIENCES	DEPUTY DIVISION DIRECTOR
DIRECTORATE FOR MATHEMATICAL AND PHYSICAL SCIENCES	EXECUTIVE OFFICER SENIOR SCIENCE ASSOCIATE SENIOR ADVISOR
DIVISION OF PHYSICS	EXECUTIVE OFFICER
DIVISION OF MATHEMATICAL SCIENCES	EXECUTIVE OFFICER
DIVISION OF MATERIALS RESEARCH	EXECUTIVE OFFICER
DIRECTORATE FOR EDUCATION AND HUMAN RESOURCES	DEPUTY ASSISTANT DIRECTOR DEPUTY ASSISTANT DIRECTOR FOR INTEGRATIVE ACTIVITIES
DIVISION OF RESEARCH, EVALUATION AND COMMUNICATION	SENIOR ADVISOR FOR RESEARCH
DIRECTORATE FOR SOCIAL, BEHAVIORAL AND ECONOMIC SCIENCES	DEPUTY ASSISTANT DIRECTOR
DIRECTORATE FOR COMPUTER AND INFORMATION SCIENCE AND ENGINEERING	EXECUTIVE OFFICER DEPUTY ASSISTANT DIRECTOR
OFFICE OF BUDGET, FINANCE AND AWARD MANAGEMENT	DIRECTOR, BUDGET, FINANCE AND AWARD AND CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR - MANAGEMENT, OPERATIONS AND POLICY DEPUTY DIRECTOR-PLANNING, COORDINDATION AND ANALYSIS SENIOR ADVISOR
BUDGET DIVISION	DIVISION DIRECTOR SENIOR STAFF ASSOCIATE
DIVISION OF FINANCIAL MANAGEMENT	DIVISION DIRECTOR AND DEPUTY CHIEF FINANCIAL OFFICER DEPUTY DIVISION DIRECTOR, DIVISION OF FINANCIAL MANAGEMENT
DIVISION OF GRANTS AND AGREEMENTS	DIVISION DIRECTOR DIVISION DIRECTOR
DIVISION OF CONTRACTS AND COMPLEX AGREEMENTS	DIVISION DIRECTOR DIVISION DIRECTOR
DIVISION OF INSTITUTIONAL AND AWARD SUPPORT	DIVISION DIRECTOR DIVISION DIRECTOR
OFFICE OF INFORMATION AND RESOURCE MANAGEMENT	DIRECTOR

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NATIONAL SCIENCE FOUNDATION	
OFFICE OF INFORMATION AND RESOURCE MANAGEMENT	DEPUTY DIRECTOR
DIVISION OF INFORMATION SYSTEMS	DEPUTY DIVISION DIRECTOR
DIVISION OF HUMAN RESOURCE MANAGEMENT	DIVISION DIRECTOR DEPUTY DIVISION DIRECTOR
DIVISION OF ADMINISTRATIVE SERVICES	DIVISION DIRECTOR DEPUTY DIVISION DIRECTOR
NATIONAL TRANSPORTATION SAFETY BOARD	
OFFICE OF THE MANAGING DIRECTOR	MANAGING DIRECTOR ASSOCIATE MANAGING DIRECTOR SAFETY AND DEVELOPMENT ASSOCIATE MANAGING DIRECTOR FOR QUALITY ASSURANCE
OFFICE OF AVIATION SAFETY	DIRECTOR OFFICE OF AVIATION SAFETY DEPUTY DIRECTOR, TECHNOLOGY AND INVESTMENT OPERATIONS
OFFICE OF RESEARCH AND ENGINEERING	DIRECTOR OFFICE OF RESEARCH AND ENGINEERING DEPUTY DIRECTOR OFFICE OF RESEARCH AND ENGINEERING
OFFICE OF CHIEF FINANCIAL OFFICER	CHIEF FINANCIAL OFFICER
OFFICE OF SAFETY RECOMMENDATIONS AND ACCOMPLISHMENTS	DIRECTOR OFFICE OF SAFETY RECOMMENDATIONS AND ACCOMPLIS
OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS	DIRECTOR, OFFICE OF RAILROAD, PIPELINE AND HAZARDOUS MATERIALS INVESTIGATIONS
NATIONAL TRANSPORTATION SAFETY BOARD ACADEMY	DIRECTOR, NATIONAL TRANSPORTATION SAFETY BOARD ACADEMY PRESIDENT AND ACADEMIC DEAN
NUCLEAR REGULATORY COMMISSION	
OFFICE OF THE CHIEF INFORMATION OFFICER	DIRECTOR, INFORMATION, RECORDS, AND DOCUMENT MANAGEMENT DIVISION DIRECTOR, PLANNING AND RESOURCE MANAGEMENT DIVISION DIRECTOR, PLANNING AND RESOURCE MANAGEMENT DIVISION DIRECTOR, HIGH-LEVEL WASTE BUSINESS AND PROGRAM INTEGRATION STAFF
OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, DIVISION OF PLANNING, BUDGET AND ANALYSIS DIRECTOR, DIVISON OF FINANCIAL SERVICES SPECIAL ASSISTANT FOR INTERNAL CONTROLS DEPUTY CHIEF FINANICAL OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NUCLEAR REGULATORY COMMISSION	
OFFICE OF THE CHIEF FINANCIAL OFFICER	DIRECTOR, STARFIRE PROJECT DIRECTOR, DIVISION OF FINANCIAL MANAGEMENT
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
OFFICE OF THE GENERAL COUNSEL	DIRECTOR, COMMISSION ADJUDICATION TECHNICAL SUPPORT PROGRAM
ASSOCIATE GENERAL COUNSEL FOR LICENSING AND REGULATION	DEPUTY ASSISTANT GENERAL COUNSEL/LEGISLATIVE COUNSEL
ASSOCIATE GENERAL COUNSEL FOR HEARINGS, ENFORCEMENT AND ADMINISTRATION	DEPUTY ASSISTANT GENERAL COUNSEL FOR ADMINISTRATION ASSISTANT GENERAL COUNSEL FOR HIGH LEVEL WASTE REPOSITORY PROGRAM
OFFICE OF COMMISSION APPELLATE ADJUDICATION	DIRECTOR, OFFICE OF COMMISSION APPELLATE ADJUDICATION
OFFICE OF EXECUTIVE DIRECTOR FOR OPERATIONS	DIRECTOR OF NUCLEAR SECURITY PROJECTS
OFFICE OF THE CHIEF INFORMATION OFFICER	DIRECTOR, INFRASTRUCTURE AND COMPUTER OPERATIONS DIVISION DIRECTOR, BUSINESS PROCESS IMPROVEMENT AND APPLICATIONS DIVISION DIRECTOR, INFORMATION AND RECORDS SERVICES DIVISION DIRECTOR, PROGRAM MANAGEMENT, POLICY DEVELOPMENT AND ANALYSIS STAFF DIRECTOR, HIGH LEVEL WASTE BUSINESS PROCESS INTEGRATION STAFF
OFFICE OF ADMINISTRATION	DIRECTOR, DIVISION OF CONTRACTS DIRECTOR, DIVISION OF ADMINISTRATIVE SERVICES DIRECTOR, DIVISION OF FACILITIES AND SECURITY
OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE	DEPUTY DIRECTOR, OFFICE OF NUCLEAR SECURITY AND INCIDENT RESPONSE DIRECTOR, PROGRAM MANAGEMENT, POLICY DEVELOPMENT, AND ANALYSIS STAFF DIRECTOR, EMERGENCY PREPAREDNESS DIRECTORATE
DIVISION OF NUCLEAR SECURITY	DIRECTOR, DIVISION OF NUCLEAR SECURITY DEPUTY DIRECTOR, DIVISION OF NUCLEAR SECURITY PROJECT DIRECTOR, NUCLEAR SECURITY POLICY PROJECT DIRECTOR, NUCLEAR SECURITY OPERATIONS
DIVISION OF PREPAREDNESS AND RESPONSE	DIRECTOR, DIVISION OF INCIDENT RESPONSE OPERATIONS DEPUTY DIRECTOR, DIVISION OF INCIDENT RESPONSE OPERATIONS DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NUCLEAR REGULATORY COMMISSION	
DIVISION OF PREPAREDNESS AND RESPONSE	DIRECTOR, DIVISION OF PREPAREDNESS AND RESPONSE
OFFICE OF INVESTIGATIONS	DEPUTY DIRECTOR, OFFICE OF INVESTIGATIONS
OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS	DIRECTOR, OFFICE OF SMALL BUSINESS AND CIVIL RIGHTS
OFFICE OF NUCLEAR REACTOR REGULATION	DIRECTOR, PROGRAM MANAGEMENT, POLICY DEVELOPMENT AND PLANNING STAFF DIRECTOR, WORK PLANNING CENTER DIRECTOR, PROGRAM MANAGEMENT, POLICY DEVELOPMENT AND ANALYSIS STAFF
DIVISION OF LICENSING PROJECT MANAGEMENT	PROJECT DIRECTOR, PROJECT DIRECTORATE I PROJECT DIRECTOR, PROJECT DIRECTORATE II PROJECT DIRECTOR, PROJECT DIRECTORATE IV PROJECT DIRECTOR, PROJECT DIRECTORATE III
ASSOCIATE DIRECTOR FOR INSPECTION AND PROGRAMS	DIRECTOR, NEW REACTOR LICENSING PROJECT OFFICE
DIVISION OF INSPECTION PROGRAM MANAGEMENT	CHIEF, PLANT SUPPORT BRANCH CHIEF,REACTOR SAFEGUARDS,RADIATION SAFETY AND EMERGENCY PREPAREDNESS CHIEF, INSPECTION PROGRAM BRANCH CHIEF, REACTOR OPERATIONS BRANCH
DIVISION OF REGULATORY IMPROVEMENT PROGRAMS	CHIEF, EVENTS ASSESSMENT, GENERIC COMMUNICATIONS AND NON-POWER REACTORS BRANCH CHIEF, TECHNICAL SPECIFICATIONS BRANCH PROGRAM DIRECTOR, OPERATING REACTORS IMPROVEMENT PROGRAM PROGRAM DIRECTOR, LICENSE RENEWAL AND ENVIRONMENTAL IMPACTS PROGRAM PROGRAM DIRECTOR, POLICY AND RULEMAKING PROGRAM PROGRAM DIRECTOR, NEW, RESEARCH, AND TEST REACTOR PROGRAMS PROGRAM DIRECTOR, NEW, RESEARCH, AND TEST REACTOR PROGRAMS
DIVISION OF ENGINEERING	CHIEF, MATERIALS AND CHEMICAL ENGINEERING BRANCH CHIEF, MECHANICAL AND CIVIL ENGINEERING BRANCH CHIEF, ELECTRICAL AND INSTRUMENTATION AND CONTROLS BRANCH
DIVISION OF SYSTEMS SAFETY AND ANALYSIS	CHIEF, PLANT SYSTEMS BRANCH CHIEF, REACTOR SYSTEMS BRANCH CHIEF, PROBABILISTIC SAFETY ASSESSMENT BRANCH

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NUCLEAR REGULATORY COMMISSION	
DIVISION OF SYSTEMS SAFETY AND ANALYSIS	CHIEF CONTAINMENT SYSTEM AND SEVERE ACCIDENT BRANCH
DIVISION OF FUEL CYCLE SAFETY AND SAFEGUARDS	CHIEF, FUEL CYCLE LICENSING BRANCH CHIEF SPECIAL PROJECTS CHIEF, SAFETY AND SAFEGUARDS SUPPORT BRANCH
DIVISION OF INDUSTRIAL AND MEDICAL NUCLEAR SAFETY	CHIEF, OPERATIONS BRANCH CHIEF, MEDICAL, ACADEMIC AND COMMERCIAL USE SAFETY BRANCH CHIEF, RULEMAKING AND GUIDANCE BRANCH CHIEF, MATERIALS SAFETY AND INSPECTION BRANCH
DIVISION OF WASTE MANAGEMENT AND ENVIRONMENTAL PROTECTION	CHIEF, ENGINEERING AND GEOSCIENCES BRANCH CHIEF, DECOMMISSIONING BRANCH CHIEF, HIGH-LEVEL WASTE BRANCH CHIEF, ENVIRONMENTAL AND PERFORMANCE ASSESSMENT BRANCH DEPUTY DIRECTOR, DECOMMISSIONING DIRECTORATE DEPUTY DIRECTOR, ENVIRONMENTAL PROTECTION AND PERFORMANCE ASSESSMENT DIRECTORATE
DIVISION OF HIGH LEVEL WASTE REPOSITORY SAFETY	DEPUTY DIRECTOR, LICENSING AND INSPECTION DIRECTORATE DEPUTY DIRECTOR, TECHNICAL REVIEW DIRECTORATE
SPENT FUEL PROJECT OFFICE	DEPUTY DIRECTOR, LICENSING AND INSPECTION DIRECTORATE DEPUTY DIRECTOR, TECHNICAL REVIEW DIRECTORATE
OFFICE OF NUCLEAR REGULATORY RESEARCH	DIRECTOR, PROGRAM MANAGEMENT, POLICY DEVELOPMENT AND ANALYSIS STAFF
DIVISION OF ENGINEERING TECHNOLOGY	CHIEF, GENERIC SAFETY ISSUES BRANCH CHIEF, ELECTRICAL, MECHANICAL AND MATERIALS ENGINEERING BRANCH CHIEF, STRUCTURAL AND GEOLOGICAL ENGINEERING BRANCH CHIEF, MATERIALS ENGINEERING BRANCH CHIEF, ENGINEERING RESEARCH APPLICATIONS BRANCH
DIVISION OF SYSTEMS ANALYSIS AND REGULATORY EFFECTIVENESS	CHIEF, REGULATORY EFFECTIVENESS AND HUMAN FACTORS BRANCH CHIEF, SAFETY MARGINS AND SYSTEMS ANALYSIS BRANCH CHIEF, RADIATION PROTECTION, ENVIRONMENTAL RISK AND WASTE MANAGEMENT BRANCH DEPUTY DIRECTOR, DIVISION OF SYSTEMS ANALYSIS AND REGULATORY EFFECTIVENESS
DIVISION OF RISK ANALYSIS AND APPLICATION	CHIEF, OPERATING EXPERIENCE RISK ANALYSIS BRANCH

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
NUCLEAR REGULATORY COMMISSION	
DIVISION OF RISK ANALYSIS AND APPLICATION	CHIEF, PROBABILISTIC RISK ANALYSIS BRANCH DEPUTY DIRECTOR, DIVISION OF RISK ANALYSIS AND APPLICATIONS
REGION I	DEPUTY REGIONAL ADMINISTRATOR DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR DIVISION OF REACTOR SAFETY DIRECTOR, DIVISION OF REACTOR PROJECTS DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS DEPUTY DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY
REGION II	DEPUTY REGIONAL ADMINISTRATOR DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS DIRECTOR, DIVISION OF REACTOR PROJECTS DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR, DIVISION OF REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY
REGION III	DIRECTOR, DIVISION OF REACTOR SAFETY DIRECTOR, DIVISION OF REACTOR PROJECTS DEPUTY REGIONAL ADMINISTRATOR DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY DEPUTY DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY DEPUTY DIRECTOR, DIVISION OF PROJECTS DEPUTY DIRECTOR, DIVISION OF REACTOR SAFEY
REGION IV	DEPUTY REGIONAL ADMINISTRATOR DEPUTY DIRECTOR, DIVISION OF REACTOR PROJECTS DIRECTOR DIVISION OF REACTOR PROJECTS DIRECTOR, DIVISION OF NUCLEAR MATERIALS SAFETY DIRECTOR, DIVISION OF REACTOR SAFETY DEPUTY DIRECTOR, DIVISION OF REACTOR SAFETY
OFFICE OF GOVERNMENT ETHICS	
OFFICE OF GOVERNMENT ETHICS	DEPUTY DIRECTOR DEPUTY GENERAL COUNSEL DEPUTY DIRECTOR FOR ADMINISTRATION AND INFORMATION MANAGEMENT DEPUTY DIRECTOR, FOR GOVERNMENT RELATIONS AND SPECIAL PROJECTS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF GOVERNMENT ETHICS	
OFFICE OF GOVERNMENT ETHICS	DEPUTY DIRECTOR FOR AGENCY PROGRAMS
OFFICE OF MANAGEMENT AND BUDGET	
OFFICE OF THE DIRECTOR	DEPUTY ASSISTANT DIRECTOR FOR MANAGEMENT DEPUTY ASSOCIATE DIRECTOR FOR ECONOMIC POLICY SENIOR ADVISOR TO THE DEPUTY DIRECTOR FOR MANAGEMENT DEPUTY ASSISTANT DIRECTOR FOR ADMINISTRATION
LEGISLATIVE REFERENCE DIVISION	ASSISTANT DIRECTOR LEGISLATIVE REFERENCE CHIEF, ECONOMICS, SCIENCE AND GOVERNMENT BRANCH CHIEF, RESOURCES-DEFENSE-INTERNATIONAL BRANCH CHIEF, LABOR, WELFARE, PERSONNEL BRANCH
OFFICE OF FEDERAL PROCUREMENT POLICY	ASSOCIATE ADMINISTRATOR FOR PROCUREMENT LAW AND LEGISLATION ASSOCIATE ADMINISTRATOR FOR ACQUISITION IMPLEMENTATION ASSOCIATE ADMINISTRATOR (ACQUISITION POLICY)
GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL FOR BUDGET
OFFICE OF INFORMATION AND REGULATORY AFFAIRS	CHIEF, INFORMATION POLICY AND TECHNOLOGY BRANCH CHIEF COMMERCE AND LANDS BRANCH CHIEF STATISTICAL POLICY BRANCH SENIOR ADVISOR SENIOR ADVISOR CHIEF, NATURAL RESOURCES, ENERGY AND AGRICULTURE BRANCH CHIEF, HEALTH, TRANSPORTATION AND GENERAL GOVERNMENT
OFFICE OF E-GOVERNMENT AND INFORMATION TECHNOLOGY	CHIEF ARCHITECT
OFFICE OF FEDERAL FINANCIAL MANAGEMENT	CHIEF, FINANCIAL STANDARDS AND GRANTS BRANCH DEPUTY CONTROLLER DEPUTY CONTROLLER CHIEF FEDERAL FINANCIAL SYSTEMS BRANCH SENIOR ADVISOR TO THE DIRECTOR CHIEF, FINANCIAL INTEGRITY AND ANALYSIS BRANCH
BUDGET REVIEW	DEPUTY ASSISTANT DIRECTOR FOR BUDGET REVIEW AND CONCEPTS DEPUTY CHIEF BUDGET ANALYSIS BRANCH CHIEF BUDGET ANALYSIS BRANCH ASSISTANT DIRECTOR FOR BUDGET REVIEW

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF MANAGEMENT AND BUDGET	
BUDGET REVIEW	DEPUTY ASSISTANT DIRECTOR FOR BUDGET ANALYSIS AND SYSTEMS CHIEF, BUDGET CONCEPTS BRANCH CHIEF, BUDGET SYSTEMS BRANCH CHIEF, BUDGET REVIEW BRANCH DEPUTY CHIEF, BUDGET REVIEW BRANCH
INTERNATIONAL AFFAIRS DIVISION	CHIEF, STATE/UNITED STATES INTERNATIONAL AFFAIRS BRANCH CHIEF, ECONOMIC AFFAIRS BRANCH DEPUTY ASSOCIATE DIRECTOR FOR INTERNATIONAL AFFAIRS
NATIONAL SECURITY DIVISION	CHIEF, COMMAND, CONTROL, COMMUNICATIONS,AND INTELLIGENCE BRANCH CHIEF, FORCE STRUCTURE AND INVESTMENT BRANCH CHIEF VETERAN AFFAIRS BRANCH DEPUTY ASSOCIATE DIRECTOR FOR NATIONAL SECURITY CHIEF OPERATIONS AND SUPPORT BRANCH
HUMAN RESOURCE PROGRAMS	CHIEF, LABOR BRANCH CHIEF, EDUCATION BRANCH DEPUTY ASSOCIATE DIRECTOR FOR EDUCATION, INCOME MAINTAINENCE AND LABOR CHIEF, INCOME MAINTENANCE BRANCH CHIEF, PERSONNEL POLICY BRANCH SENIOR ADVISOR
HEALTH DIVISION	DEPUTY ASSOCIATE DIRECTOR FOR HEALTH CHIEF HEALTH AND FINANCING BRANCH CHIEF, HEALTH AND HUMAN SERVICES BRANCH CHIEF, PUBLIC HEALTH BRANCH
TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES DIVISION	DEPUTY ASSISTANT FOR TRANSPORTATION, HOMELAND, JUSTICE AND SERVICES CHIEF, TRANSPORTATION/GENERAL SERVICES ADMINISTRATION BRANCH CHIEF, JUSTICE BRANCH CHIEF, HOMELAND SECURITY
HOUSING, TREASURY AND COMMERCE DIVISION	CHIEF, COMMERCE BRANCH DEPUTY ASSOCIATE DIRECTOR FOR HOUSING, TREASURY AND COMMERCE CHIEF, TREASURY BRANCH SENIOR ADVISOR FOR CASH AND CREDIT MGMT CHIEF, HOUSING BRANCH

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF MANAGEMENT AND BUDGET	
NATURAL RESOURCE PROGRAMS	SENIOR ADVISOR
NATURAL RESOURCES DIVISION	DEPUTY ASSOCIATE DIRECTOR FOR NATURAL RESOURCES CHIEF, AGRICULTURAL BRANCH CHIEF, ENVIRONMENT BRANCH CHIEF INTERIOR BRANCH
ENERGY, SCIENCE AND WATER DIVISION	CHIEF, WATER AND POWER BRANCH CHIEF SCIENCE AND SPACE PROGRAMS BRANCH CHIEF, ENERGY BRANCH DEPUTY ASSOCIATE DIRECTOR FOR ENERGY AND SCIENCE DIVISION
LEGISLATIVE AFFAIRS	DEPUTY ASSOCIATE DIRECTOR FOR LEGISLATIVE AFFAIRS
OFFICE OF NATIONAL DRUG CONTROL POLICY	
OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN
OFFICE OF PERSONNEL MANAGEMENT	
OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR POLICY, RESOURCES MANAGEMENT, AND OVERSIGHT
CENTER FOR FEDERAL INVESTIGATIVE SERVICES	ASSISTANT DIRECTOR FOR INVESTIGATIONS SERVICES ASSISTANT DIRECTOR FOR INVESTIGATIVE OPERATIONS
CENTER FOR RETIREMENT AND INSURANCE SERVICES	ASSISTANT DIRECTOR FOR RETIREMENT AND INSURANCE SERVICES SUPPORT SERVICES ASSISTANT DIRECTOR FOR RETIREMENT SERVICES
CENTER FOR MERIT SYSTEM COMPLIANCE	DEPUTY ASSOCIATE DIRECTOR FOR MERIT SYSTEM COMPLIANCE
DIVISION FOR MANAGEMENT AND CHIEF FINANCIAL OFFICER	ASSOCIATE DIRECTOR FOR MANAGEMENT AND CHIEF FINANCIAL OFFICER
CENTER FOR FINANCIAL SERVICES AND DEPUTY CHIEF FINANCIAL OFFICER	DEPUTY ASSOCIATE DIRECTOR AND DEPUTY CHIEF FINANCIAL OFFICER ASSISTANT DIRECTOR FOR BUSINESS CONTROL UNITS AND FINANCIAL SERVICES DEPUTY ASSOCIATE DIRECTOR FOR FINANCIAL SERVICES AND DEPUTY CHIEF FINANCIAL OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
OFFICE OF PERSONNEL MANAGEMENT	
CENTER FOR INFORMATION SERVICES AND CHIEF INFORMATION OFFICER	DEPUTY ASSOCIATE DIRECTOR AND CHIEF INFORMATION OFFICER
CENTER FOR SECURITY AND EMERGENCY ACTIONS	DEPUTY ASSOCIATE DIRECTOR FOR SECURITY AND EMERGENCY ACTIONS
CENTER FOR CONTRACTING, FACILITIES, AND ADMINISTRATIVE SERVICES	DEPUTY ASSOCIATE DIRECTOR FOR CONTRACTING, FACILITIES, AND ADMINISTRATIVE SERVICES
CENTER FOR WORKFORCE PLANNING AND POLICY ANALYSIS	DEPUTY ASSOCIATE DIRECTOR FOR WORKFORCE PLANNING AND POLICY ANALYSIS/CHIEF ACTUARY
CENTER FOR WORKFORCE RELATIONS AND ACCOUNTABILITY POLICY	DEPUTY ASSOCIATE DIRECTOR FOR WORKFORCE RELATIONS AND ACCOUNTABILITY POLICY
OFFICE OF SPECIAL COUNSEL	
HEADQUARTERS, OFFICE OF SPECIAL COUNSEL	ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION DIVISION I ASSOCIATE SPECIAL COUNSEL FOR INVESTIGATION AND PROSECUTION DIVISION II ASSOCIATE SPEC COUNSEL FOR INVESTIGATION AND PROSECUTION DIVISION III ASSOCIATE SPECIAL COUNSEL FOR COMPLAINTS AND DISCLOSURE ANALYSIS DIRECTOR FOR MANAGEMENT ASSOC SPECIAL COUNSEL PLANNING AND OVERSIGHT ASSOCIATE SPECIAL COUNSEL FOR LEGAL COUNSEL AND POLICY
RAILROAD RETIREMENT BOARD	
BOARD STAFF	CHIEF OF TECHNOLOGY SERVICE DIRECTOR OF HEARINGS AND APPEALS CHIEF ACTUARY DIRECTOR OF FIELD SERVICE DIRECTOR OF ADMINISTRATION DEPUTY GENERAL COUNSEL ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS CHIEF FINANCIAL OFFICER ASSISTANT INSPECTOR GENERAL FOR AUDIT DIRECTOR OF TAXATION GENERAL COUNSEL DIRECTOR OF PROGRAMS CHIEF INFORMATION OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
RAILROAD RETIREMENT BOARD	
BOARD STAFF	DIRECTOR OF OPERATIONS DIRECTOR OF POLICY AND SYSTEMS DIRECTOR OF FISCAL OPERATIONS
SELECTIVE SERVICE SYSTEM	
OFFICE OF THE DIRECTOR	ASSOCIATE DIRECTOR FOR MOBILIZATION
SMALL BUSINESS ADMINISTRATION	
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDITING ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND POLICY DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATION ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND LEGAL COUNSEL ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS AND EVALUATION
OFFICE OF THE GENERAL COUNSEL	ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW ASSOCIATE GENERAL COUNSEL LITIGATION ASSOCIATE GENERAL COUNSEL FOR PROCUREMENT LAW ASSOCIATE GENERAL COUNSEL FOR FINANCIAL LAW AND LENDER OVERSIGHT
OFFICE OF FIELD OPERATIONS	DISTRICT DIRECTOR DISTRICT DIRECTOR DISTRICT DIRECTOR DISTRICT DIRECTOR DISTRICT DIRECTOR DISTRICT DIRECTOR DISTRICT DIRECTOR DISTRICT DIRECTOR
OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY AND CIVIL RIGHTS COMPLIANCE	ASSISTANT ADMINISTRATOR FOR EQUAL EMPLOYMENT OPPORTUNITY AND CIVIL RIGHTS COMPLIANCE
OFFICE OF HEARINGS AND APPEALS	ASSISTANT ADMINISTRATOR FOR HEARINGS AND APPEALS
OFFICE OF THE CHIEF FINANCIAL OFFICER	DEPUTY CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
SMALL BUSINESS ADMINISTRATION	
OFFICE OF CAPITAL ACCESS	DEPUTY TO THE ASSOCIATE DEPUTY ADMINISTRATOR FOR CAPITAL ACCESS
OFFICE OF FINANCIAL ASSISTANCE	ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE DEPUTY ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE ASSISTANT ADMINISTRATOR FOR PORTFOLIO MANAGEMENT
OFFICE OF SURETY GUARANTEES	ASSOCIATE ADMINISTRATOR FOR SURETY GUARANTEES
OFFICE OF ENTREPRENEURIAL DEVELOPMENT	DEPUTY TO THE ASSOCIATE DEPUTY ADMINISTRATOR FOR ENTREPRENEURIAL DEVELOPMENT
OFFICE OF HUMAN CAPITAL MANAGEMENT	CHIEF HUMAN CAPITAL OFFICER
OFFICE OF GOVERNMENT CONTRACTING AND BUSINESS DEVELOPMENT	ASSOCIATE ADMINISTRATOR FOR BUSINESS DEVELOPMENT
OFFICE OF BUSINESS DEVELOPMENT	ASSOCIATE ADMINISTRATOR FOR BUSINESS DEVELOPMENT
OFFICE OF POLICY, PLANNING AND LIAISON	ASSOCIATE ADMINISTRATOR FOR PROCUREMENT POLICY AND LIAISON
SOCIAL SECURITY ADMINISTRATION	
OFFICE OF THE CHIEF INFORMATION OFFICER	DIRECTOR, OFFICE OF INFORMATION TECHNOLOGY SYSTEMS REVIEW
OFFICE OF THE CHIEF STRATEGIC OFFICER	CHIEF STRATEGIC OFFICER
OFFICE OF THE INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL COUNSEL TO THE INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (NATIONAL INVESTIGATIVE OPERATIONS)
OFFICE OF AUDITS	ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS
OFFICE OF EXECUTIVE OPERATIONS	ASSISTANT INSPECTOR GENERAL FOR EXECUTIVE OPERATIONS
OFFICE OF DISABILITY DETERMINATIONS	ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS DEPUTY ASSOCIATE COMMISSIONER FOR DISABILITY DETERMINATIONS
OFFICE OF HEARINGS AND APPEALS	ASSOCIATE COMMISSIONER FOR HEARING AND APPEALS DEPUTY ASSOCIATE COMMISSIONER FOR HEARINGS AND APPEALS (FIELD

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
SOCIAL SECURITY ADMINISTRATION	
OFFICE OF HEARINGS AND APPEALS	OPERATIONS) EXECUTIVE DIRECTOR, OFFICE OF APPELLATE OPERATIONS
OFFICE OF THE CHIEF ACTUARY	CHIEF ACTUARY DEPUTY CHIEF ACTUARY (LONG-RANGE) DEPUTY CHIEF ACTUARY (SHORT-RANGE)
OFFICE OF PERSONNEL	DEPUTY ASSOCIATE COMMISSIONER FOR PERSONNEL
OFFICE OF CIVIL RIGHTS AND EQUAL OPPORTUNITY	DEPUTY ASSOCIATE COMMISSIONER FOR CIVIL RIGHTS AND EQUAL OPPORTUNITY
OFFICE OF LABOR-MANAGEMENT AND EMPLOYEE RELATIONS	ASSOCIATE COMMISSIONER FOR LABOR-MANAGEMENT AND EMPLOYEE RELATIONS
OFFICE OF FINANCIAL POLICY AND OPERATIONS	ASSOCIATE COMMISSIONER, OFFICE OF FINANCE POLICY AND OPERATIONS DEPUTY ASSOCIATE COMMISSIONER FINANCIAL POLICY AND OPERATIONS
OFFICE OF QUALITY ASSURANCE AND PERFORMANCE ASSESSMENT	ASSOCIATE COMMISSIONER FOR QUALITY ASSURANCE AND PERFORMANCE ASSESSMENT DEPUTY ASSOCIATE COMMISSIONER FOR QUALITY ASSURANCE AND PERFORMANCE ASSESSMENT
OFFICE OF ACQUISITION AND GRANTS	ASSOCIATE COMMISSIONER FOR ACQUISITION AND GRANTS
OFFICE OF TELECOMMUNICATIONS AND SYSTEMS OPERATIONS	ASSOCIATE COMMISSIONER FOR TELECOMMUNICATIONS AND SYSTEMS OPERATIONS DEPUTY ASSOCIATE COMMISSIONER FOR TELECOMMUNICATIONS AND SYSTEMS OPERATIONS (SYSTEMS OPERATIONS) DEPUTY ASSOCIATE COMMISSIONER FOR TELECOMMUNICATIONS AND SYSTEMS OPERATIONS (TELECOMMUNICATIONS)
OFFICE OF GENERAL LAW	ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW DEPUTY ASSOCIATE GENERAL COUNSEL FOR GENERAL LAW
OFFICE OF PUBLIC DISCLOSURE	EXECUTIVE DIRECTOR FOR PUBLIC DISCLOSURE
DEPARTMENT OF STATE	
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDITS ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS COUNSEL TO THE INSPECTOR GENERAL DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INSPECTIONS DEPUTY INSPECTOR GENERAL

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF STATE	
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR SECURITY OVERSIGHT SENIOR INSPECTOR - THEMATIC REVIEW ASSISTANT INSPECTOR GENERAL FOR AUDITS
BUREAU OF INTELLIGENCE AND RESEARCH	EXECUTIVE DIRECTOR
BUREAU OF INTERNATIONAL ORGANIZATIONAL AFFAIRS	DIRECTOR, OFFICE OF INTERNATIONAL CONFERENCES
BUREAU OF ADMINISTRATION	DIRECTOR, OFFICE OF ACQUISITIONS
BUREAU OF HUMAN RESOURCES	HUMAN RESOURCES OFFICER LONG TERM TRAINING PRINCIPAL DEPUTY ASSISTANT SECRETARY
BUREAU OF ARMS CONTROL	OFFICE DIRECTOR OFFICE DIRECTOR OFFICE DIRECTOR OFFICE DIRECTOR DEPUTY ASSISTANT SECRETARY DIRECTOR, OFFICE OF STRATEGIC NEGOTIATIONS AND IMPLEMENTAITON
BUREAU OF NONPROLIFERATION	OFFICE DIRECTOR
TRADE AND DEVELOPMENT AGENCY	
OFFICE OF THE DIRECTOR	ASSISTANT DIRECTOR FOR POLICY AND PROGRAMS
DEPARTMENT OF TRANSPORTATION	
OFFICE OF ENVIRONMENT, ENERGY AND SAFETY	DIRECTOR
ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS	DEPUTY CHIEF FINANCIAL OFFICER
ASSISTANT SECRETARY FOR ADMINISTRATION	ASSISTANT SECRETARY FOR ADMINISTRATION
OFFICE OF THE SENIOR PROCUREMENT EXECUTIVE	SENIOR PROCUREMENT EXECUTIVE
OFFICE OF INSPECTOR GENERAL	DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR LEGAL, LEGISLATIVE AND EXTERNAL AFFAIRS
PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION	PRINCIPAL ASSISTANT INSPECTOR GENERAL FOR AUDITING AND EVALUATION DEPUTY ASSISTANT INSPECTOR GENERAL FOR AVIATION, DEPARTMENT-WIDE AND SPECIAL PROGRAM AUDITS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF TRANSPORTATION	
ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AND INFORMATION TECHNOLOGY AUDITS	ASSISTANT INSPECTOR GENERAL FOR FINANCIAL AND INFORMATION TECHNOLOGY AUDITS DIRECTOR FOR INFORMATION TECHNOLOGY AND COMPUTER SECURITY
ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS	ASSISTANT INSPECTOR GENERAL FOR AVIATION AUDITS
ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS	ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS
ASSISTANT INSPECTOR GENERAL FOR SURFACE AND MARITIME PROGRAMS	DEPUTY ASSISTANT INSPECTOR GENERAL FOR SURFACE AND MARITIME PROGRAMS ASSISTANT INSPECTOR GENERAL FOR TRANSIT, RAIL SAFETY AND MARITIME PROGRAMS
ASSISTANT INSPECTOR GENERAL FOR COMPETITION AND ECONOMIC ANALYSIS	ASSISTANT INSPECTOR GENERAL FOR COMPETITION AND ECONOMIC ANALYSIS
ASSOCIATE ADMINISTRATOR FOR SAFETY	ASSOCIATE ADMINISTRATOR FOR SAFETY
OFFICE OF SAFETY ASSURANCE AND COMPLIANCE	DIRECTOR, OFFICE OF SAFETY ASSURANCE AND COMPLIANCE
ASSOCIATE ADMINISTRATOR FOR SHIP ANALYSIS AND CARGO PREFERENCE	ASSOCIATE ADMINISTRATOR FOR SHIP ANALYSIS AND CARGO PREFERENCE
ASSOCIATE ADMINISTRATOR FOR SHIPBUILDING	DIRECTOR, OFFICE OF SHIPBUILDING AND MARINE TECHNOLOGY
ADMINISTRATOR	EXECUTIVE DIRECTOR
OFFICE OF REAL ESTATE SERVICES	DIRECTOR, OFFICE OF REAL ESTATE SERVICES
SAFETY	ASSOCIATE ADMINISTRATOR FOR SAFETY
OFFICE OF BUDGET AND FINANCE	DIRECTOR, OFFICE OF BUDGET AND FINANCE
OFFICE OF ACQUISITION MANAGEMENT	DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT
OFFICE OF SAFETY RESEARCH AND DEVELOPMENT	DIRECTOR, OFFICE OF SAFETY RESEARCH AND DEVELOPMENT
ADMINISTRATOR	ASSISTANT ADMINISTRATOR/CHIEF SAFETY OFFICER
OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS	DIRECTOR, OFFICE OF BUS AND TRUCK STANDARDS AND OPERATIONS
OFFICE OF ENFORCEMENT AND COMPLIANCE	DIRECTOR, OFFICE OF ENFORCEMENT AND COMPLIANCE
ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT	ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT DIRECTOR, OFFICE OF DEFECTS INVESTIGATION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF TRANSPORTATION	
ASSOCIATE ADMINISTRATOR FOR ENFORCEMENT	DIRECTOR, OFFICE OF VEHICLE SAFETY COMPLIANCE
CHIEF OF STAFF	DIRECTOR OF FINANCE AND PROCUREMENT
DEEPWATER PROGRAM EXECUTIVE OFFICE	DEPUTY PROGRAM EXECUTIVE OFFICER
OFFICE OF THE ASSISTANT COMMANDANT FOR ACQUISITION	DEPUTY ASSISTANT COMMANDANT FOR ACQUISITION
PROCEEDINGS	DEPUTY DIRECTOR - LEGAL ANALYSIS
ECONOMIC ENVIRONMENTAL ANALYSIS AND ADMINISTRATION	DIRECTOR OF ECONOMICS, ENVIRONMENTAL ANALYSIS AND ADMINISTRATION
OFFICE OF THE ADMINISTRATOR	SENIOR ADVISOR
OFFICE OF PIPELINE SAFETY	ASSOCIATE ADMINISTRATOR FOR PIPELINE SAFETY
DEPARTMENT OF THE TREASURY	
FISCAL ASSISTANT SECRETARY	FISCAL ASSISTANT SECRETARY DEPUTY ASSISTANT SECRETARY FOR FISCAL OPERATIONS AND POLICY DEPUTY ASSISTANT SECRETARY (ACCOUNTING POLICY)
FINANCIAL MANAGEMENT SERVICE	DIRECTOR, REGIONAL FINANCIAL CENTER (SAN FRANCISCO) DIRECTOR, REGIONAL FINANCIAL CENTER (AUSTIN) DIRECTOR, PLATFORM SERVICES DIRECTORATE ASSISTANT COMMISSIONER, GOVERNMENTWIDE ACCOUNTING DIRECTOR, REGIONAL FINANCIAL CENTER (KANSAS CITY) COMMISSIONER, FINANCIAL MANAGEMENT SERVICE ASSISTANT COMMISSIONER, INFORMATION RESOURCES ASSISTANT COMMISSIONER, FEDERAL FINANCE ASSISTANT COMMISSIONER, FEDERAL FINANCE DIRECTOR, OPERATIONS GROUP DEPUTY COMMISSIONER, FINANCIAL MANAGEMENT SERVICE DIRECTOR, REVENUE COLLECTION GROUP DIRECTOR, BIRMINGHAM DEBT MANAGEMENT OPERATIONS CENTER ASSISTANT COMMISSIONER, REGIONAL OPERATIONS ASSISTANT COMMISSIONER, REGIONAL OPERATIONS ASSISTANT COMMISSIONER, REGIONAL OPERATIONS ASSISTANT COMMISSIONER, MANAGEMENT (CHIEF FINANCIAL OFFICER) DIRECTOR, SYSTEMS MANAGEMENT DIRECTORATE ASSISTANT COMMISSIONER (AGENCY SERVICES)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
FINANCIAL MANAGEMENT SERVICE	ASSISTANT COMMISSIONER, FINANCIAL OPERATIONS DIRECTOR, ASSET MANAGEMENT DIRECTORATE ASSISTANT COMMISSIONER, GOVERNMENTWIDE ACCOUNTING OPERATIONS DEPUTY CHIEF INFORMATION OFFICER ASSISTANT COMMISSIONER, DEBT MANAGEMENT SERVICES
BUREAU OF THE PUBLIC DEBT	COMMISSIONER OF THE PUBLIC DEBT DEPUTY COMMISSIONER OF THE PUBLIC DEBT ASSISTANT COMMISSIONER (FINANCING) EXECUTIVE DIRECTOR (ADMINISTRATIVE RESOURCE CENTER) EXECUTIVE DIRECTOR, GOVERNMENT SECURITIES REGULATIONS ASSISTANT COMMISSIONER, OFFICE OF SECURITIES OPERATIONS ASSISTANT COMMISSIONER, OFFICE OF INVESTOR SERVICES ASSISTANT COMMISSIONER (OFFICE OF INFORMATION TECHNOLOGY) DEPUTY EXECUTIVE DIRECTOR (ADMINISTRATIVE RESOURCE CENTER) EXECUTIVE DIRECTOR (INVESTOR EDUCATION AND COMMUNICATION STAFF) ASSISTANT COMMISSIONER (PUBLIC DEBT ACCOUNTING)
ASSISTANT SECRETARY (TERRORIST FINANCING)	DIRECTOR, EXECUTIVE OFFICE OF FOREIGN ASSET FORFEITURE
FINANCIAL CRIMES ENFORCEMENT NETWORK	DIRECTOR, FINANCIAL CRIMES ENFORCEMENT NETWORK CHIEF OF STAFF, FINANCIAL CRIMES ENFORCEMENT NETWORK CHIEF COUNSEL, FINANCIAL CRIMES ENFORCEMENT NETWORK DEPUTY DIRECTOR, ADMINISTRATION EXECUTIVE ASSOCIATE DIRECTOR, REGULATORY PROGRAMS DEPUTY DIRECTOR, OPERATIONS ASSOCIATE DIRECTOR, CLIENT LIAISON AND SERVICES ASSOCIATE DIRECTOR, ANALYTICS EXECUTIVE ADVISOR FOR EXTERNAL PROGRAM INTEGRATION
ASSISTANT SECRETARY (INTELLIGENCE AND ANALYSIS)	DEPUTY ASSISTANT SECRETARY FOR SECURITY
OFFICE OF THE INSPECTOR GENERAL	DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (FINANCIAL MANAGEMENT) DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS COUNSEL TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT SERVICES ASSISTANT INSPECTOR GENERAL FOR AUDIT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT (PROGRAM AUDITS) ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INSPECTOR GENERAL FOR TAX ADMINISTRATION	DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT SERVICES DEPUTY INSPECTOR GENERAL FOR INVESTIGATIONS ASSISTANT INSPECTOR GENERAL FOR AUDIT (HEADQUARTERS OPERATIONS) COUNSEL TO THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR AUDIT (WAGE AND INVESTMENT) ASSISTANT INSPECTOR GENERAL FOR AUDIT (SMALL BUSINESS AND CORPORATE ENTITIES) ASSISTANT INSPECTOR GENERAL FOR AUDIT (INFORMATION SYSTEMS PROGRAMS) DEPUTY INSPECTOR GENERAL FOR AUDIT ASSISTANT INSPECTOR GENERAL FOR INFORMATION TECHNOLOGY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION (INVESTIGATIVE SUPPORT) ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS (FIELD OPERATIONS)
ASSISTANT SECRETARY (TAX POLICY)	DIRECTOR, ECONOMIC MODELING AND COMPUTER APPLICATIONS
ALCOHOL AND TOBACCO TAX AND TRADE BUREAU	DEPUTY ADMINISTRATOR, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
ASSISTANT SECRETARY (MANAGEMENT)	DEPUTY CHIEF FINANCIAL OFFICER DIRECTOR, OFFICE OF PROCUREMENT
INTERNAL REVENUE SERVICE	CHIEF, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY DIRECTOR, TECHNICAL CONTRACT MANAGEMENT DIVISION ASSISTANT TO THE COMMISSIONER DIRECTOR OF RESEARCH DIRECTOR, COMPLIANCE DIRECTOR OF COMPLIANCE, ATLANTA - WAGE AND INVESTMENT DEPUTY DIRECTOR, GENERAL APPEALS AREA DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION AND COMMUNICATION COMPLIANCE SERVICES FIELD DIRECTOR DIRECTOR, LEADERSHIP AND ORGANIZATIONAL DEVELOPMENT - NATIONAL HEADQUARTERS DEPUTY CHIEF FINANCIAL OFFICER (FINANCE) SPECIAL AGENT IN CHARGE, NEW YORK SPECIAL AGENT IN CHARGE, CHICAGO DEPUTY DIRECTOR, PERSONNEL SERVICES DIRECTOR, CENTRALIZED WORKLOAD SELECTION AND DELIVERY - SMALL BUSINESS AND SELF EMPLOYED

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	DIRECTOR, COMPLIANCE LOS ANGELES AREA OFFICE - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, COMPLIANCE NEW YORK AREA OFFICE - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, HUMAN RESOURCES - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, FILING AND PAYMENT COMPLIANCE - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, BUSINESS SYSTEMS PLANNING
	ACCOUNTS MANAGEMENT FIELD DIRECTOR, ATLANTA, WAGE AND INVESTMENT
	AREA DIRECTOR, FIELD ASSISTANCE (SAN FRANCISCO) - WAGE AND INVESTMENT
	TRANSITION EXECUTIVE FOR STRATEGY, CRIMINAL INVESTIGATION
	PROJECT DIRECTOR
	DIRECTOR, COMPETITIVE SOURCING
	DIRECTOR, COMMUNICATIONS - SMALL BUSINESS AND SELF-EMPLOYED
	DIRECTOR, ORGANIZATIONAL PERFORMANCE
	COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES DIVISION
	DIRECTOR, EXEMPT ORGANIZATIONS EXAMINATIONS
	DIRECTOR, FACILITIES OPERATIONS - AGENCYWIDE SHARED SERVICES
	DIRECTOR, CUSTOMER SUPPORT - AGENCYWIDE SHARED SERVICES
	DIRECTOR, COMPLIANCE AREA, LAGUNA NIGUEL - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, RETAILERS, FOOD, PHARMACEUTICALS, AND HEALTH CARE
	DIRECTOR, TAXPAYER EDUCATION AREA, BROOKLYN - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, COMPLIANCE AREA
	DIRECTOR, LEGISLATIVE AFFAIRS DIVISION
	DIRECTOR, ELECTRONIC TAX ADMINISTRATION - WAGE AND INVESTMENT
	SUBMISSION PROCESSING FIELD DIRECTOR, MEMPHIS
	DIRECTOR, GOVERNMENT ENTITIES
	DIRECTOR, FIELD ASSISTANCE AREA (GREENSBORO) WAGE AND INVESTMENT
	DIRECTOR, TAXPAYER EDUCATION AREA, NASHVILLE - SMALL BUSINESS AND SELF EMPLOYED
	COMPLIANCE SERVICE FIELD DIRECTOR, AUSTIN - WAGE AND INVESTMENT
	DIVISION INFORMATION OFFICER - SMALL BUSINESS AND SELF EMPLOYED
	SPECIAL AGENT IN CHARGE, LOS ANGELES
	DIRECTOR, FIELD ASSISTANCE AREA (PHOENIX) - WAGE AND INVESTMENT
	DEPUTY DIRECTOR, STRATEGIC HUMAN RESOURCES
	DEPUTY DIRECTOR, INTERNATIONAL

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POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	PRIVACY ADVOCATE
	NATIONAL DIRECTOR OF APPEALS
	DIRECTOR, APPEALS - LARGE AND MID-SIZE BUSINESS
	AREA DIRECTOR OF INFORMATION TECHNOLOGY - WESTERN
	DIRECTOR OF INVESTIGATIONS, CENTRAL AREA OF OPERATIONS
	PROJECT MANAGER
	DEPUTY CHIEF FINANCIAL OFFICER
	CHIEF COMMUNICATIONS AND LIAISON
	DIRECTOR OF FIELD OPERATIONS
	DIRECTOR,TECHNICAL SERVICES, APPEALS
	DIRECTOR, TAX ADMINISTRATION MODERNIZATION
	ACCOUNTS MANAGEMENT FIELD DIRECTOR, FRESNO - WAGE AND INVESTMENT
	PROJECT DIRECTOR (EXECUTIVE INSTRUCTOR)
	PROJECT DIRECTOR, WAGE AND INVESTMENT
	CHIEF FINANCIAL OFFICER, INTERNAL REVENUE SERVICE
	DIRECTOR, STRATEGIC PLANNING - WAGE AND INVESTMENT
	SPECIAL AGENT IN CHARGE
	SPECIAL AGENT IN CHARGE
	DIRECTOR, WORKFORCE RELATIONS
	DIRECTOR, WORKFORCE RELATIONS
	DIRECTOR, REPORTING COMPLIANCE
	DIRECTOR OF FINANCE - SMALL BUSINESS AND SELF-EMPLOYED
	ASSISTANT DEPUTY DIRECTOR COMPLIANCE FIELD OPERATIONS
	DIRECTOR, STRATEGY, RESEARCH, AND PROGRAM PLANNING - LARGE AND MID-SIZE BUSINESS
	PROJECT DIRECTOR
	DIRECTOR, FILING AND PAYMENT COMPLIANCE
	DEPUTY ASSOCIATE COMMISSIONER (BUSINESS INTEGRATION)
	PRIVACY ADVOCATE
	DIRECTOR, CUSTOMER APPLICATIONS DEVELOPMENT MANAGEMENT DIVISION
	DIRECTOR, COMPLIANCE AREA, BALTIMORE - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION AND COMMUNICATION - WAGE AND INVESTMENT
	DIRECTOR, EMPLOYEE PLANS
	DIRECTOR, EMPLOYEE SUPPORT SERVICES
	ASSOCIATE CHIEF FINANCIAL OFFICER FOR REVENUE AND FINANCIAL MANAGEMENT
	DEPUTY DIRECTOR, PROCUREMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	DIRECTOR, ELECTRONIC CRIMES PROGRAM OFFICE
	DIRECTOR, EXAMINATION OPERATIONS SUPPORT
	DEPUTY NATIONAL TAXPAYER ADVOCATE
	DIRECTOR, LEARNING AND EDUCATION
	CHIEF, CRIMINAL INVESTIGATION
	DIRECTOR, SYSTEMS ENGINEERING AND INTEGRATION
	DEPUTY COMMISSIONER, OPERATIONS SUPPORT
	DIRECTOR, STATISTICS
	AREA DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION, AND COMMUNICATION, HARTFORD - WAGE AND INVESTMENT
	DEPUTY CHIEF, INFORMATION TECHNOLOGY SERVICES
	DIRECTOR, FIELD ASSISTANCE - WAGE AND INVESTMENT
	DIRECTOR, SUBMISSION PROCESSING (CINCINNATI) - WAGE AND INVESTMENT
	AREA DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION AND COMMUNICATION - WAGE AND INVESTMENT
	ACCOUNTS MANAGEMENT FIELD DIRECTOR, CINCINNATI
	ACCOUNTS MANAGEMENT FIEDL DIRECTOR - ODGEN
	ACCOUNTS MANAGEMENT FIELD DIRECTOR, AUSTIN - WAGE AND INVESTMENT
	COMMISSIONER, LARGE AND MID-SIZED BUSINESS DIVISION
	PROJECT DIRECTOR
	AREA DIRECTOR, STAKEHOLDER PARTNERSHIP EDUCATION AND COMMUNICATION
	COMPLIANCE SERVICES FIELD DIRECTOR
	DIRECTOR, JOINT OPERATIONS CENTER
	COMPLIANCE SERVICE FIELD DIRECTOR
	DIRECTOR, FIELD OPERATIONS
	DIRECTOR, COMPLIANCE AREA, CHICAGO - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, MEDIA AND PUBLICATIONS PUBLISHING DIVISION
	DEPUTY CHIEF, CRIMINAL INVESTIGATION
	DEPUTY CHIEF, CRIMINAL INVESTIGATION
	DEPUTY CHIEF, CRIMINAL INVESTIGATION
	DEPUTY DIRECTOR, FIELD SPECIALISTS - LARGE AND MID-SIZE BUSINESS
	SUBMISSION PROCESSING FIELD DIRECTOR - FRESNO, CALIFORNIA
	DEPUTY DIRECTOR, ACCOUNTS MANAGEMENT
	DIRECTOR, COMPLIANCE AREA, OAKLAND - SMALL BUSINESS AND SELF-EMPLOYED
	DIRECTOR, FIELD OPERATIONS WEST, APPEALS
	DEPUTY DIRECTOR, END USER EQUIPMENT AND SERVICES
	DIRECTOR, OPERATIONS POLICY AND SUPPORT - CRIMINAL INVESTIGATIONS

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	DIRECTOR, TENNESSEE COMPUTING CENTER
	DIRECTOR OF FIELD OPERATIONS (PACIFIC AREA) - CRIMINAL INVESTIGATIONS
	DIRECTOR, REFUND CRIMES
	ASSOCIATE DIRECTOR, FACILITIES OPERATIONS
	DIRECTOR, NATURAL RESOURCES INDUSTRY GROUP
	DIRECTOR, COMPLIANCE AREA, PHILADELPHIA - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, FIELD OPERATIONS, COMMUNICATIONS, TECHNOLOGY AND MEDIA - LARGE AND MID-SIZE BUSINESS
	DEPUTY DIRECTOR, COMPLIANCE SERVICES - SMALL BUSINESS
	DIRECTOR, FIELD OPERATIONS (NATURAL RESOURCES), HOUSTON
	DIRECTOR OF FIELD OPERATIONS (MIDSTATES AREA) -CRIMINAL INVESTIGATION
	DIRECTOR, COMMISSIONER'S OFFICE OF EMPLOYEE ISSUES AND PROFESSIONAL CONDUCT
	PROJECT DIRECTOR
	DIRECTOR, PROGRAM ANALYSIS CUSTOMER ACCOUNT SERVICES - WAGE AND INVESTMENT
	DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER FOR PROGRAM MANAGEMENT
	DIRECTOR, OFFICE OF PROGRAM EVALUATION AND RISK ANALYSIS
	DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION AND COMMUNICATIONS (SPEC)
	DEPUTY ASSOCIATE CHIEF INFORMATION OFFICER, MANAGEMENT PROCESSES
	PROJECT DIRECTOR
	DIRECTOR, FIELD ASSISTANCE AREA
	ACCOUNTS MANAGEMENT FIELD DIRECTOR
	PROJECT DIRECTOR
	PROJECT DIRECTOR
	DEPUTY COMMISSIONER, SERVICES AND ENFORCEMENT
	DIRECTOR, COMMUNICATIONS
	DEPUTY DIRECTOR, PREFILING AND TECHNICAL GUIDANCE
	DIRECTOR, TAXPAYER EDUCATION AREA, DENVER - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, LEADERSHIP AND EDUCATION
	CHIEF, CRIMINAL INVESTIGATION
	CHIEF, CRIMINAL INVESTIGATION
	DIRECTOR, NATIONAL PUBLIC LIAISON
	ASSOCIATE CHIEF INFORMATION OFFICER FOR MANAGEMENT AND FINANCE
	ASSOCIATE CHIEF INFORMATION OFFICER FOR MANAGEMENT AND FINANCE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	DIRECTOR, DATA MANAGEMENT MODERNIZATION
	PROJECT DIRECTOR
	DIRECTOR, FIELD OPERATIONS, SPECIAL - WAGE AND INVESTMENT
	DIRECTOR CUSTOMER ACCOUNT SERVICES - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR OF FIELD OPERATIONS - CRIMINAL INVESTIGATION, NORTH ATLANTIC
	DIRECTOR, INFRASTRUCTURE MODERNIZATION PROJECT OFFICE
	DIRECTOR, FILING AND CAMPUS COMPLIANCE
	DIRECTOR OF FIELD OPERATIONS
	DIRECTOR, ADVISORY, INSOLVENCY AND QUALITY
	DIRECTOR, FIELD ASSISTANCE AREA, SAINT LOUIS - WAGES AND INVESTMENTS
	DIRECTOR, CASE MANAGEMENT - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, REPORTING COMPLIANCE
	ACCOUNTS MANAGEMENT FIELD DIRECTOR - ANDOVER
	PROJECT DIRECTOR, BUSINESS REQUIREMENTS
	DIRECTOR, NEW CUSTOMER DEVELOPMENT
	SUBMISSION PROCESSING FIELD DIRECTOR
	DIRECTOR, EMPLOYEE PLANS EXAMINATION
	SUBMISSION PROCESSING FIELD DIRECTOR - PHILADELPHIA
	DIRECTOR, COMPETITIVE SOURCING
	PROJECT DIRECTOR
	DIRECTOR, FIELD OPERATIONS-RETAILERS, FOOD PHARMACEUTICALS, HEALTHCARE
	DIRECTOR, FIELD OPERATIONS
	DIRECTOR, BUSINESS SYSTEMS PLANNING - LARGE AND MID-SIZE BUSINESS
	CHIEF, AGENCYWIDE SHARED SERVICES
	PROJECT DIRECTOR
	DIRECTOR, COMMUNICATION, ASSISTANCE, RESEARCH AND EDUCTATION
	DIRECTOR, COMPLIANCE AREA, NASHVILLE - SMALL BUSINESS AND SELF EMPLOYED
	SUBMISSION PROCESSING FIELD DIRECTOR - BROOKHAVEN
	DIRECTOR, OPERATIONS POLICY AND SUPPORT
	ACCOUNTS MANAGEMENT FIELD DIRECTOR, KANSAS CITY- WAGE AND INVESTMENT
	DIRECTOR, TAX EXEMPT BONDS
	DIRECTOR, HUMAN RESOURCES - WAGE AND INVESTMENT
	DIRECTOR, STRATEGY AND FINANCE - WAGE AND INVESTMENT

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	DEPUTY DIVISION COMMISSIONER, TAX EXEMPT AND GOVERNMENT ENTITIES
	DIRECTOR, EXEMPT ORGANIZATIONS
	DEPUTY DIRECTOR, SUBMISSION PROCESSING
	AREA DIRECTOR, FIELD ASSISTANCE
	DIRECTOR OF FIELD OPERATIONS
	DIRECTOR, BUSINESS SYSTEMS DEVELOPMENT
	DIRECTOR, INTERNAL MANAGEMENT MODERNIZATION
	DEPUTY DIRECTOR, COMPLIANCE - SMALL BUSINESS AND SELF EMPLOYED
	DEPUTY CHIEF, APPEALS
	PROJECT DIRECTOR, CUSTOMER ACCOUNT DATA ENGINE PROJECT
	DIRECTOR, OPERATIONAL READINESS
	DIRECTOR, STRATEGY AND FINANCE
	ACCOUNTS MANAGEMENT FIELD DIRECTOR
	DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY
	CHIEF, COMMUNICATIONS AND LIAISON
	DIRECTOR, RESEARCH, ANALYSIS AND STATISTICS OF INCOME
	DIRECTOR, OFFICE OF TAX ADMINISTRATION
	SUBMISSION PROCESSING FIELD DIRECTOR, OGDEN - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, MARTINSBURG COMPUTING CENTER
	CHIEF, SECURITY SERVICES
	DIRECTOR, ACCOUNTS MANAGEMENT, WAGE AND INVESTMENT
	DIRECTOR, FILING SYSTEMS DIVISION
	DIRECTOR, FIELD OPERATIONS-RETAILS, FOOD PHARMACEUTICALS AND HEALTHCARE
	DEPUTY DIRECTOR, COMPLIANCE POLICY
	DIRECTOR, FIELD OPERATIONS-HEAVY MANUFACTURING AND TRANSPORTATION
	PROJECT DIRECTOR - SMALL BUSINESS AND SELF EMPLOYED
	COMPLIANCE SERVICE FIELD DIRECTOR - PHILADELPHIA
	DIRECTOR, COMPLIANCE AREA, BALTIMORE - SMALL BUSINESS AND SELF EMPLOYED
	CHIEF OF STAFF, INTERNAL REVENUE SERVICE
	DEPUTY DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY
	DIRECTOR, MANAGEMENT AND SUPPORT
	DIRECTOR, PRODUCT ASSURANCE
	DIRECTOR, FIELD ASSISTANCE AREA
	DIRECTOR, FIELD OPERATIONS, EAST, APPEALS
	DIRECTOR, FILING AND PAYMENT COMPLIANCE

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	SUBMISSION PROCESSING FIELD DIRECTOR - ATLANTA
	SUBMISSION PROCESSING FIELD DIRECTOR - ATLANTA
	SUBMISSION PROCESSING FIELD DIRECTOR - AUSTIN
	DIRECTOR, MISSION ASSURANCE
	DIRECTOR, RELEASE MANAGEMENT
	PROJECT DIRECTOR (BUSINESS REQUIREMENTS)
	DIRECTOR, HEAVY MANUFACTURING, TRANSPORTATION AND CONSTRUCTION INDUSTRY
	DIRECTOR, OPERATIONAL READINESS
	DIRECTOR, FILING SYSTEMS
	DIRECTOR, STRATEGIC PLANNING AND PROGRAM MANAGEMENT
	DEPUTY ASSOCIATE COMMISSIONER, SYSTEMS INTEGRATION
	PROJECT DIRECTOR
	DIRECTOR, COMPLIANCE AREA
	PROJECT MANAGER
	AREA DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION, AND COMMUNICATION, DALLAS - WAGE AND INVESTMENT
	ACCOUNTS MANAGEMENT FIELDD DIRECTOR
	DEPUTY COMMISSIONER, SMALL BUSINESS/SELF-EMPLOYED
	DEPUTY COMMISSIONER, SMALL BUSINESS/SELF-EMPLOYED
	PROJECT DIRECTOR, EMPLOYEE TAX COMPLIANCE
	DIRECTOR, PRODUCT ASSURANCE
	CHIEF, MANAGEMENT AND FINANCE - LARGE AND MID SIZE BUSINESS
	CHIEF HUMAN CAPITAL OFFICER, INTERNAL REVENUE SERVICE
	DIRECTOR, SAFETY AND SECURITY
	COMPLIANCE SERVICE FIELD DIRECTOR
	COMPLIANCE SERVICE FIELD DIRECTOR
	DEPUTY DIRECTOR, BUSINESS SYSTEMS DEVELOPMENT DIVISION
	DIRECTOR, PERSONNEL POLICY
	DIRECTOR, FIELD SPECIALISTS - LARGE AND MID SIZE BUSINESS
	DIRECTOR, CUSTOMER ACCOUNT MANAGER
	DIRECTOR, REAL ESTATE AND FACILITIES MANAGEMENT
	DIRECTOR, FIELD OPERATIONS (FINANCIAL SERVICES), LAGUNA NIGUEL
	DEPUTY DIRECTOR, ENTERPRISE OPERATIONS SERVICES
	DIRECTOR OF FIELD OPERATIONS, NEW YORK - LARGE AND MID SIZE BUSINESS
	DIRECTOR, EXEMPT ORGANIZATIONS, RULINGS AND AGREEMENTS
	COMMISSIONER, SMALL BUSINESS AND SELF EMPLOYED

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	COMMISSIONER, SMALL BUSINESS AND SELF EMPLOYED
	PROJECT DIRECTOR - APPEALS
	DIRECTOR, PROCUREMENT
	CHIEF, INFORMATION TECHNOLOGY SERVICES
	DIRECTOR, PROFESSIONAL RESPONSIBILITY
	PROJECT DIRECTOR
	COMPLIANCE SERVICE FIELD DIRECTOR
	DIRECTOR, SECURITY POLICY, SUPPORT AND OVERSIGHT
	ASSOCIATE CHIEF FINANCIAL OFFICER FOR INTERNAL FINANCIAL MANAGEMENT - NATIONAL HEADQUARTERS
	DIRECTOR, TAXPAYER EDUCATION AND COMMUNICATION AREA, ST LOUIS - SMALL BUSINESS AND SELF EMPLOYED
	PROJECT DIRECTOR
	DIRECTOR, RESEARCH
	DIRECTOR, COMPLIANCE AREA - DENVER, SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, COMPLIANCE AREA, DALLAS - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, PERSONNEL SERVICES
	DIRECTOR, PRE-FILING AND TECHNICAL GUIDANCE
	COMPLIANCE SERVICE, FIELD DIRECTOR - ATLANTA
	COMMISSIONER, WAGE AND INVESTMENT
	DIRECTOR, STRATEGIC SERVICES
	DIRECTOR, STRATEGIC SERVICES
	PROJECT DIRECTOR
	SENIOR COUNSELOR TO THE COMMISSIONER (TAX ADMINSTRATION, PRACTICE AND PROFESSIONAL RESPONSIBILITY)
	ASSISTANT DEPUTY COMMISSIONER FOR SERVICES AND ENFORCEMENT
	DIRECTOR, BUSINESS SYSTEMS MODERNIZATION ACQUISITION
	DIRECTOR, COMPLIANCE AREA
	DIRECTOR, COMMUNICATIONS, TECHNOLOGY AND MEDIA INDUSTRY - LARGE AND MID SIZE BUSINESS
	DIRECTOR, COMMUNICATIONS, TECHNOLOGY AND MEDIA INDUSTRY - LARGE AND MID SIZE BUSINESS
	CHIEF, MISSION ASSURANCE AND SECURITY SERV ICES
	EXECUTIVE DIRECTOR, SYSTEMIC ADVOCACY - NATIONAL TAXPAYER ADVOCATE
	DIVISION INFORMATION OFFICER - LARGE AND MID SIZE BUSINESS
	DEPUTY DIRECTOR, ENTERPRISE OPERATIONS SERVICES
	DIRECTOR, FIELD OPERATIONS-NATURAL RESOURCES AND CONSTRUCTION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	COMPLIANCE SERVICE FIELD DIRECTOR, ANDOVER - WAGE AND INVESTMENT
	DIRECTOR, DETROIT COMPUTING CENTER
	DEPUTY DIRECTOR, OPR STANDARDS
	AREA DIRECTOR, FIELD ASSISTANCE
	DIRECTOR, MEDIA AND PUBLICATIONS
	DIRECTOR, STRATEGY, PROGRAM MANAGEMENT & PERSONNEL SECURITY
	DIRECTOR, MEDIA AND PUBLICATIONS DISTRIBUTION DIVISION
	DEPUTY DIVISION COMMISSIONER
	DIRECTOR, CUSTOMER ACCOUNT SERVICES - WAGE AND INVESTMENT
	COMPLIANCE SERVICE FIELD DIRECTOR - KANSAS CITY
	DIRECTOR, TECHNICAL SERVICES
	DIRECTOR, FIELD OPERATIONS
	DEPUTY DIRECTOR, BUSINESS SYSTEMS DEVELOPMENT
	DIRECTOR, TECHNICAL SYSTEMS SOFTWARE
	DEPUTY DIRECTOR, SUBMISSION PROCESSING, CINCINNATI - SMALL BUSINESS AND SELF EMPLOYED
	PROJECT DIRECTOR
	CHIEF INFORMATION OFFICER
	DIRECTOR, PORTFOLIO MANAGEMENT
	DIRECTOR, EMPLOYEE PLAN DETERMINATION LETTER REDESIGN
	DEPUTY CHIEF, AGENCYWIDE SHARED SERVICES
	DEPUTY DIRECTOR, PROCUREMENT
	DIRECTOR, TAXPAYER EDUCATION AREA - LOS ANGELES
	DIRECTOR, ENTERPRISE OPERATIONS SERVICES
	DEPUTY DIRECTOR, FIELD SPECIALISTS
	ACCOUNTS MANAGEMENT FIELD DIRECTOR
	DIRECTOR, STRATEGY, CRIMINAL INVESTIGATIONS
	ASSOCIATE CHIEF INFORMATION OFFICER FOR INFORMATION TECHNOLOGY SERVICES
	DIRECTOR, FIELD OPERATIONS-FINANCIAL SERVICES
	DIRECTOR, COMPLIANCE , DETROIT - SMALL BUSINESS AND SELF EMPLOYED
	DIRECTOR, COMPLIANCE AREA
	AREA DIRECTOR, STAKEHOLDER, PARTNERSHIP, EDUCATION AND COMMUNICATIONS - NEW ORLEANS
	DIRECTOR, REGULATORY COMPLIANCE
	DIRECTOR, TAXPAYER EDUCATION AREA, CHICAGO - SMALL BUSINESS AND SELF EMPLOYED
	PROJECT DIRECTOR (SB/SE TRANSITION EXECUTIVE)
	AREA DIRECTOR, INFORMATION TECHNOLOGY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	DIRECTOR, PERSONNEL FIELD SERVICES
	DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY AND DIVERSITY
	DIRECTOR, COMPLIANCE SYSTEMS DIVISION
	PROJECT DIRECTOR
	ASSISTANT DEPUTY COMMISSIONER FOR OPERATIONS SUPPORT
	INFORMATION TECHNOLOGY MANAGER, POLICY AND PLANNING
	DIRECTOR, INTERNET DEVELOPMENT SERVICES
	DIRECTOR, INTERNAL MANAGEMENT SYSTEMS DEVELOPMENT DIVISION
	DIRECTOR, CORPORATE DATA AND SYSTEMS MANAGEMENT DIVISION
	DIRECTOR, TAXPAYER EDUCATION AND COMMUNICATION - SMALL BUSINESS AND SELF EMPLOYED
	SUBMISSION PROCESSING FIELD DIRECTOR - ANDOVER
	DIRECTOR, OPERATIONAL ASSURANCE
	DIRECTOR, COMPLIANCE AREA
	FIELD DIRECTOR, ACCOUNTS MANAGEMENT, WAGE AND INVESTMENT
	DIRECTOR, JOINT OPERATIONS CENTER
	DIRECTOR, DEVELOPMENT SERVICES
	ACCOUNTS MANAGEMENT FIELD DIRECTOR, FRESNO
	DIRECTOR, FINANCIAL MANAGEMENT SERVICES
	DIRECTOR, INTERNET DEVELOPMENT SERVICES
	PROJECT DIRECTOR
	DIRECTOR, PERFORMANCE, QUALITY AND INNOVATION - LARGE AND MID SIZE BUSINESS
	DIRECTOR, STRATEGY AND FINANCE, APPEALS
	SENIOR ADVISOR, INFORMATION SYSTEMS CURRENT PROCESSING ENVIRONMENT SECURITY
	PROJECT DIRECTOR
	ASSISTANT TO DIRECTOR, REAL ESTATE AND FACILITIES MANAGEMENT
	PROJECT DIRECTOR, OFFICE OF PROFESSIONAL RESPONSIBILITY
	DIRECTOR, BUSINESS SYSTEMS PLANNING
	DIRECTOR OF FIELD OPERATIONS (SOUTHEAST AREA) - CRIMINAL INVESTIGATION
	DIRECTOR, MANAGEMENT SERVICES
	INDUSTRY DIRECTOR - FINANCIAL SERVICES - LARGE AND MID SIZE BUSINESS
	DIRECTOR, EMERGENCY MANAGEMENT PROGRAMS
	DIRECTOR, FINANCE
	DIRECTOR, ENTERPRISE OPERATIONS SERVICES
	DEPUTY DIRECTOR, TAXPAYER EDUCATION AND COMMUNICATION

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE	ASSOCIATE CHIEF FINANCIAL OFFICER FOR CORPORATE STRATEGY ACCOUNTS MANAGEMENT FIELD DIRECTOR SUBMISSION PROCESSING FIELD DIRECTOR PROJECT DIRECTOR DEPUTY DIRECTOR, OPR OPERATIONS DIRECTOR, TAX FORMS & PUBLICATIONS DIRECTOR, STRATEGY, RESEARCH AND PERFORMANCE MANAGEMENT DIRECTOR, BUSINESS SYSTEMS PLANNING
INTERNAL REVENUE SERVICE CHIEF COUNSEL	ASSISTANT CHIEF COUNSEL (INTERNATIONAL) (LITIGATION) ASSISTANT CHIEF COUNSEL (COLLECTION, BANKRUPTCY AND SUMMONSES) DIVISION COUNSEL (WAGE AND INVESTMENT) DEPUTY DIVISION COUNSEL/DEPUTY ASSISTANT CHIEF COUNSEL (CRIMINAL TAX) DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) ASSISTANT CHIEF COUNSEL (DISCLOSURE AND PRIVACY LAW) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) (AREA 7) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - LOS ANGELES DEPUTY ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) (LABOR AND PERSONNEL LAW) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - PHILADELPHIA SPECIAL COUNSEL TO THE CHIEF COUNSEL AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - CHICAGO AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - NEW YORK DEPUTY DIVISION COUNSEL # (SMALL BUSINESS AND SELF EMPLOYED) DIVISION COUNSEL (LARGE AND MID-SIZE BUSINESS) DIVISION COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) DEPUTY ASSOCIATE CHIEF COUNSEL (CORPORATE) ASSISTANT CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS) AREA COUNSEL (LARGE AND MID-SIZE BUSINESS)(AREA 1) (FINANCIAL SERVICES AND HEALTH CARE) DEPUTY ASSOCIATE CHIEF COUNSEL#2(PASSTHROUGHS AND SPECIAL INDUSTRIES) ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) ASSOCIATE CHIEF COUNSEL (PASSTHROUGHS AND SPECIAL INDUSTRIES) ASSOCIATE CHIEF COUNSEL (CORPORATE) DEPUTY DIVISION COUNSEL#2 (SMALL BUSINESS AND SELF EMPLOYED) DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT) DEPUTY ASSOCIATE CHIEF COUNSEL #1 (INCOME TAX AND ACCOUNTING)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
INTERNAL REVENUE SERVICE CHIEF COUNSEL	AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 2)(HEAVY MANUFACTURING, CONSTRUCTION AND TRANSPORTATION) SPECIAL COUNSEL TO THE NATIONAL TAXPAYER ADVOCATE DEPUTY ASSOCIATE CHIEF COUNSEL (INTERNATIONAL TECHNICAL) ASSOCIATE CHIEF COUNSEL (GENERAL LEGAL SERVICES) AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 5)(COMMUNICATIONS, TECHNOLOGY, AND MEDIA) ASSISTANT CHIEF COUNSEL (ADMINISTRATIVE PROVISIONS AND JUDICIAL PRACTICE) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - JACKSONVILLE ASSISTANT CHIEF COUNSEL (EMPLOYEE BENEFITS) DEPUTY ASSOCIATE CHIEF COUNSEL (PROCEDURE AND ADMINISTRATION) DEPUTY ASSOCIATE CHIEF COUNSEL (STRATEGIC INTERNATIONAL PROGRAMS) DEPUTY DIVISION COUNSEL (LARGE AND MID-SIZE BUSINESS) DEPUTY CHIEF COUNSEL (TECHNICAL) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - DALLAS DEPUTY ASSOCIATE CHIEF COUNSEL #2 (INCOME TAX AND ACCOUNTING) DEPUTY DIVISION COUNSEL AND DEPUTY ASSOCIATE CHIEF COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) AREA COUNSEL, LARGE AND MID SIZE BUSINESS (AREA 3) (FOOD, MASS RETAILERS, AND PHARMACEUTICALS) ASSOCIATE CHIEF COUNSEL (INTERNATIONAL) ASSOCIATE CHIEF COUNSEL (FINANCE AND MANAGEMENT) DEPUTY ASSOCIATE CHIEF COUNSEL (FINANCIAL INSTITUTIONS AND PRODUCTS) ASSOCIATE CHIEF COUNSEL/OPERATING DIVISION COUNSEL (TAX EXEMPT AND GOVERNMENT ENTITIES) DEPUTY CHIEF COUNSEL (OPERATIONS) ASSISTANT CHIEF COUNSEL (EXEMPT ORGANIZATIONS, EMPLOYMENT TAX, AND GOVERNMENT ENTITIES) ASSOCIATE CHIEF COUNSEL (INCOME TAX AND ACCOUNTING) AREA COUNSEL (LARGE AND MID SIZE BUSINESS)(AREA 4)(NATURAL RESOURCES) AREA COUNSEL (SMALL BUSINESS AND SELF EMPLOYED) - DENVER DEPUTY ASSOCIATE CHIEF COUNSEL #1(PASSTHROUGHS AND SPECIAL INDUSTRIES) DIVISION COUNSEL/ASSOCIATE CHIEF COUNSEL (CRIMINAL TAX)
UNITED STATES MINT	ASSOCIATE DIRECTOR, INFORMATION RESOURCES/CHIEF INFORMATION OFFICER ASSOCIATE DIRECTOR FOR CIRCULATING

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF THE TREASURY	
UNITED STATES MINT	SENIOR ADVISOR SENIOR ADVISOR ASSOCIATE DIRECTOR FOR SALES AND MARKETING SENIOR ADVISOR ASSOCIATE DIRECTOR FOR POLICY AND MANAGEMENT/CHIEF FINANCIAL OFFICER
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT	
OFFICE OF THE ADMINISTRATOR	COUNSELOR TO THE AGENCY
OFFICE OF THE GENERAL COUNSEL	DEPUTY GENERAL COUNSEL ASSISTANT GENERAL COUNSEL FOR ETHICS AND ADMINSTRATIONS
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDIT COUNSEL TO THE INSPECTOR GENERAL DEPUTY INSPECTOR GENERAL
OFFICE OF SECURITY	DIRECTOR, OFFICE OF SECURITY
OFFICE OF EQUAL OPPORTUNITY PROGRAMS	DIRECTOR OFFICE OF EQUAL OPPORTUNITY PROGRAMS
BUREAU FOR GLOBAL HEALTH	ASSOCIATE ASSISTANT ADMINISTRATOR CENTER FOR ECONOMIC GROWTH SENIOR DEPUTY ASSISTANT ADMINISTRATOR DEPUTY ASSISTANT ADMINISTRATOR, CENTER FOR POPULATION, HEALTH, AND NUTRITION ASSOCIATE ASSISTANT ADMINISTRATOR
BUREAU FOR EUROPE AND EURASIA	DEPUTY ASSISTANT ADMINISTRATOR
BUREAU FOR MANAGEMENT	CHIEF FINANCIAL OFFICER, OFFICE OF FINANCIAL MANAGEMENT DIRECTOR OFFICE OF INFORMATION RESOURCE MANAGEMENT DEPUTY DIRECTOR OFFICE OF PROCUREMENT DEPUTY DIRECTOR, OFFICE OF HUMAN RESOURCES DIRECTOR, OFFICE OF ADMINISTRATION SERVICES DEPUTY DIRECTOR, OFFICE OF PROCUREMENT DEPUTY ASSISTANT ADMINISTRATOR BUREAU FOR MANAGEMENT DEPUTY DIRECTOR, OFFICE OF FINANCIAL MANAGEMENT FINANCIAL OFFICER FOR CREDIT POLICY FINANCIAL OFFICER FOR CREDIT POLICY

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
UNITED STATES INTERNATIONAL TRADE COMMISSION	
OFFICE OF EXTERNAL RELATIONS	DIRECTOR, OFFICE OF EXTERNAL RELATIONS
OFFICE OF INDUSTRIES	DIRECTOR OFFICE OF INDUSTRIES
OFFICE OF INVESTIGATIONS	DIRECTOR, OFFICE OF INVESTIGATIONS
DEPARTMENT OF VETERANS AFFAIRS	
OFFICE OF THE SECRETARY AND DEPUTY	DIRECTOR, OFFICE OF EMPLOYMENT DISCRIMINATION COMPLAINT ADJUDICATION
OFFICE OF THE INSPECTOR GENERAL	ASSISTANT INSPECTOR GENERAL FOR AUDITING ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS DEPUTY INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION DEPUTY ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS COUNSELOR TO THE INSPECTOR GENERAL ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR AUDITING DEPUTY ASSISTANT INSPECTOR GENERAL FOR HEALTHCARE INSPECTIONS DEPUTY ASSISTANT INSPECTOR GENERAL FOR MANAGEMENT AND ADMINISTRATION DIRECTOR OF MEDICAL CONSULTATION AND REVIEW ASSOCIATE DIRECTOR OF MEDICAL CONSULTATION AND REVIEW
BOARD OF VETERANS APPEALS	VICE CHAIRMAN
OFFICE OF THE GENERAL COUNSEL	REGIONAL COUNSEL REGIONAL COUNSEL REGIONAL COUNSEL REGIONAL COUNSEL REGIONAL COUNSEL REGIONAL COUNSEL REGIONAL COUNSEL
OFFICE ASSISTANT SECRETARY FOR MANAGEMENT	PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANAGEMENT COREFLS PROJECT DIRECTOR
OFFICE OF FINANCE	DEPUTY ASSISTANT SECRETARY FOR FINANCE ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR FINANCIAL OPERATIONS DIRECTOR, FINANCIAL SERVICES CENTER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF VETERANS AFFAIRS	
OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT	DEPUTY ASSISTANT SECRETARY FOR ACQUISITION AND MATERIEL MANAGEMENT ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR ACQUISITIONS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PROGRAM MANAGEMENT AND OPERATIONS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR PROGRAM MANAGEMENT AND OPERATIONS EXECUTIVE DIRECTOR/CHIEF OPERATING OFFICER
OFFICE OF ASSET ENTERPRISE MANAGEMENT	DEPUTY DIRECTOR, ASSET ENTERPRISE MANAGEMENT
OFFICE OF SECURITY AND LAW ENFORCEMENT	DEPUTY ASSISTANT SECRETARY FOR SECURITY AND LAW ENFORCEMENT
OFFICE OF HUMAN RESOURCES MANAGEMENT AND LABOR RELATIONS	ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR HUMAN RESOURCES MANAGEMENT
OFFICE ASST SECRETARY FOR INFORMATION AND TECHNOLOGY	DIRECTOR, VETERANS AFFAIRS AUTOMATION CENTER, AUSTIN, TEXAS ASSOC DEPUTY ASSISTANT SECRETARY FOR TELECOMMUNICATIONS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR POLICIES, PLANS AND PROGRAMS ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR CYBER SECURITY
NATIONAL CEMETERY ADMINISTRATION	DIRECTOR, OFFICE OF FINANCE AND PLANNING DIRECTOR, OFFICE OF CONSTRUCTION MANAGEMENT
VETERANS BENEFITS ADMINISTRATION	DEPUTY DIRECTOR FOR POLICY AND PROCEDURES CHIEF FINANCIAL OFFICER DEPUTY DIRECTOR FOR OPERATIONS
VETERANS HEALTH ADMINISTRATION	CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER CHIEF FINANCIAL OFFICER ASSOCIATE CHIEF FINANCIAL OFFICER FOR COMPLIANCE DEPUTY CHIEF FINANCIAL OFFICER DEPUTY CHIEF FINANCIAL OFFICER ASSOCIATE CHIEF FACILITIES MANAGEMENT OFFICER FOR STRATEGIC MANAGEMENT ASSOCIATE CHIEF FACILITIES MANAGEMENT OFFICER FOR SERVICE DELIVERY ASSOCIATE CHIEF FACILITIES MANAGEMENT OFFICER FOR RESOURCE MANAGEMENT CHIEF OPERATING OFFICER

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 2004

AGENCY ORGANIZATION	CAREER RESERVED POSITIONS
DEPARTMENT OF VETERANS AFFAIRS	
VETERANS HEALTH ADMINISTRATION	FINANCIAL MANAGER
	CHIEF LOGISTICS OFFICER
	ASSOCIATE CHIEF INFORMATION OFFICER IMPLEMENTATION AND TRAINING SERVICES
	ASSOCIATE CHIEF FINANCIAL OFFICER FOR COREFINANCIAL AND LOGISTICS SYSTEM AND DECISION SUPPORT SYSTEMS
VETERANS INTEGRATED SERVICE NETWORK DIRECTORS	DIRECTOR CANTEEN SERVICE

[FR Doc. 05–5513 Filed 3–22–05; 8:45 am]

BILLING CODE 6325–39–C

Federal Register

Wednesday,
March 23, 2005

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 158

Passenger Facility Charge Program, Non-Hub Pilot Program and Related Changes; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 158

Docket No. FAA–2004–17999; Amendment No. 158–3

RIN 2120–AI15

Passenger Facility Charge Program, Non-Hub Pilot Program and Related Changes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule amends FAA regulations to create a pilot program to test new application and application approval procedures for the passenger facility charge (PFC) program. This pilot program will run for 3 years from the effective date of this rule and is available to non-hub airports. Besides the pilot program, this final rule also contains several changes designed to streamline the PFC application and amendment procedures for all PFC applications and amendments to improve the entire PFC program. The FAA is enacting these changes in response to Congressional direction found in the Vision 100—Century of Aviation Reauthorization Act.

DATES: This final rule becomes effective May 9, 2005.

FOR FURTHER INFORMATION CONTACT: Sheryl Scarborough, Airports Financial Analysis & Passenger Facility Charge Branch, APP–510, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8825; facsimile: (202) 267–5302; e-mail: *sheryl.scarborough@faa.gov*.

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, part A, subpart I, section 40117. Under that section, the FAA, by delegation, is charged with prescribing regulations to impose a passenger facility fee to finance an eligible airport-related project. This regulation is within the scope of that authority because Vision 100 requires the FAA to change the PFC program. The vast majority of the changes in this final rule are taken from Vision 100. The remaining changes not required by Vision 100 are changes to process, which must be made to effect the changes required by Vision 100.

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy of this final rule using the Internet by:

(1) Searching the Department of Transportation's electronic Docket Management System (DMS) Web page (*http://dms.dot.gov/search*);

(2) Visiting the Office of Rulemaking's Web page at *http://www.faa.gov/avr/arm/index.cfm*; or

(3) Accessing the Government Printing Office's Web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html*.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. To promote a prompt response, please make sure to identify the docket number, notice number, or amendment number of this rulemaking in your request.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question about this document, you may contact your local FAA official or the person listed under **FOR FURTHER INFORMATION CONTACT**. You can find out more about SBREFA on the Internet at our Web site: *http://www.faa.gov/avr/arm/sbrefa.htm*, or by e-mailing us at *9-AWA-SBREFA@faa.gov*.

Applicability

All applications and amendments submitted after the effective date of this rule must comply with and will be processed by the FAA under these new rules. Applications and amendments submitted before the effective date will be processed under the current rules.

Background

History

On December 12, 2003, President Bush signed the Vision 100—Century of Aviation Reauthorization Act (Vision 100) into law. Vision 100 mandated many changes to the PFC program and this final rule addresses several of these changes. This final rule revises part 158 to implement a 3-year non-hub pilot program and related streamlining provisions. Vision 100 required the FAA to propose regulations establishing the pilot program within 180 days of enactment of the Vision 100 pilot program section. The FAA issued proposed regulations on June 9, 2004 (meeting the 180-day statutory deadline), to implement the pilot program. The notice of proposed rulemaking (NPRM) requested public comment on the proposed regulations and the comment period ended on August 9, 2004 (''Passenger Facility Charge Program, Non-Hub Pilot Program and Related Changes'' (69 FR 32298, June 9, 2004)).

A separate rulemaking in the future will address the other statutory and non-statutory changes to the PFC program that are not subject to the statutory deadline.

Discussion of Comments

The FAA received seven comments in response to the notice. All of these comments express general support for the efforts and objectives of the FAA in proposing the changes to the PFC program in the NPRM. Despite this support, most of these commenters also recommended specific changes to the NPRM's language.

Five of the comments are from public agencies: Yakima Air Terminal, Yakima, WA; Pangborn Memorial Airport, Wenatchee, WA; Metropolitan Washington Airports Authority, Alexandria, VA; Norman Y. Mineta San Jose International Airport, San Jose, California; and Massachusetts Port Authority, Boston, MA. Two comments are from aviation industry groups: the Air Transport Association of America; and a joint submission by the Airports Council International—North America and the American Association of Airport Executives.

In the ''Discussion of Comments'' section below, the following applies:

(1) *Acronyms:* The FAA uses the following acronyms or shortened names to identify the associated commenters:

- Air Transport Association of America (ATA)
- Airports Council International—North America/American Association of Airports Executives (ACI/AAAE)
- Massachusetts Port Authority (Massport)
- Metropolitan Washington Airports Authority (MWAA)
- Norman Y. Mineta San Jose International Airport (San Jose)
- Pangborn Memorial Airport (Wenatchee)
- Yakima Air Terminal (Yakima)

(2) *Section References:* When addressing rule language, all section

references will refer to either Title 14 of the Code of Federal Regulations or the sections of this final rule as numbered in the NPRM.

The FAA considered all comments received and addresses each of these below (although some comments about the same issue are grouped together). After reviewing all the comments, the FAA decided to adopt the final rule as proposed with some minor changes.

General Comments

Besides the comments expressing general support for the proposed rule, the FAA received two general comments about the PFC program.

Elimination of Monthly and Quarterly Reports

MWAA suggests the FAA consider eliminating the monthly and quarterly reports filed by air carriers to public agencies. In place of these reports, MWAA suggests changing the requirement to an annual report containing all information currently found in the monthly and quarterly reports.

FAA Response: MWAA's comment addresses an area that is outside the scope of this rulemaking. The vast majority of the changes in this final rule are taken from Vision 100. The remaining changes not required by Vision 100 are changes to process, which must be made to effect the changes required by Vision 100. Reporting requirements were not included in the NPRM. Therefore, these requirements cannot be considered here because the public did not have notice or the opportunity to comment on this issue. The FAA will consider MWAA's suggestion as a part of a subsequent rulemaking to incorporate the remaining provisions of Vision 100 that are not included in this final rule.

Besides any future rulemaking efforts, the FAA is developing a Web-based PFC data management system. The FAA plans to have a national repository for both public agency and air carrier quarterly reports as a part of this data management system. The FAA will provide more information on this system in the future as the system moves closer to operation.

Eliminate Federal Approvals

ACI/AAAE states the most efficient step for the PFC program would be to eliminate all Federal approvals associated with the PFC program, making it similar to how airports and airlines interact on airline rates and charges. ACI/AAAE states that such a strategy would be part of a greater effort toward regulatory simplification and economic deregulation of airports that would benefit the entire aviation industry.

FAA Response: ACI/AAAE's proposal would require statutory changes that are beyond the scope of this final rule. The FAA will consider ACI/AAAE's proposal as part of a subsequent rulemaking to incorporate the remaining provisions of Vision 100 that are not included in this final rule.

Section-by-Section Comments

Section 158.3—Definitions—Small Hub Airport

ATA questions the FAA's decision not to define ''small hub airport'' in this rulemaking. ATA points out that this is the only airport size category not defined in the PFC regulation.

FAA Response: The FAA will not include a definition of ''small hub airport'' in the final rule. Currently, the PFC program does not contain procedures or requirements specific to small hub airports. Therefore, there is no need to define ''small hub airport'' in part 158. The FAA will consider ATA's proposal as part of a subsequent rulemaking to incorporate the remaining provisions of Vision 100 that are not included in this final rule.

Section 158.3—Definitions—Significant Business Interest

MWAA expresses concern that the proposed definition of ''significant business interest'' might be broader than the existing consultation requirement. Currently, the regulation requires public agencies to consult with all air carriers and foreign air carriers that operated at the airport during the previous year. Specifically, MWAA's concern is with the proposed requirement to consult with all air carriers that provide scheduled service at the airport. MWAA believes it would be better to limit consultation to air carriers with at least 1 percent of passenger boardings or at least 25,000 passenger boardings during the prior calendar year and which currently provide scheduled service at the airport.

FAA Response: The FAA took the definition of ''significant business interest'' in the NPRM verbatim from Vision 100. The FAA does not have the authority to redefine it and the proposed definition remains unchanged. The FAA notes that the ''significant business interest'' definition limits the number of carriers the public agency must consult with by eliminating most on-demand, non-scheduled carriers from the consultation requirement.

Changes: The FAA made no changes to § 158.3 because of the comments received on this section.

Section 158.23—Consultation With Air Carriers and Foreign Air Carriers

ATA supports the proposal to limit PFC consultation to those airlines with a significant business interest at the airport. ATA further notes that this change will reduce the administrative burden for both airlines and airports.

ACI/AAAE states that reducing the airline consultation requirement to carriers with a significant business interest at the airport is a modest step in the right direction. ACI/AAAE believes the practical effect of this change will be to eliminate consultation with some charter or on-demand operators.

FAA Response: The FAA agrees with these comments.

Changes: The FAA made no changes to § 158.23 because of comments received on this section.

Section 158.24—Notice and Opportunity for Public Comment

Yakima states that PFC projects are already subject to public scrutiny through the master planning, airport layout plan, and/or environmental processes before those projects are submitted for PFC approval. Yakima expresses concern that allowing additional public participation will provide project opponents the opportunity to stop or delay projects they oppose. Yakima suggests the rule be changed to allow for the waiver of the public comment provision if a project has previously been through a public review process. ACI/AAAE makes a similar recommendation.

Wenatchee requests that PFC projects intended to provide the local matching funds for Airport Improvement Program (AIP) grants not be required to go through a public comment process because they already have FAA approval.

MWAA argues that adding a requirement for public consultation will further lengthen and complicate the PFC process for airports.

Massport proposes that the FAA waive the PFC public notice process for projects that have already undergone significant environmental review. If that is not possible, Massport suggests the FAA consider allowing a public agency to consolidate the PFC public comment period with the public comment period undertaken during the environmental review process.

FAA Response: The public notice and comment period are statutory requirements for all PFC applications. Thus, the FAA cannot waive this requirement for any projects. This is the case even if the project has previously

undergone a comment period because of master planning or environmental processes or is included in an AIP grant.

As stated in the NPRM, reasonable public notice should not require the public agency to duplicate other processes. Thus, neither the NPRM nor the final rule preclude the possibility of a public agency using its master planning or environmental comment process as its PFC public comment period. However, § 158.24 does require the public notice to contain certain specific PFC information. Therefore, a consolidated PFC and master planning or environmental notice, must at a minimum, contain the information required by § 158.24.

The FAA considers air carrier consultations to be valid for six months (see paragraph 2–11 of FAA Order 5500.1, Passenger Facility Charge (August 9, 2001)). The FAA is extending that six-month validation policy to the public comment process of § 158.24. Occasionally, the master planning or environmental comment process may occur several years before the filing of a PFC application. Therefore, the public agency may not be able to rely on a consolidated comment period.

A public agency may also use its responses to comments developed during the master planning or environmental process as a basis for its response to similar comments filed because of a PFC public notice.

However, the AIP process, in and of itself, does not provide for any public comment opportunity, and thus cannot be consolidated with a PFC comment period. In addition, many projects in AIP grants are not required to undergo an environmental process that would result in a public comment period. The public may not be aware of, or have the opportunity to comment on, a project in an AIP grant.

Finally, a public agency may opt to hold the public notice and comment period concurrently with the air carrier consultation period. The public agency may consolidate the PFC process with ongoing master planning or environmental processes. Therefore, the FAA does not believe the public comment process will lengthen the overall PFC application process.

Changes: The FAA made no changes to § 158.24 because of the comments received on this section.

Section 158.25—Applications

Massport points out a typographical error in line 10 of § 158.25(b)(7)(i). Specifically, Massport believes the FAA should delete the word ''excepted'' and substitute the word ''expected'' in its place.

FAA Response: The FAA agrees.

Changes: Based on the comment received, the FAA changed the language of § 158.25(b)(7)(i) in the final rule by deleting the word ''excepted'' and substituting the word ''expected'' in its place.

*Section 158.27—Review of Applications—**Federal Register** Notice*

Yakima expresses concern that a special interest group could use a negative response campaign to try to create the illusion that a project is highly controversial. This would then trigger a **Federal Register** notice request for comments. Yakima argues that this would further delay a project.

MWAA asks the FAA to include in the final rule clear standards under which the FAA will determine whether a particular PFC application will require publishing a **Federal Register** notice. MWAA expresses concern that the FAA will be pressured by third parties to publish **Federal Register** notices for PFC applications that are not significant or controversial. This would then further delay PFC application implementation.

ATA cautions the FAA to scrutinize every application to ensure that potential controversy or significance, even for an AIP-eligible project, is not overlooked.

FAA Response: As stated in the preamble to the NPRM (69 FR 32298, June 9, 2004), the FAA expects to publish a notice in the **Federal Register** only for those applications with significant issues or public controversy. The FAA has decided against including any standards in the final rule about when the FAA will require a **Federal Register** notice. This approach preserves the statutory flexibility provided by making the **Federal Register** notice optional. The FAA will decide to publish a **Federal Register** notice on a case-by-case basis. The FAA will consider all available information, not just air carrier consultation or public comments, to determine whether the FAA will publish a **Federal Register**. Therefore, the FAA will scrutinize every application using all available sources to ensure significant issues are not overlooked and insignificant issues are not exaggerated.

Section 158.27—Review of Applications—Processing Time

MWAA requests that, for those applications where a **Federal Register** notice is not published, the FAA should reduce its maximum application processing time from 120 days to 60 days.

FAA Response: The 120-day FAA processing time for PFC applications (except for the non-hub pilot program) is statutory. Therefore, the FAA cannot change it. However, the FAA strives to issue PFC decisions efficiently and the FAA often issues those decisions in less than the maximum allowed time.

Changes: The FAA made no changes to § 158.27 because of the comments received on this section.

Section 158.30—Pilot Program for PFC Authorization at Non-Hub Airports

Massport supports the proposed non-hub pilot program. Massport urges the FAA to monitor the results of the pilot program so the pilot program streamlining provisions can eventually be extended to all airports.

ATA also supports the non-hub pilot program. ATA cautions the FAA to be diligent in requiring the participating non-hub airports to follow the pilot program rules and to not allow any further shortcuts in the process. ATA also urges the FAA to remind participating non-hub airports that, although the approval process may be streamlined, there are still notice requirements for the actual start and stop of collections. ATA points out that the notice requirements are necessary to allow airlines to program and account for ticket sales and PFC collections properly.

ACI/AAAE hopes the FAA will use the 3-year pilot program as part of its continuing efforts to streamline the PFC process for all commercial service airports.

FAA Response: The FAA does plan to monitor the implementation of the non-hub pilot program closely. The FAA intends to identify those provisions of the program that work well for non-hub airports and could potentially be expanded to larger airports. The FAA will also identify those provisions that may need adjusting to meet the intent of the statute better.

In addition, the FAA's pilot program acknowledgement letter will include specific reminders that the public agency must follow all requirements of the PFC regulation, except for § 158.25. In the letter, the FAA will emphasize the requirement to provide adequate notice to the carriers to start PFC collections. The letter will also stress the procedure to change the charge expiration date in a timely manner.

Changes: The FAA made no changes to § 158.30 because of the comments received on this section.

Section 158.37—Amendment of Approved PFC—Text Clarifications

MWAA believes the term ''increase the PFC level'' in § 158.37(b)(1)(i)(C) is unclear. As an alternative, MWAA suggests the term ''increase the PFC level to be charged to a passenger.''

Massport suggests two minor clarifications to make the new language clearer. The first of these clarifications is in the use of the term ''amend an approved PFC.'' Massport believes that ''approved PFC'' refers to the charge collected and not the public agency's PFC program as approved in a specific Final Agency Decision. Massport suggests the FAA change the term ''approved PFC'' to either ''the authority to impose and use a PFC'' or ''the FAA's decision with respect to an approved PFC.'' The second clarification involves § 158.37(b)(5). Massport believes the last clause is redundant and likely incorrect.

FAA Response: In response to comments, the FAA made revisions to all three phrases.

Rather than adopting the exact phrase suggested by MWAA for § 158.37(b)(1)(i)(C), the FAA changed the phrase to ''increase the PFC level to be collected from each passenger.'' The FAA did this to clarify the clause and to be consistent with the language used elsewhere in § 158.37.

The FAA also changed the term ''approved PFC'' to ''the FAA's decision with respect to an approved PFC'' wherever appropriate throughout § 158.37 to provide the clarification Massport requested.

Finally, the FAA agrees the last clause in § 158.37(b)(5) is incorrect. The FAA has changed it to ''any increase in the approved PFC level to be collected from each passenger,'' to clarify the original intent of the paragraph.

Section 158.37—Amendment of Approved PFC—Financing Costs

MWAA requests the FAA to change the regulation to include all financing costs in a separate project in an application. The FAA's current policy is to require public agencies to include financing costs with construction costs in each project application. MWAA comments that changes in financing costs necessitate filing multiple amendments. According to MWAA, one of the benefits of allowing all financing costs in a single project is that remaining project costs in each application reflect hard construction costs, which are less likely to change over time. A second benefit would be that only the lump sum financing cost project would need amending if financing costs change.

ACI/AAAE also expresses concern about current FAA policy requiring financing costs to be tied to the projects they finance and not shown as a lump sum project. ACI/AAAE believes this will result in numerous amendments due to changes in financing costs resulting from market conditions.

FAA Response: The FAA will not allow a public agency to lump financing costs into a separate project. The requirement that financing costs be tied to individual projects comes from the FAA's need to know how much PFC revenue is spent on each project. This includes the revenue spent to finance the project. However, the new amendment rules distinguish between actions that trigger air carrier consultation and public notice and comment and those actions that do not. The new rules do not require a change to the current public agency practice of consolidating multiple amendment actions on a PFC decision into a timely and reasonable single amendment. The FAA does not intend that public agencies file separate amendments for each individual project when the action is taking place in the same time period.

Section 158.37—Amendment of Approved PFC—Summary of Process

ACI/AAAE summarizes its understanding of the changes in the amendment process. ACI/AAAE states that, for non-controversial amendments, the FAA will issue its decision in 30 days. However, if the amendment is controversial, the FAA may publish a **Federal Register** notice seeking comment. For controversial amendments, the FAA will issue its decision in no later than 120 days.

FAA Response: ACI/AAAE's analysis of the FAA's processing of amendments reflects the current rules. Under the new rules, the FAA will process all amendments, regardless of consultation status, within 30 days of receipt. The new rules do not provide for the FAA to request public comment through **Federal Register** notices. The only public comment required by the new amendment process is by the public agency for an increase over 25 percent of a PFC project, an increase in the PFC level that passengers are charged, or a project change of scope. If a public agency is required to conduct public comment, it must file copies of the comments with the FAA for consideration with its amendment request.

Section 158.37—Amendment of Approved PFC—Air Carrier Consultation, Public Notice and Comment

ATA objects to requiring air carrier consultation and public notice and comment for increases in a project's cost of more than 25 percent but not on changes of less than 25 percent. ATA believes air carrier consultation should occur on any proposed increase of 15 percent or more of any element of a PFC program.

In addition, ATA states that full justification for such large cost increases must be provided to all interested parties. Finally, ATA is concerned the new rules will allow a public agency to unilaterally amend a PFC program by less than 25 percent.

FAA Response: The FAA notes that the 15 percent threshold in the current rule is based on 15 percent of an application's total approved amount (When the FAA uses the term ''application'' in this document, the FAA is referring to an application for authority to collect and/or use PFC revenue). In contrast, this final rule bases its 25 percent threshold on the original approved amount of each project. Thus, under the new rule, airlines and the public will have the opportunity to comment on more changes in cost. For example, a public agency with an application approved at $500 million wishes to increase a $10 million project to $50 million, which is a 500 percent increase in the project's cost. Under the new rules, the threshold for determining the need for consultation is 25 percent of the $10 million project cost or $2.5 million. Under this threshold, air carriers and the public will be given the opportunity to comment on this increase from $10 million to $50 million or a 500 percent cost increase. However, under the current rules, the threshold for determining if consultation is required is 15 percent of $500 million ($75 million). Therefore, the public agency would not have to consult on this amendment under the current rules.

The final rule includes a requirement in § 158.37(b)(5), that public agencies provide justification for any amendment at or above the 25 percent of project threshold that triggers additional airline consultation and public notice.

Furthermore, the FAA modeled the 25 percent threshold on a common contracting practice that allows up to a 25 percent increase in the total contract cost or the total cost of any major contract item. This contracting practice requires a supplemental agreement or an amendment to the contract for increases

above 25 percent (see, for example, Advisory Circular 5370–10A, Standards for Specifying Construction of Airports, as revised (February 17, 1989)).

To ATA's comment on unilateral public agency amendments, the new rule under § 158.37(c) requires the FAA to approve or disapprove all amendment requests. Under the old rule, amendments for certain actions, including an increase to the public agency's PFC program of less than 15 percent, could be adopted without any FAA action (see paragraph 11–6c of FAA Order 5500.1, Passenger Facility Charge (August 9, 2001)). The FAA expects to revise FAA Order 5500.1 to conform to these new regulations in the near future.

Section 158.37—Amendment of Approved PFC—Applicability to Existing Applications

San Jose believes the changes to be implemented for the amendment process in this final rule should only apply to PFC programs approved after publication of this final rule. In addition, San Jose argues that the current amendment rules should apply to any PFC programs (versus projects) approved before the final rule is published. Thus, any subsequent amendments to the approved PFC program should continue to fall under the current amendment rules. San Jose states that the airport's procedures for monitoring and completing current projects are based on the current amendment rules.

FAA Response: The FAA does not agree that amendments to PFC programs approved before the effective date of this final rule should continue to be processed under the current rules. The major change in the new rules involves determining when additional consultation and public notice and comment are required. The new rules do not affect the types of actions permissible under the amendment process. As the PFC program transitions from the old to the new rules, there may be instances where a public agency delayed an amendment action on one project. This delay may have occurred while waiting for actions on other projects to be completed. However, the FAA does not agree that these transitioning situations will negatively impact a public agency. At most, the public agency may be required to hold air carrier consultation and public comment for an amendment action that previously did not require such consultation. In addition, this rule is not effective immediately. Public agencies will have at least 30 days to review the changes before they become effective. Also, given that San Jose requests that all current PFC programs be grandfathered, the FAA could be faced with applying the current rules to amendment requests for existing PFC programs for more than 40 years. Meanwhile, other public agencies would be required to apply the new rules immediately.

Changes: Based on all the comments received for § 158.37, the FAA changed the language of § 158.37(b)(1)(i)(C) in the final rule by adding ''to be collected from each passenger'' to the end of the phrase. In addition, the FAA changed the phrase ''approved PFC'' to ''the FAA's decision with respect to an approved PFC'' where appropriate throughout § 158.37. Finally, the FAA changed the last clause in § 158.37(b)(5) from ''an increase in total approved PFC revenue for the project'' to ''any increase in the approved PFC level to be collected from each passenger.''

Discussion of FAA Clarifications

Section 158.25—Applications—Application for Authority To Use PFC Revenue

While reviewing the NPRM, the FAA discovered that it made three typographical errors in § 158.25(c). These errors occurred when the FAA transferred this section to the NPRM to make the update conform to the rest of the changes in § 158.25. Specifically, the FAA inserted several paragraphs in this section in incorrect locations. As it reads in the NPRM, paragraphs 158.25(c)(1)(i) through (iii), which only discuss PFC use authority, are inapplicable to § 158.25(c)(1), which discusses a joint impose and use authority application. The FAA should have inserted these provisions in §§ 158.25(c)(2)(iii)(A) through (C). Paragraphs 158.25(c)(1)(iv) and (v) are also applicable to § 158.25(c)(2) and must be inserted in the appropriate section. The FAA is correcting these typographic errors and renumbering the section accordingly in this final rule.

Changes: The FAA moved paragraphs 158.25(c)(1)(i) through (iii) to §§ 158.25(c)(2)(iii)(A) through (C). The FAA also restored § 158.25(c)(1)(i) to read as it does in the current regulation.

As a result of moving the aforementioned paragraphs, the FAA renumbered the following existing paragraphs as indicated:

(1) §§ 158.25(c)(1)(iv) and (v) to §§ 158.25(c)(1)(ii) and (iii);

(2) §§ 158.25(c)(1)(i) through (iii) to §§ 158.25(c)(2)(iii)(A) through (C); and

(3) §§ 158.25(c)(1)(iv) and (v) to §§ 158.25(c)(2)(iv) and (v).

Section 158.37—Amendment of the FAA's Decision With Respect to an Approved PFC—Types of Amendments Which Do Not Require Consultation or Public Notice and Comment

The allowable types of amendment actions are subdivided into two groups. The first group, § 158.37(b)(1)(i), lists those actions that require the public agency to conduct additional consultation and public notice and comment. The second group, § 158.37(b)(1)(ii), lists those actions that do not require additional consultation or public notice and comment. While reviewing the NPRM, the FAA discovered that it had inadvertently left the action to delete a project from the list of actions in § 158.37(b)(1)(ii).

Changes: The FAA modified § 158.37(b)(1)(ii)(C) by deleting ''or'' from the end. The FAA also modified § 158.37(b)(1)(ii)(D) by adding ''or'' to the end. Finally, the FAA added a new § 158.37(b)(1)(ii)(E) listing the action to delete a project.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there is no current new information collection requirements associated with this final rule.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these final regulations.

Economic Assessment, Regulatory Flexibility Determination, Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. 2531–2533) prohibits agencies from setting standards that create unnecessary

obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act also requires agencies to consider international standards and, where appropriate, use them as the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by private sector, of $100 million or more annually (adjusted for inflation).

In conducting these analyses, the FAA has determined this rule (1) has benefits that justify its costs, is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (2) will not have a significant economic impact on a substantial number of small entities; (3) will not reduce barriers to international trade; and (4) does not impose an unfunded mandate on State, local, or tribal governments, or on the private sector. These analyses, available in the docket, are summarized below.

Total Costs and Benefits of This Rulemaking

The estimated net cost saving of this final rule is $3.8 million (or $2.7 million discounted). Although the pilot program would terminate after 3 years, the other changes will continue. Airports are estimated to have net cost savings over the next ten years of $3.3 million (or $2.4 million discounted). The FAA is estimated to have net cost savings over the next ten years of $475,000 (or $333,600 discounted). Air carriers would incur only minimal costs in adjusting to the proposed changes to part 158.

Who Is Potentially Affected by This Rulemaking

Commercial airports, air carriers servicing these airports and the traveling public using these airports.

Our Cost Assumptions and Sources of Information

- Discount rate—7%.
- Period of analysis—2005–2007 for savings associated with the pilot program and 2005–2014 for proposed regulatory changes.
- Monetary values expressed in 2003 dollars.

Changes From the NPRM to the Final Rule

In the NPRM, the FAA did not distinguish between the cost savings to airports for filing a PFC notice and comment amendment with the cost savings from filing a PFC non-notice and comment amendment. The assumption was that there would have been a savings of $1,667 for each amendment regardless of the type filed. However, in the final rule, the FAA did distinguish the difference in cost savings of filing a PFC notice, and a PFC non-notice, and the savings are $2,500 and $1,250 per amendment, respectively. This change resulted in a slight increase of cost savings over the analysis period.

Costs (per Individual Action)

Airport cost to notify and consult with an air carrier regarding a PFC application	$175
Airport cost to solicit and include public comment on PFC application	600
Airport cost (non-hub airports) to file a PFC application	5,000
Airport cost-savings for PFC use application	5,000
Airport cost-savings for PFC notice and comment amendment	1,250
Airport cost-savings for PFC non-notice and comment amendment	2,500
FAA cost of *Federal Register* notice	500

These cost figures are based on the results of a study conducted by the FAA, the FAA's experience with the administration of the PFC program, and as part of figures determined for paperwork reduction analysis.

Alternatives We Considered

The FAA hired a consultant to review past PFC records of decisions and other related materials to assess whether certain PFC procedures could be streamlined. On the basis of the study, the FAA put forward several ideas for streamlining the PFC process as part of the Administration's Reauthorization proposal. Many of these proposals were incorporated into the Vision 100 law.

Benefits of This Rulemaking

The FAA estimates that the net effect of the changes would be a decrease in cost for airports and a neutral effect on air carriers and airline passengers.

Cost of This Rulemaking

The net cost savings of this final rule for public agencies over the next ten years is estimated at $3.3 million (or $2.4 million discounted). The FAA is estimated to have net cost savings over the next ten years of $475,000 (or $333,600 discounted).

Final Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) establishes ''as a principal of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the business, organizations, and governmental jurisdictions subject to regulation.'' To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a proposed or final rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

The FAA has determined that the costs imposed on small commercial service airports by this final rule will not have a significant economic impact. Any costs associated with this final rule will be limited to only what is authorized by statute. Moreover, actual PFC collection authority is not affected by the final rule and all costs are fully recoverable through the PFC, if necessary, by small adjustments in the period of PFC collection. The FAA estimates that a small airport will realize net cost-savings of approximately $9,500 annually under the final rule.

The FAA conducted the required review of this final rule and determined that it will not have a significant economic impact. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), the FAA certifies that this final rule will not have a significant impact on a substantial number of small entities. As part of the public comment process for the Notice of Proposed Rulemaking (NPRM), the FAA sought public comments regarding this finding in the regulatory evaluation supporting the NPRM. The FAA did not receive any comments during the public comment period regarding this finding.

International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

In accordance with the above statute, the FAA has assessed the potential effect of this final rule and has determined that, to the extent it imposes any costs affecting international entities, it will impose the same costs on domestic and international entities for comparable services, and thus has a neutral trade impact.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 (the Act) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $120.7 million in lieu of $100 million.

This final rule does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action 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, and therefore would not have federalism implications.

Plain English

Executive Order 12866 (58 FR 51735, Oct. 4, 1993) requires each agency to write regulations that are simple and easy to understand. We invite your comments on how to make these regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the regulations clearly stated?
- Do the regulations contain unnecessary technical language or jargon that interferes with their clarity?
- Would the regulations be easier to understand if they were divided into more (but shorter) sections?
- Is the description in the preamble helpful in understanding the regulations?

Please send your comments to the address specified in the **ADDRESSES** section.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312d and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a ''significant energy action'' under the executive order because it is not a ''significant regulatory action'' under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects in 14 CFR Part 158

Air carriers, Airports, Passenger facility charge, Public agencies, Collection compensation.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends part 158 of Title 14, Code of Federal Regulations, as follows:

PART 158—PASSENGER FACILITY CHARGES (PFC'S)

■ 1. The authority citation for part 158 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40116–40117, 47106, 47111, 47114–47116, 47524, 47526.

■ 2. Amend § 158.3 to add the following definitions:

§ 158.3 Definitions.

* * * * *

Non-hub airport means a commercial service airport (as defined in 49 U.S.C. 47102) that has less than 0.05 percent of the passenger boardings in the U.S. in the prior calendar year on an aircraft in service in air commerce.

* * * * *

Significant business interest means an air carrier or foreign air carrier that:

(1) Had no less than 1.0 percent of passenger boardings at that airport in the prior calendar year,

(2) Had at least 25,000 passenger boardings at the airport in that prior calendar year, or

(3) Provides scheduled service at that airport.

* * * * *

■ 3. Amend § 158.23 by revising paragraph (a) introductory text to read as follows:

§ 158.23 Consultation with air carriers and foreign air carriers.

(a) Notice by public agency. A public agency must provide written notice to air carriers and foreign air carriers having a significant business interest at the airport where the PFC is proposed. A public agency must provide this notice before the public agency files an application with the FAA for authority to impose a PFC under § 158.25(b). In addition, public agencies must provide this notice before filing an application with the FAA for authority to use PFC revenue under § 158.25(c). Public agencies must also provide this notice before filing a notice of intent to impose and/or use a PFC under § 158.30. Finally, a public agency must provide this notice before filing a request to amend the FAA's decision with respect to an approved PFC as discussed in § 158.37(b)(1). The notice shall include:

* * * * *

■ 4. Add § 158.24 to read as follows:

§ 158.24 Notice and opportunity for public comment.

(a)(1) Notice by public agency. A public agency must provide written notice and an opportunity for public comment before:

(i) Filing an application with the FAA for authority to impose a PFC under § 158.25(b);

(ii) Filing an application with the FAA for authority to use PFC revenue under § 158.25(c);

(iii) Filing a notice of intent to impose and/or use a PFC under § 158.30; and

(iv) Filing a request to amend a previously approved PFC as discussed in § 158.37(b)(1).

(2) The notice must allow the public to file comments for at least 30 days, but no more than 45 days, after the date of publication of the notice or posting on the public agency's Web site, as applicable.

(b)(1) Notice contents. The notice required by § 158.24(a) must include:

(i) A description of the project(s) the public agency is considering for funding by PFC's;

(ii) A brief justification for each project the public agency is considering for funding by PFC's;

(iii) The PFC level for each project;

(iv) The estimated total PFC revenue the public agency will use for each project;

(v) The proposed charge effective date for the application or notice of intent;

(vi) The estimated charge expiration date for the application or notice of intent;

(vii) The estimated total PFC revenue the public agency will collect for the application or notice of intent; and

(viii) The name of and contact information for the person within the public agency to whom comments should be sent.

(2) The public agency must make available a more detailed project justification or the justification documents to the public upon request.

(c) Distribution of notice. The public agency must make the notice available to the public and interested agencies through one or more of the following methods:

(1) Publication in local newspapers of general circulation;

(2) Publication in other local media;

(3) Posting the notice on the public agency's Internet Web site; or

(4) Any other method acceptable to the Administrator.

■ 5. Revise § 158.25 to read as follows:

§ 158.25 Applications.

(a) General. This section specifies the information the public agency must file when applying for authority to impose a PFC and for authority to use PFC revenue on a project. A public agency may apply for such authority at any commercial service airport it controls. The public agency must use the proposed PFC to finance airport-related projects at that airport or at any existing or proposed airport that the public agency controls. A public agency may apply for authority to impose a PFC before or concurrent with an application to use PFC revenue. If a public agency chooses to apply, it must do so by using FAA Form 5500–1, PFC Application (latest edition) and all applicable Attachments. The public agency must provide the information required under paragraphs (b) or (c), or both, of this section.

(b) Application for authority to impose a PFC. This paragraph sets forth the information to be submitted by all public agencies seeking authority to impose a PFC. A separate application shall be submitted for each airport at which a PFC is to be imposed. The application shall be signed by an authorized official of the public agency, and, unless otherwise authorized by the Administrator, must include the following:

(1) The name and address of the public agency.

(2) The name and telephone number of the official submitting the application on behalf of the public agency.

(3) The official name of the airport at which the PFC is to be imposed.

(4) The official name of the airport at which a project is proposed.

(5) A copy of the airport capital plan or other documentation of planned improvements for each airport at which a PFC financed project is proposed.

(6) A description of each project proposed.

(7) The project justification, including the extent to which the project achieves one or more of the objectives set forth in § 158.15(a) and (if a PFC level above $3 is requested) the requirements of § 158.17. In addition—

(i) For any project for terminal development, including gates and related areas, the public agency shall discuss any existing conditions that limit competition between and among air carriers and foreign air carriers at the airport, any initiatives it proposes to foster opportunities for enhanced competition between and among such carriers, and the expected results of such initiatives; or

(ii) For any terminal development project at a covered airport, the public agency shall submit a competition plan in accordance with § 158.19.

(8) The charge to be imposed for each project.

(9) The proposed charge effective date.

(10) The estimated charge expiration date.

(11) Information on the consultation with air carriers and foreign air carriers having a significant business interest at the airport and the public comment process, including:

(i) A list of such carriers and those notified;

(ii) A list of carriers that acknowledged receipt of the notice provided under § 158.23(a);

(iii) Lists of carriers that certified agreement and that certified disagreement with the project;

(iv) Information on which method under § 158.24(b) the public agency used to meet the public notice requirement; and

(v) A summary of substantive comments by carriers contained in any certifications of disagreement with each project and disagreements with each project provided by the public, and the public agency's reasons for continuing despite such disagreements.

(12) If the public agency is also filing a request under § 158.11—

(i) The request;

(ii) A copy of the information provided to the carriers under § 158.23(a)(3);

(iii) A copy of the carriers' comments with respect to such information;

(iv) A list of any class or classes of carriers that would not be required to collect a PFC if the request is approved; and

(v) The public agency's reasons for submitting the request in the face of opposing comments.

(13) A copy of information regarding the financing of the project presented to the carriers and foreign air carriers under § 158.23 of this part and as revised during the consultation.

(14) A copy of all comments received as a result of the carrier consultation and public comment processes.

(15) For an application not accompanied by a concurrent application for authority to use PFC revenue:

(i) A description of any alternative methods being considered by the public agency to accomplish the objectives of the project;

(ii) A description of alternative uses of the PFC revenue to ensure such revenue will be used only on eligible projects in the event the proposed project is not ultimately approved for use of PFC revenue;

(iii) A timetable with projected dates for completion of project formulation activities and submission of an application to use PFC revenue; and

(iv) A projected date of project implementation and completion.

(16) A signed statement certifying that the public agency will comply with the assurances set forth in Appendix A to this part.

(17) Such additional information as the Administrator may require.

(c) Application for authority to use PFC revenue. A public agency may use PFC revenue only for projects approved under this paragraph. This paragraph sets forth the information that a public agency shall submit, unless otherwise authorized by the Administrator, when applying for the authority to use PFC revenue to finance specific projects.

(1) An application submitted concurrently with an application for the authority to impose a PFC, must include:

(i) The information required under paragraphs (b)(1) through (15) of this section;

(ii) An FAA Form 5500–1, Attachment G, Airport Layout Plan, Airspace, and Environmental Findings (latest edition) providing the following information:

(A) For projects required to be shown on an ALP, the ALP depicting the project has been approved by the FAA and the date of such approval;

(B) All environmental reviews required by the National Environmental Policy Act (NEPA) of 1969 have been completed and a copy of the final FAA environmental determination with respect to the project has been approved, and the date of such approval, if such determination is required; and

(C) The final FAA airspace determination with respect to the project has been completed, and the date of such determination, if an airspace study is required.

(iii) The information required by §§ 158.25(b)(16) and 158.25(b)(17).

(2) An application where the authority to impose a PFC has been previously approved:

(i) Must not be filed until the public agency conducts further consultation with air carriers and foreign air carriers under § 158.23. However, the meeting required under § 158.23(a)(4) is optional if there are no changes to the projects after approval of the impose authority and further opportunity for public comment under § 158.24; and

(ii) Must include a summary of further air carrier consultation and the public agency's response to any disagreements submitted under the air carrier consultation and public comment processes conducted under paragraph (c)(2)(i) of this section;

(iii) Must include the following, updated and changed where appropriate:

(A) FAA Form 5500–1 without attachments except as required below;

(B) For any projects where there have been no changes since the FAA approved authority to impose a PFC for those projects, a list of projects included in this application for use authority. The FAA will consider the information on these projects, filed with the impose authority application, incorporated by reference; and

(C) For any project that has changed since receiving impose authority, the public agency must file an Attachment B for that project clearly describing the changes to the project.

(iv) An FAA Form 5500–1, Attachment G, Airport Layout Plan, Airspace, and Environmental Findings (latest edition) providing the following information:

(A) For projects required to be shown on an ALP, the ALP depicting the project has been approved by the FAA and the date of such approval;

(B) All environmental reviews required by the National Environmental Policy Act (NEPA) of 1969 have been completed and a copy of the final FAA environmental determination with respect to the project has been approved, and the date of such approval, if such determination is required; and

(C) The final FAA airspace determination with respect to the project has been completed, and the date of such determination, if an airspace study is required; and

(v) The information required by §§ 158.25(b)(16) and 158.25(b)(17).

■ 6. Amend § 158.27 by revising paragraphs (c)(2), (c)(3) introductory text, and (c)(4) to read as follows:

§ 158.27 Review of applications.

* * * * *

(c) * * *

(2) The Administrator may opt to publish a notice in the **Federal Register** advising that the Administrator intends to rule on the application and inviting public comment, as set forth in paragraph (e) of this section. If the Administrator publishes a notice, the Administrator will provide a copy of the notice to the public agency.

(3) If the Administrator publishes a notice, the public agency—

* * * * *

(4) After reviewing the application and any public comments received from a **Federal Register** notice, the Administrator issues a final decision approving or disapproving the application, in whole or in part, before 120 days after the FAA Airports office received the application.

* * * * *

■ 7. Amend § 158.29 by revising paragraph (c)(2) to read as follows:

§ 158.29 The Administrator's decision.

* * * * *

(c) * * *

(2) A public agency reapplying for approval to impose or use a PFC must comply with §§ 158.23, 158.24, and 158.25.

* * * * *

■ 8. Add § 158.30 to subpart B to read as follows:

§ 158.30 Pilot program for PFC authorization at non-hub airports.

(a) General. This section specifies the procedures a public agency controlling a non-hub airport must follow when notifying the FAA of its intent to impose a PFC and to use PFC revenue on a project under this section. In addition, this section describes the FAA's rules for reviewing and acknowledging a notice of intent filed under this section. A public agency may notify the FAA of its intent to impose a PFC before or concurrent with a notice of intent to use PFC revenue. A public agency must file a notice of intent in the manner and form prescribed by the Administrator and must include the information required under paragraphs (b), (c), or both, of this section.

(b) Notice of intent to impose a PFC. This paragraph sets forth the information a public agency must file to notify the FAA of its intent to impose a PFC under this section. The public agency must file a separate notice of intent for each airport at which the public agency plans on imposing a PFC. An authorized official of the public agency must sign the notice of intent and, unless authorized by the Administrator, must include:

(1) A completed FAA Form 5500–1, PFC Application (latest edition) without attachments except as required below;

(2) Project information (in the form and manner prescribed by the FAA) including the project title, PFC funds sought, PFC level sought, and, if an existing Airport Improvement Program (AIP) grant already covers this project, the grant agreement number.

(3) If an existing AIP grant does not cover this project, the notice of intent must include the information in paragraph (b)(2) of this section as well as the following:

(i) Additional information describing the proposed schedule for the project,

(ii) A description of how this project meets one of the PFC objectives in § 158.15(a), and

(iii) A description of how this project meets the adequate justification requirement in § 158.15(c).

(4) A copy of any comments received by the public agency during the air carrier consultation and public comment processes (§§ 158.23 and 158.24) and the public agency's response to any disagreements.

(5) If applicable, a request to exclude a class of carriers from the requirement to collect the PFC (§ 158.11).

(6) A signed statement certifying that the public agency will comply with the assurances set forth in Appendix A to this part.

(7) Any additional information the Administrator may require.

(c) Notice of intent to use PFC revenue. A public agency may use PFC revenue only for projects included in notices filed under this paragraph or approved under § 158.29. This paragraph sets forth the information that a public agency must file, unless otherwise authorized by the Administrator, in its notice of intent to use PFC revenue to finance specific projects under this section.

(1) A notice of intent to use PFC revenue filed concurrently with a notice of intent to impose a PFC must include:

(i) The information required under paragraphs (b)(1) through (7) of this section;

(ii) A completed FAA Form 5500–1, Attachment G, Airport Layout Plan, Airspace, and Environmental Findings (latest edition) for all projects not included in an existing Federal airport program grant.

(2) A notice of intent to use PFC revenue where the FAA has previously acknowledged a notice of intent to impose a PFC must:

(i) Be preceded by further consultation with air carriers and the opportunity for public comment under §§ 158.23 and 158.24 of this part. However, a meeting with the air carriers is optional if all information is the same as that provided with the impose authority notice;

(ii) Include a copy of any comments received by the public agency during the air carrier consultation and public comment processes (§§ 158.23 and 158.24) and the public agency's response to any disagreements or negative comments; and

(iii) Include any updated and changed information:

(A) Required by paragraphs (b)(1), (2), (5), (6), and (7) of this section; and

(B) Required by paragraph (c)(1)(ii) of this section.

(d) FAA review of notices of intent.

(1) The FAA will review the notice of intent to determine that:

(A) The amount and duration of the PFC will not result in revenue that exceeds the amount necessary to finance the project(s);

(B) Each proposed project meets the requirements of § 158.15;

(C) Each project proposed at a PFC level above $3.00 meets the requirements of § 158.17(a)(2) and (3);

(D) All applicable airport layout plan, airspace, and environmental requirements have been met for each project;

(E) Any request by the public agency to exclude a class of carriers from the requirement to collect the PFC is reasonable, not arbitrary, nondiscriminatory, and otherwise complies with the law; and

(F) The consultation and public comment processes complied with §§ 158.23 and 158.24.

(2) The FAA will also make a determination regarding the public agency's compliance with 49 U.S.C. 47524 and 47526 governing airport noise and access restrictions and 49 U.S.C. 47107(b) governing the use of airport revenue. Finally, the FAA will review all comments filed during the air carrier consultation and public comment processes.

(e) FAA acknowledgment of notices of intent. Within 30 days of receipt of the public agency's notice of intent about its PFC program, the FAA will issue a written acknowledgment of the public agency's notice. The FAA's acknowledgment may concur with all proposed projects, may object to some or all proposed projects, or may object to the notice of intent in its entirety. The FAA's acknowledgment will include the reason(s) for any objection(s).

(f) Public agency actions following issuance of FAA acknowledgment letter. If the FAA does not object to either a project or the notice of intent in its entirety, the public agency may implement its PFC program. The public agency's implementation must follow the information specified in its notice of intent. If the FAA objects to a project, the public agency may not collect or use PFC revenue on that project. If the FAA objects to the notice of intent in its entirety, the public agency may not implement the PFC program proposed in that notice. When implementing a PFC under this section, except for § 158.25, a public agency must comply with all sections of part 158.

(g) Acknowledgment not an order. An FAA acknowledgment issued under this section is not considered an order issued by the Secretary for purposes of 49 U.S.C. 46110 (Judicial Review).

(h) Sunset provision. This section will expire May 9, 2008.

■ 9. Revise § 158.37 to read as follows:

§ 158.37 Amendment of the FAA's decision with respect to an approved PFC.

(a)(1) A public agency may amend the FAA's decision with respect to an approved PFC to:

(i) Increase or decrease the level of PFC the public agency wants to collect from each passenger,

(ii) Increase or decrease the total approved PFC revenue,

(iii) Change the scope of an approved project,

(iv) Delete an approved project, or

(v) Establish a new class of carriers under § 158.11 or amend any such class previously approved.

(2) A public agency may not amend the FAA's decision with respect to an approved PFC to add projects, change an approved project to a different facility type, or alter an approved project to accomplish a different purpose.

(b) The public agency must file a request to the Administrator to amend the FAA's decision with respect to an approved PFC. The request must include or demonstrate:

(1)(i) Further consultation with the air carriers and foreign air carriers and seek public comment in accordance with §§ 158.23 and 158.24 when applying for those requests to:

(A) Amend the approved PFC amount for a project by more than 25 percent of the original approved amount of the project,

(B) Change the scope of a project, or

(C) Increase the PFC level to be collected from each passenger.

(ii) No further consultation with air carriers and foreign air carriers or public comment is required by a public agency in accordance with §§ 158.23 and 158.24 when applying for an amendment in the following situations:

(A) To institute a decrease in the level of PFC to be collected from each passenger;

(B) To institute a decrease in the total PFC revenue;

(C) To institute an increase of 25 percent or less for any approved PFC project;

(D) To establish a new class of carriers under § 158.11 or amend any such class previously approved; or

(E) To delete an approved project.

(2) A copy of any comments received from the processes in paragraph (b)(1)(A) of this section for the carrier consultation and the opportunity for public comment in accordance with §§ 158.23 and 158.24;

(3) The public agency's reasons for continuing despite any objections;

(4) A description of the proposed amendment;

(5) Justification, if the amendment involves a change in the PFC amount for a project by more than 25 percent of the original approved amount, a change of the approved project scope, or any increase in the approved PFC level to be collected from each passenger;

(6) A description of how each project meets the requirements of § 158.17(b), for each project proposed for an increase of the PFC level above $3.00 at a medium or large hub airport;

(7) A signed statement certifying that the public agency has met the requiements of § 158.19, if applicable, for any amendment proposing to increase the PFC level above $3.00 at a medium or large hub airport; and

(8) Any other information the Administrator may require.

(c) The Administrator will approve, partially approve or disapprove the amendment request and notify the public agency of the decision within 30 days of receipt of the request. If a PFC level of more than $3.00 is approved, the Administrator must find the project meets the requirements of §§ 158.17 and 158.19, if applicable, before the public agency can implement the new PFC level.

(d) The public agency must notify the carriers of any change to the FAA's decision with respect to an approved PFC resulting from an amendment. The effective date of any new PFC level must be no earlier than the first day of a month which is at least 30 days from the date the public agency notifies the carriers.

Issued in Washington, DC, on January 7, 2005.

Marion C. Blakey,

Administrator.

[FR Doc. 05–5578 Filed 3–22–05; 8:45 am]

BILLING CODE 4910–13–U

Federal Register

Wednesday,
March 23, 2005

Part IV

Department of the Treasury

Fiscal Service

31 CFR Parts 315, 316, et al.

Regulations Governing Treasury Securities, New Treasury Direct System; Final Rule

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 315, 316, 351, 353, 359, 360, and 363

Regulations Governing Treasury Securities, New Treasury Direct System

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: New Treasury Direct (also referred to as TreasuryDirect) is an account-based, book-entry, online system for purchasing, holding and conducting transactions in Treasury securities. This rule sets forth the terms and conditions for the conversion of definitive savings bonds of Series E, Series EE, and Series I to book-entry savings bonds in New Treasury Direct. Conversion offers the investor the convenience of a book-entry product, rather than having to provide safe storage for a paper product until final maturity or redemption. Conversion offers the government cost savings in the elimination of paper transactions such as reissues and the replacement of lost bonds. Conversion will further the underlying principle of New Treasury Direct, which is to enable investors to do business with Treasury online.

DATES: Effective: March 23, 2005.

ADDRESSES: You can download this final rule at the following Internet addresses: *http://www.publicdebt.treas.gov* or *http://www.gpoaccess.gov/ecfr.*

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SUPPLEMENTARY INFORMATION: New Treasury Direct is an account-based, online, book-entry system for purchasing, holding, and conducting transactions in Treasury securities via the Internet. Currently, book-entry Series EE and Series I savings bonds and certificates of indebtedness are offered for purchase through New Treasury Direct.

For many years, Treasury has also offered definitive (paper) savings bond products with maturities up to 40 years. Now investors may convert eligible definitive savings bonds to book-entry savings bonds to be held in their New Treasury Direct accounts. Currently, Series E, Series EE, and Series I savings bonds, registered in the names of individuals in denominations of $25 or greater, are eligible for conversion. The owner of a definitive bond registered in the single owner or owner with beneficiary form of registration may convert the savings bond to a book-entry bond. Either co-owner of a definitive bond registered in the co-owner form of registration may convert the savings bond to a book-entry bond. Bonds purchased as gifts for others may also be converted.

Definitive savings bonds have some contractual terms and conditions that are different from those for bonds originally issued as book-entry products. One of these differences is in the forms of registration available for definitive and for book-entry bonds. There are differences between the terms and conditions of a definitive bond registered in the coowner form of registration and a book-entry bond registered in the primary owner with secondary owner form of registration. There are also differences between the terms and conditions of a Series E bond registered in the owner with beneficiary form of registration and all other series of savings bonds, including book-entry bonds, registered in the same form of registration.

When bonds of all series registered in the single owner form of registration, and Series EE or Series I bonds registered in the owner with beneficiary forms of registration, are converted, the bonds will follow the same terms and conditions as bonds originally issued as book-entry bonds, since the owner, by converting, has consented to the changes in the terms and conditions (*e.g.*, one result is that the coowner form of registration will no longer be available for transactions conducted after conversion). The owner may use any online transaction available for book-entry bonds, including the ability to transfer a bond to the New Treasury Direct account of any third party. The converted bonds will be governed by subpart C of 31 CFR part 363.

Bonds of all series registered in the coowner form of registration and Series E bonds registered in the owner with beneficiary form of registration will retain the protections for the non-converting coowner and beneficiary until such time as the non-converting coowner or beneficiary consents to a transaction that involves a change in registration. By consenting to such a transaction, the non-converting coowner or beneficiary is consenting to the bond being governed by the terms and conditions for a bond originally issued as a book-entry bond (*see* subpart C of 31 CFR part 363). The coowner and protected beneficiary registrations will no longer be available for those bonds.

The purchaser of a definitive savings bond purchased as a gift for another may convert the bond to a book-entry bond in New Treasury Direct. We will presume that a bond that is not registered in the name of the account owner converting the bond as the single owner, either coowner, or the owner with a beneficiary, is a gift bond. The presumed gift bond will be released to the New Treasury Direct account of the account owner converting the bond. Once the gift bond has been placed in the account, the only transaction that the account owner may perform is to deliver the bond to the New Treasury Direct account of the registered owner. The registered owner may also request our assistance to deliver the bond to his or her account.

We have made changes to several parts of Chapter 31. Generally, we have made changes to the offering circulars and governing regulations of Series E, Series EE, and Series I savings bonds to introduce the concept of conversion and add the appropriate references to applicable regulations.

Procedural Requirements

This final rule does not meet the criteria for a ''significant regulatory action'' as defined in Executive Order 12866. Therefore, a regulatory assessment is not required.

Because this final rule relates to matters of public contract and procedures for United States securities, notice and public procedure and delayed effective date requirements are inapplicable, pursuant to 5 U.S.C. 553(a)(2).

As no notice of proposed rulemaking is required, the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply.

We ask for no new collections of information in this final rule. Therefore, the Paperwork Reduction Act (44 U.S.C. 3507) does not apply.

List of Subjects

31 CFR Part 315

Banks and banking, Government securities, Federal Reserve system.

31 CFR Part 316

Bonds, Government securities.

31 CFR Part 351

Bonds, Federal Reserve system, Government securities.

31 CFR Part 353

Banks and banking, Government securities, Federal Reserve system.

31 CFR Part 359

Bonds, Federal Reserve system, Government securities, Securities.

31 CFR Part 360

Bonds, Federal Reserve system, Government securities, Securities.

31 CFR Part 363

Bonds, Electronic funds transfer, Federal Reserve system, Government securities, Securities.

■ Accordingly, for the reasons set out in the preamble, 31 CFR Chapter II, Subchapter B, is amended as follows:

PART 315—REGULATIONS GOVERNING U.S. SAVINGS BONDS, SERIES A, B, C, D, E, F, G, H, J, AND K, AND U.S. SAVINGS NOTES

■ 1. The authority citation for part 315 continues to read as follows:

Authority: 31 U.S.C. 3105 and 5 U.S.C. 301.

■ 2. Amend § 315.0 by revising paragraph (a), to read as follows:

§ 315.0 Applicability.

* * * * *

(a) Definitive (paper) United States Savings Bonds of Series E that have not been converted to book-entry savings bonds in New Treasury Direct, and Series H and United States Savings Notes, and

* * * * *

■ 3. In § 315.2, redesignate paragraphs (b) through (p) as paragraphs (c) through (q) and add new paragraph (b), to read as follows:

§ 315.2 Definitions.

* * * * *

(b) *Converted bond* means a savings bond originally issued as a definitive bond that has been surrendered to us and converted to a book-entry savings bond to be maintained by Treasury solely as a computer record.

* * * * *

■ 4. Add § 315.3 to read as follows:

§ 315.3 Converting definitive savings bonds to book-entry bonds in New Treasury Direct.

Series E savings bonds that were originally issued as definitive bonds may be converted to book-entry bonds through New Treasury Direct, an online system for holding Treasury securities. The Web address for New Treasury Direct is *www.treasurydirect.gov.* Bond owners who wish to convert their definitive savings bonds should follow online instructions for conversion. Regulations governing converted bonds are found at 31 CFR part 363.

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

■ 5. The authority citation for part 316 continues to read as follows:

Authority: 31 U.S.C. 3105 and 5 U.S.C. 301.

■ 6. Amend § 316.2 by revising the first sentence of paragraph (a) to read as follows:

§ 316.2 Description of bonds.

(a) *General.* Definitive (paper) Series E bonds bear a facsimile of the signature of the Secretary of the Treasury and of the Seal of the Department of the Treasury. * * *

* * * * *

■ 7. Revise § 316.3 to read as follows:

§ 316.3 Governing regulations.

(a) The regulations in 31 CFR part 315 apply to definitive Series E bonds that have not been converted to book-entry bonds.

(b) The regulations in 31 CFR part 363 apply to definitive Series E bonds that have been converted to book-entry bonds through New Treasury Direct.

PART 351—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES EE

■ 8. The authority citation for part 351 continues to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3105.

■ 9. Amend § 351.1 by revising paragraphs (a) and (b) to read as follows:

§ 351.1 What regulations govern Series EE savings bonds?

(a) The regulations in 31 CFR part 353 apply to definitive (paper) Series EE savings bonds that have not been converted to book-entry bonds through New Treasury Direct.

(b) The regulations in 31 CFR part 363 apply to:

(1) book-entry Series EE savings bonds that were originally issued as book-entry bonds in New Treasury Direct; and

(2) definitive Series EE savings bonds that have been converted to book-entry bonds through New Treasury Direct.

* * * * *

■ 10. Amend § 351.3 by adding the definition for ''Converted bond'' to read as follows:

§ 351.3 What special terms do I need to know to understand this part?

* * * * *

Converted bond means a savings bond originally issued as a definitive bond that has been surrendered to us and converted to a book-entry savings bond to be maintained by Treasury solely as a computer record.

* * * * *

PART 353—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS, SERIES EE AND HH

■ 11. The authority citation for part 353 continues to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3105, 3125

■ 12. Amend § 353.0 by revising the first sentence of paragraph (a) and paragraph (c), to read as follows:

§ 353.0 Applicability.

(a) The regulations in this part govern definitive (paper) Series EE savings bonds that have not been converted to book-entry bonds through New Treasury Direct and definitive Series HH savings bonds. * * *

* * * * *

(c) The regulations in 31 CFR part 363 govern Series EE savings bonds that were originally issued as book-entry bonds in New Treasury Direct and Series EE savings bonds that were converted to book-entry bonds through New Treasury Direct.

■ 13. In § 353.2, redesignate paragraphs (b) through (l) as paragraphs (c) through (m) and add new paragraph (b), to read as follows:

§ 353.2 Definitions.

* * * * *

(b) *Converted bond* means a savings bond originally issued as a definitive bond that has been surrendered to us and converted to a book-entry savings bond to be maintained by Treasury solely as a computer record.

* * * * *

■ 14. Add § 353.3 to read as follows:

§ 353.3 Converting definitive savings bonds to book-entry bonds in New Treasury Direct.

Series EE savings bonds that were originally issued as definitive bonds may be converted to book-entry bonds through New Treasury Direct, an online system for holding Treasury securities. The Web address for New Treasury Direct is *http://www.treasurydirect.gov.*

Bond owners who wish to convert their definitive savings bonds should follow online instructions for conversion. Regulations governing converted bonds are found at 31 CFR part 363.

PART 359—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES I

■ 15. The authority citation for part 359 continues to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3105.

■ 16. Amend § 359.1 by revising paragraphs (a) and (b) to read as follows:

§ 359.1 What regulations govern Series I savings bonds?

(a) The regulations in 31 CFR part 360 apply to definitive (paper) Series I savings bonds that have not been converted to book-entry bonds through New Treasury Direct.

(b) The regulations in 31 CFR part 363 apply to:

(1) book-entry Series I savings bonds that were originally issued as book-entry bonds in New Treasury Direct; and

(2) definitive Series I savings bonds that have been converted to book-entry bonds through New Treasury Direct.

* * * * *

■ 17. Amend § 359.3 by adding the definition of ''Converted bond'', to read as follows:

§ 359.3 What special terms do I need to know to understand this part?

* * * * *

Converted bond means a savings bond originally issued as a definitive bond that has been surrendered to us and converted to a book-entry savings bond to be maintained by Treasury solely as a computer record.

* * * * *

PART 360—REGULATIONS GOVERNING DEFINITIVE UNITED STATES SAVINGS BONDS, SERIES I

■ 18. The authority citation for part 360 continues to read as follows:

Authority: 5 U.S.C. 301; 31 U.S.C. 3105 and 3125.

■ 19. Revise § 360.0 to read as follows:

§ 360.0 Applicability.

(a) The regulations in this part apply to definitive (paper) Series I savings bonds that have not been converted to book-entry bonds through New Treasury Direct.

(b) The regulations in 31 CFR part 363 apply to:

(1) book-entry Series I savings bonds that were originally issued as book-entry bonds in New Treasury Direct; and

(2) definitive Series I savings bonds that have been converted to book-entry bonds through New Treasury Direct.

■ 20. Amend § 360.2 by redesignating paragraphs (b) through (l) as paragraphs (c) through (m), and add new paragraph (b), to read as follows:

§ 360.2 Definitions.

* * * * *

(b) *Converted savings* bond means a savings bond originally issued as a definitive bond that has been surrendered to us and converted to a book-entry savings bond to be maintained by Treasury solely as a computer record.

* * * * *

■ 21. Add § 360.3 to read as follows:

§ 360.3 Converting definitive savings bonds to book-entry bonds in New Treasury Direct.

Series I savings bonds that were originally issued as definitive bonds may be converted to book-entry bonds through New Treasury Direct, an online system for holding Treasury securities. The Web address for New Treasury Direct is *www.treasurydirect.gov*. Bond owners who wish to convert their definitive savings bonds should follow online instructions for conversion. Regulations governing converted bonds are found at 31 CFR part 363.

PART 363—REGULATIONS GOVERNING SECURITIES HELD IN THE NEW TREASURY DIRECT SYSTEM

■ 22. The authority citation for part 363 continues to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 3102, *et seq.*; 31 U.S.C. 3121, *et seq.*

■ 23. Revise § 363.3 to read as follows:

§ 363.3 What Treasury securities may I hold in my New Treasury Direct account?

You may hold the following securities in your New Treasury Direct account:

(a) Book-entry Series EE and Series I savings bonds;

(b) Certificates of indebtedness; and

(c) Series E, Series EE, and Series I savings bonds originally issued in definitive form that have been converted to book-entry bonds.

■ 24. Revise § 363.4 to read as follows:

§ 363.4 How is New Treasury Direct different from the TreasuryDirect system?

New Treasury Direct is an online (Internet accessible only) system that currently provides for the purchase and holding of book-entry savings bonds and certificates of indebtedness, and the holding of definitive savings bonds that have been converted to book-entry bonds. There is a separate TreasuryDirect system (TreasuryDirect) available since 1986 for purchasing and holding only marketable Treasury securities as book-entry products. The TreasuryDirect system for marketable securities offers limited online services. The terms and conditions for the TreasuryDirect system for marketable securities are found at 31 CFR part 357.

■ 25. Amend § 363.6 by revising the definitions of ''Beneficiary'', ''Owner,'' and ''Single owner,'' and adding the definitions of ''Conversion account,'' ''Converted savings bond,'' ''Converting coowner,'' ''Coowner,'' and ''Non-converting coowner'' to read as follows:

§ 363.6 What special terms do I need to know to understand this part?

* * * * *

Beneficiary refers to the second individual named in the registration of a definitive savings bond, a converted definitive savings bond, or a book-entry security purchased through the New Treasury Direct system, registered, *e.g.*, ''John Doe SSN 123–45–6789 POD (payable on death to) Joseph Doe SSN 987–65–4321.

* * * * *

Conversion account means a linked account in New Treasury Direct that contains only savings bonds that have been converted from definitive bonds to book-entry bonds.

Converted savings bond means a savings bond originally issued as a definitive bond that has been surrendered to us and converted to a book-entry savings bond to be maintained by Treasury solely as a computer record.

Converting coowner is the coowner who initiates and completes the transaction to convert a definitive savings bond to a book-entry bond through his or her New Treasury Direct account.

Coowner means either of the persons named in the registration of a definitive or a converted definitive savings bond, registered, *e.g.*, ''John Doe SSN 123–45–6789 or Joseph Doe.''

* * * * *

Non-converting coowner is the coowner who does not participate in the transaction to convert a definitive savings bond to a book-entry bond.

* * * * *

Owner is either a single owner, the first person named in the registration of a security held in the owner with beneficiary form of registration, the primary owner of a security held in the primary owner with secondary owner

form of registration, or either coowner of a converted savings bond.

* * * * *

Single owner means the individual named in the registration of a book-entry Treasury security or a converted savings bond without a beneficiary, secondary owner, or coowner.

* * * * *

■ 26. Amend § 363.15 by revising paragraphs (a)(1), (a)(2), (a)(3), and (b)(3) to read as follows:

§ 363.15 What is a New Treasury Direct account?

* * * * *

(a) * * *

(1) Treasury securities purchased initially as book-entry securities that are your personal holdings, in sole owner, owner with beneficiary, and primary owner with secondary owner forms of registration;

(2) Gifts that have not yet been delivered; and

(3) Converted savings bonds that you have transferred from your conversion linked account.

(b) * * *

(3) *Conversion account* means a linked account in New Treasury Direct that contains only savings bonds that have been converted from definitive bonds to book-entry bonds.

■ 27. Revise § 363.24 to read as follows:

§ 363.24 What transactions can I perform online through my New Treasury Direct account?

The following transactions are by way of illustration only, and are not intended to limit transactions that may be added to the system:

(a) You can purchase, redeem, transfer, and change the registration of eligible securities held in your account;

(b) You can grant and revoke the right to view an eligible security to any other New Treasury Direct account owner;

(c) You can grant and revoke the right to redeem an eligible security on which you are the primary owner to the secondary owner, if the secondary owner is a New Treasury Direct account owner;

(d) You can view or redeem eligible securities through your New Treasury Direct account on which you are the secondary owner, if the primary owner has granted those rights to you;

(e) You can deliver gift securities to the New Treasury Direct account of another person;

(f) You can make changes to your account information, including ACH information, password changes, and account security information;

(g) You can view a history of purchases, transactions, changes to account information, and pending transactions;

(h) You can schedule future transactions, and change or delete pending transactions;

(i) You can open and access any linked accounts using your primary account as a portal; and

(j) You can convert eligible definitive savings bonds to book-entry bonds.

■ 28. Revise § 363.36 to read as follows:

§ 363.36 What securities can I purchase and hold in my New Treasury Direct account?

(a) You can purchase and hold eligible Treasury securities in your account. Eligible securities are Series EE and Series I savings bonds and certificates of indebtedness.

(b) You can hold converted savings bonds in your account.

■ 29. Revise § 363.40 to read as follows:

§ 363.40 How are payments of principal and interest made?

(a) *Matured security.* We will purchase a certificate of indebtedness in your name using the proceeds of a matured security. The certificate of indebtedness will be placed in your account.

(b) *Savings bond that is redeemed prior to final maturity.* (1) *Payment.* When you redeem a savings bond and request payment of the proceeds, you must select a specific bank account at a United States depository financial institution for the receipt of your payment. This selected bank account may be the same one that you designated as your primary bank account in your New Treasury Direct account or it may be a different bank account. We will make the payment using the ACH method.

(2) *Purchase of a certificate of indebtedness.* You may elect to purchase a certificate of indebtedness in your name using your redemption proceeds.

■ 30. Revise § 363.50 to read as follows:

§ 363.50 What Treasury securities does this subpart govern?

This subpart governs:

(a) Series EE and Series I book-entry savings bonds that were originally issued as book-entry bonds through New Treasury Direct; and

(b) Converted savings bonds that are registered in:

(1) The single owner form of registration of any series,

(2) The owner with beneficiary form of registration of Series EE and Series I savings bonds,

(3) The owner with beneficiary form of registration of Series E savings bonds in which the beneficiary has consented to a change in the registration of the bond after conversion, and

(4) The coowner form of registration of any series in which the non-converting coowner has consented to a change in the registration of the bond after conversion.

§§ 363.175–363.177 [Redesignated as §§ 363.200–363.202]

■ 31. Redesignate §§ 363.175–363.177 as §§ 363.200–363.202.

■ 32. Add subpart E to read as follows:

Subpart E—Conversion of a Definitive Savings Bond

Sec.

363.160 What subparts govern the conversion of definitive savings bonds?
363.161 What definitive savings bonds are eligible to be converted to book-entry bonds?
363.162 Who may convert a definitive savings bond?
363.163 How do I convert an eligible definitive savings bond?
363.164 Is a converted savings bond eligible to be converted back into a definitive bond?
363.165 What happens when I convert a savings bond that is registered in my name as the owner, either coowner, or the owner with a beneficiary?
363.166 What happens when I convert a savings bond that is not registered in my name as owner, either coowner, or owner with beneficiary (including a bond registered in the name of a minor)?
363.167 How will a converted savings bond be registered?
363.168 What rules regarding registration apply to a converted savings bond?
363.169 What transactions can I conduct in a converted savings bond on which I am registered as the single owner, either coowner, or the owner with a beneficiary?
363.170 What transactions can I conduct in a savings bond that I converted on which I am not registered as the owner, either coowner, or owner with beneficiary?
363.171 How do I redeem a converted savings bond?
363.172 What happens when a New Treasury Direct account owner dies and his or her estate is entitled to a converted savings bond held in the account?
363.173 What are the rules for judicial and administrative actions involving a converted savings bond held in New Treasury Direct?
363.174 What evidence is required to establish the validity of judicial proceedings involving a converted savings bond?
363.175 Will Public Debt pay a converted savings bond pursuant to a forfeiture proceeding?
363.176 May a converted savings bond be pledged or used as collateral?
363.177 Does Public Debt reserve the right to require that any transaction in a

converted savings bond be conducted in paper form?
363.178 Does Treasury reserve the right to suspend transactions in a converted savings bond?
363.179 Does Public Debt make any reservations as to the conversion of an eligible savings bond?
363.180–363.199 [Reserved]

§ 363.160 What subparts govern the conversion of definitive savings bonds?

(a) This subpart governs:

(1) The process of converting definitive savings bonds of all eligible series and types of registration to book-entry bonds in New Treasury Direct;

(2) Converted savings bonds of all series registered in the coowner form of registration, unless the non-converting coowner consents to a change in the registration of the bonds after conversion;

(3) Converted savings bonds of Series E registered in the owner with beneficiary form of registration, unless the beneficiary consents to a change in the registration of the bonds after conversion; and

(4) Converted savings bonds of all series that are held in the as a gift bond by the person who converted the bonds.

(b) Subpart C governs:

(1) Converted savings bonds of any series registered in the single owner form of registration;

(2) Converted Series EE and Series I savings bonds registered in the owner with beneficiary form of registration;

(3) Converted Series E savings bonds registered in the owner with beneficiary form of registration, where the beneficiary has consented to a change in the registration of the bonds after conversion; and

(4) Converted savings bonds of all series registered in the coowner form of registration, where the non-converting coowner has consented to a change in the registration of the bonds after conversion.

§ 363.161 What definitive savings bonds are eligible to be converted to book-entry bonds?

Series E, Series EE, and Series I savings bonds issued in denominations of $25 or greater, in single owner, coowner, or owner with beneficiary forms of registration, are eligible for conversion to book-entry bonds in New Treasury Direct.

§ 363.162 Who may convert a definitive savings bond?

The owner of a New Treasury Direct primary account may convert a definitive savings bond.

(a) *Bond that is registered to the account owner.* The owner of a definitive savings bond registered in the single owner form of registration, either coowner of a bond registered in the coowner form of registration, and the owner of a bond registered in the owner with beneficiary form of registration of all eligible series, may convert that definitive bond to a book-entry bond to be held in his or her New Treasury Direct account.

(b) *Bond that is registered to someone other than the account owner.* We will convert an eligible definitive savings bond submitted by someone other than the registered owner of the savings bond. See the special rules in section 363.166.

§ 363.163 How do I convert an eligible definitive savings bond?

We will provide online instructions for converting your definitive savings bond. You must surrender to us the definitive bond to be converted at the time of conversion.

§ 363.164 Is a converted savings bond eligible to be converted back into a definitive bond?

Once a definitive savings bond has been converted to a book-entry bond, it may not be converted back into a definitive bond.

§ 363.165 What happens when I convert a savings bond that is registered in my name as the owner, either coowner, or the owner with a beneficiary?

(a) *Unmatured savings bond.* When the conversion is approved, an unmatured savings bond that is registered in the name of the New Treasury Direct account owner as single owner, either coowner, or owner with beneficiary, will be released to the account owner's conversion linked account.

(b) *Matured savings bond.* A matured savings bond that is registered in the name of the New Treasury Direct account owner as single owner, either coowner, or owner with beneficiary, will be converted to a book-entry bond and automatically redeemed. The redemption proceeds will be used to purchase a certificate of indebtedness in the account owner's name in his or her primary account.

§ 363.166 What happens when I convert a savings bond that is not registered in my name as owner, either coowner, or owner with beneficiary (including a bond registered in the name of a minor)?

We will presume that a savings bond registered in the name of someone other than the New Treasury Direct account owner (including a bond registered in the name of a minor), was purchased by the account owner as a gift for the registered owner.

(a) *Unmatured savings bond.* (1) *General.* An unmatured savings bond registered in the name of someone other than the account owner will be converted to a book-entry bond, released as a gift bond to the account owner's conversion linked account, and held until delivered to the New Treasury Direct account (or minor linked account, if the registered owner is a minor) of the registered owner.

(2) *Delivery of unmatured gift bond to registered owner.* The New Treasury Direct account owner may deliver the converted gift bond to the New Treasury Direct account (or minor linked account, if the registered owner is a minor) of the registered owner, or, if the bond is registered in the coowner form of registration, to the account of either coowner. A bond registered in coowner or owner with beneficiary form of registration will retain the coowner or beneficiary form of registration upon delivery.

(b) *Matured savings bond.* (1) *General.* A matured savings bond registered in the name of someone other than the account owner will be converted to a book-entry bond, released as a gift bond into the account owner's conversion linked account, and automatically redeemed. We will hold the redemption proceeds in the name of the registered owner of the definitive bond until the proceeds are delivered to the New Treasury Direct account (or minor linked account, if the registered owner is a minor) of the registered owner.

(2) *Delivery of matured, redeemed bond proceeds to registered owner.* If the gift bond has matured and has been automatically redeemed, then the New Treasury Direct account owner may direct that the held redemption proceeds be delivered to the New Treasury Direct account of the registered owner (or minor linked account, if the registered owner is a minor), where we will use the proceeds to purchase a certificate of indebtedness in the name of the registered owner. If the bond is registered in the coowner form of registration, the account owner may direct that the held redemption proceeds be delivered to the account of either coowner, where we will use the proceeds to purchase a certificate of indebtedness in the name of the coowner to whose account the bond was delivered.

§ 363.167 How will a converted savings bond be registered?

The registration of the converted bond will be the same as on the definitive bond, provided that it was registered properly in an authorized form of registration. We will change a definitive

savings bond that was not registered in an authorized form of registration to the closest authorized form of registration. For example, a definitive savings bond erroneously registered ''John Doe and Jane Doe'' will be changed to ''John Doe or Jane Doe.'' We are not liable to any person for any such decision as to the closest form of authorized registration.

§ 363.168 What rules regarding registration apply to a converted savings bond?

(a) *Savings bond of any series registered in the single owner form of registration.* By converting a definitive bond of any eligible series registered in the single owner form of registration to book-entry in New Treasury Direct, the owner has consented to the bond being governed by the rules regarding registration contained in subpart C of this part.

(b) *Savings bond of Series EE or Series I registered in the owner with beneficiary form of registration.* By converting a definitive bond of Series EE or Series I registered in an owner with beneficiary form of registration to a book-entry bond in New Treasury Direct, the owner has consented to the bond being governed by the rules regarding registration contained in subpart C of this part.

(c) *Savings bond of Series E registered in the owner with beneficiary form of registration.* The registration of a converted savings bond of Series E registered in the owner with beneficiary form of registration may be changed upon the request of the owner and the consent of the beneficiary. The transaction will not be conducted through the registered owner's New Treasury Direct account.

(d) *Savings bond of any series registered in the coowner form of registration.* The registration of a converted savings bond of any eligible series registered in the coowner form of registration may be changed upon the request of one coowner and the consent of the other coowner. The transaction will not be conducted through the registered owner's New Treasury Direct account.

§ 363.169 What transactions can I conduct in a converted savings bond on which I am registered as the single owner, either coowner, or the owner with a beneficiary?

(a) *Savings bond of any series registered in the single owner form of registration.* By converting a definitive savings bond to a book-entry bond, you have consented to the bond being treated as if it were originally issued as a book-entry bond in New Treasury Direct. The bond will be subject to the provisions of subpart C of this part. Any transaction available for a book-entry bond originally issued in the New Treasury Direct system is available for a converted bond registered in single owner form of registration.

(b) *Savings bond of Series EE and Series I registered in the owner with beneficiary form of registration.* By converting a definitive savings bond to a book-entry bond, you have consented to the bond being treated as if it were originally issued as a book-entry bond in New Treasury Direct. The bond will be subject to the provisions of subpart C of this part. Any transaction available for a book-entry bond purchased in the New Treasury Direct system is available for a converted bond of Series EE and Series I registered in the owner with beneficiary form of registration.

(c) *Savings bond of Series E registered in the owner with beneficiary form of registration.* The owner of a converted Series E bond registered in the owner with beneficiary form of registration may make the following transactions:

(1) *Provide view rights to the beneficiary.* The owner may provide the beneficiary with the right to view the bond in the beneficiary's New Treasury Direct account. Once the right to view the bond is provided to the beneficiary, the owner may not revoke that right.

(2) *Transfer without change in registration.* The owner may transfer the bond without a change of registration to another account in the name of the owner.

(3) *Remove the beneficiary from the registration.* The owner may remove the beneficiary's name from the registration with the consent of the beneficiary. The transaction will not be conducted through the registered owner's New Treasury Direct account. The bond will be changed to the single owner form of registration. Once the transaction is completed, the bond will be treated as a bond originally issued as a book-entry bond in New Treasury Direct, and will be subject to subpart C of this part. The owner may then perform any transaction available for book-entry bonds purchased in the New Treasury Direct system.

(4) *Transfer to the beneficiary or a third party with a change in registration.* The owner may remove his or her name from the registration and transfer the bond to the account of the beneficiary or a third party, with the consent of the beneficiary. The transaction will not be conducted through the registered owner's New Treasury Direct account. The bond will be transferred in the single owner form of registration. Once the transfer is completed, the bond will be treated as a bond originally issued as a book-entry bond in New Treasury Direct, and will be subject to subpart C of this part. The owner may then perform any transaction available for book-entry bonds purchased in the New Treasury Direct system.

(d) *Savings bond of any series registered in the coowner form of registration.* The converting coowner of a converted bond registered in the coowner form of registration may make the following transactions:

(1) *Provide view or transact rights to non-converting coowner.* The converting coowner may provide the non-converting coowner with the rights to view the bond or to view and redeem the bond through the non-converting coowner's New Treasury Direct account. Once either of these rights is provided to the non-converting coowner, the converting coowner may not revoke the right.

(2) *Transfer without change in registration.* The converting coowner may transfer the bond without a change in registration to another account in the name of the converting coowner. The bond may be transferred without the consent of the non-converting coowner, and will retain the coowner registration.

(3) *Remove a coowner from the registration.* The converting coowner (or the non-converting coowner, if the bond has been previously transferred to the account of the non-converting coowner) may remove the other coowner from the registration. The consent of the other coowner is required. The bond must reside in the account of the coowner who is requesting the transaction. The transaction will not be conducted through the registered owner's New Treasury Direct account. The bond's registration will be changed to the single owner form of registration. Once this transaction is completed, the bond will be treated as a bond originally issued as a book-entry bond in New Treasury Direct, and will be subject to subpart C of this part. The owner may then perform any transaction available for book-entry bonds purchased in the New Treasury Direct system.

(4) *Transfer to non-converting coowner or a third party with a change in registration.* The converting coowner may remove his or her name from the registration and transfer the bond to either the account of the non-converting coowner or to the account of a third party. The consent of the non-converting coowner is required. The transaction will not be conducted through the registered owner's New Treasury Direct account. The bond will be transferred in the single owner form of registration. Once the transfer is completed, the bond will be treated as a bond originally issued as a book-entry

bond in New Treasury Direct, and will be subject to subpart C of this part. The owner may then perform any transaction available for book-entry bonds purchased in the New Treasury Direct system.

§ 363.170 What transactions can I conduct in a savings bond that I converted on which I am not registered as the owner, either coowner, or owner with beneficiary?

The only transaction that you may conduct on a savings bond that you converted on which you are not registered as the owner, either coowner, or owner with beneficiary is to deliver the converted bond to the New Treasury Direct account of the registered owner.

§ 363.171 How do I redeem a converted savings bond?

(a) *Before final maturity.* (1) *Savings bond of any series registered either in the single owner or owner with beneficiary form of registration.* You may redeem your converted savings bond any time prior to final maturity after the minimum holding period through your New Treasury Direct account.

(2) *Savings bond of any series registered in the coowner form of registration.* The converting coowner may redeem the converted savings bond at any time prior to final maturity after the minimum holding period through his or her New Treasury Direct account. The non-converting coowner may redeem the converted savings bond at any time prior to final maturity after the minimum holding period provided that he or she has been granted transaction rights in the converted bond by the converting coowner.

(b) *Upon final maturity.* (1) *Savings bond of any series registered in the single owner, owner with beneficiary, or coowner forms of registration.* If you have not previously redeemed or transferred your converted savings bond, it will be automatically redeemed for you at final maturity.

(2) The redemption proceeds will be automatically used to purchase a certificate of indebtedness registered in your name and held in your New Treasury Direct account.

§ 363.172 What happens when a New Treasury Direct account owner dies and his or her estate is entitled to a converted savings bond held in the account?

(a) *Estate is being administered.* (1) We will require appropriate proof of appointment for the legal representative of the estate. Letters of appointment must be dated within six months of submission, unless the appointment was made within one year before submission.

(2) The legal representative of the estate may request the payment of a converted savings bond, if the converted savings bond is eligible for redemption, to the estate or to the person(s) entitled, or may request transfer of the converted savings bond to the New Treasury Direct account(s) of the person(s) entitled, if the converted savings bond is eligible for transfer.

(3) The legal representative of the estate may not purchase a bond on behalf of the estate.

(4) If payment is requested, we will require ACH instructions.

(b) *Estate has been settled previously.* If the estate has been previously settled through judicial proceedings, the person(s) entitled may request payment of a converted savings bond, if the converted savings bond is eligible for redemption, or may distribute the converted savings bond by transferring it to the New Treasury Direct account of the person(s) entitled, if the converted savings bond is eligible for transfer. If payment is requested, we will require ACH instructions. We will require a certified copy of the court-approved final accounting for the estate, the court's decree of distribution, or other appropriate evidence.

(c) *Summary administration procedures.* If there is no formal administration and no representative of the estate is to be appointed, the person(s) entitled under state law summary or small estates procedures may request payment of a converted savings bond, if the converted savings bond is eligible for redemption, or may distribute the converted savings bond by transferring it to the New Treasury Direct account(s) of the person(s) entitled, if the converted savings bond is eligible for transfer. We will require appropriate evidence. If payment is requested, we will require ACH instructions.

(d) *Survivors' order of precedence for payment or transfer.* If there has been no administration, no administration is contemplated, no summary or small estate procedures have been used, and the total redemption value of the Treasury securities that are the property of the decedent's estate is $100,000 or less, then the converted savings bond or redemption proceeds may be distributed to the persons named in the following order of precedence:

(1) There is a surviving spouse and no surviving child or descendants of a deceased child: to the surviving spouse.

(2) There is a surviving spouse and a child or children of the decedent, or descendants of deceased children: one-half to the surviving spouse and one-half to the child or children of the decedent, and the descendants of deceased children, by representation, or by agreement of all persons entitled in this class.

(3) There is no surviving spouse and there is a surviving child or descendants of deceased children: to the child or children of the decedent, and the descendants of deceased children, by representation.

(4) There are no surviving spouse, no surviving child, and no surviving descendants of deceased children: to the parents of the decedent, one-half to each, or in full to the survivor.

(5) There are no surviving spouse, no surviving child or surviving descendants of deceased children, and no surviving parents: to the brothers and sisters and descendants of deceased brothers and sisters by representation.

(6) There are no surviving spouse, no surviving child or surviving descendants of deceased children, no surviving parents, and no brothers or sisters or descendants of deceased brothers and sisters: to other next of kin, as determined by the laws of the decedent's domicile at the time of death.

(7) There are no surviving spouse, no surviving child or surviving descendants of deceased children, no surviving parents, no brothers or sisters or descendants of deceased brothers and sisters, and no next of kin, as determined by the laws of the decedent's domicile at the time of death: to persons related to the decedent by marriage, *i.e.*, heirs of a spouse of the last decedent where the spouse predeceased that registrant.

(8) There are no surviving spouse, no surviving child or surviving descendants of deceased children, no surviving parents, no brothers or sisters or descendants of deceased brothers and sisters, no next of kin, as determined by the laws of the decedent's domicile at the time of death, and no persons related to the decedent by marriage: to the person who paid the burial and funeral expenses, or a creditor of the decedent's estate, but payment may be made only to the extent that the person has not been reimbursed. Transfers are not permitted.

(9) Escheat according to the applicable state law.

(e) When we make payments according to paragraph (d) of this section, we will make the payments by the ACH method to either a person individually, or individually and on behalf of all other persons entitled. We will require ACH instructions for payment. A person who receives a converted savings bond or payment of security proceeds individually and on behalf of others agrees to make

distribution or payment to the other persons entitled by the law of the decedent's domicile. The provisions of this section are for our convenience and do not determine ownership of a converted savings bond or its proceeds. We may rely on information provided by the person who requests payment or transfer, and are not liable for any action taken in reliance on the information furnished.

§ 363.173 What are the rules for judicial and administrative actions involving a converted savings bond held in New Treasury Direct?

(a) *Notice of adverse claim or pending judicial proceedings.* We are not subject to and will not accept a notice of an adverse claim or notice of pending judicial proceedings involving a converted savings bond held in New Treasury Direct.

(b) *Competing claims to a converted savings bond.* Treasury, Public Debt, and the Federal Reserve Banks are not proper defendants in a judicial proceeding involving competing claims to a converted savings bond held in New Treasury Direct.

(c) *Divorce decree.* We will recognize a divorce decree that either disposes of a converted savings bond held in New Treasury Direct or ratifies a property settlement agreement disposing of the converted savings bond of either of the parties. If the divorce decree does not set out the terms of the property settlement agreement, we will require a certified copy of the agreement.

(d) *Final court order.* We will recognize a final order entered by a court that affects ownership rights in a converted savings bond held in New Treasury Direct only to the extent that the order is consistent with the provisions of this part. The owner of the converted savings bond must be a party to the proceedings.

(e) *Levy to satisfy money judgment.* We will honor a payment request submitted by a person appointed by a court and having authority under an order of a court to dispose of a converted savings bond held in New Treasury Direct pursuant to a money judgment against the owner of the converted savings bond, as owner is defined in section 363.6 of this part. We will only make payment to the extent of the money judgment; we will not transfer the bond.

(f) *IRS administrative levy.* We will honor an IRS administrative levy under section 6331 of the Internal Revenue Code with respect to the owner, as owner is defined in section 363.6 of this part.

(g) *Trustee in bankruptcy, a receiver of an insolvent's estate, a receiver in equity, or a similar court officer.* We will honor a payment request submitted by a trustee in bankruptcy, a receiver of an insolvent's estate, a receiver in equity, or a similar court officer, if the original court order is against the owner, as owner is defined in section 363.6 of this part; we will not transfer the bond.

(h) *Court order that attempts to defeat or impair survivorship rights.* We will not recognize a judicial determination that attempts to defeat or impair the survivorship rights of a beneficiary, secondary owner, coowner, or the registered owner(s) of an undelivered gift that is a converted savings bond held in New Treasury Direct.

§ 363.174 What evidence is required to establish the validity of judicial proceedings involving a converted savings bond?

(a) We will require certified copies of the final judgment, decree, or court order, and any necessary supplementary proceedings.

(b) A payment request by a trustee in bankruptcy or a receiver of an insolvent's estate must be supported by evidence of appointment and qualification.

(c) A payment request by a receiver in equity or a similar court officer (other than a receiver of an insolvent's estate) must be supported by a copy of an order that authorizes the receiver or similar court officer to dispose of the converted savings bond.

§ 363.175 Will Public Debt pay a converted savings bond pursuant to a forfeiture proceeding?

(a) *General.* We will honor a judicial or administrative forfeiture order submitted by a federal agency. We will rely exclusively upon the information provided by the forfeiting agency and will not make any independent evaluation of the validity of the forfeiture order, the request for payment, or the authority of the individual signing the payment request. The amount to be paid is limited to the redemption value of the converted savings bond as of the date of forfeiture.

(b) *Definition of special terms relating to forfeitures.*

Contact point means the individual designated by the Federal investigative agency, United States Attorney's Office, or forfeiting agency, to receive referrals from Public Debt.

Forfeiting agency means the Federal law enforcement agency responsible for the forfeiture.

Forfeiture means the process by which property may be forfeited by a Federal agency. Administrative forfeiture is forfeiture by a Federal agency without judicial proceedings; judicial forfeiture is a forfeiture through either a civil or criminal proceeding in a United States District Court resulting in a final judgment and order of forfeiture.

(c) *Procedures for a forfeiting agency to request forfeiture of Treasury securities.* A forfeiting agency must request forfeiture. An individual authorized by the forfeiting agency must sign the transaction request. The request must be mailed to the Department of the Treasury, Bureau of the Public Debt, Parkersburg, WV 26106–1328.

(d) *Public Debt procedures upon receipt of forfeiture request.* Upon receipt and review of the transaction request, we will make payment to the forfeiture fund specified. We will record the forfeiture, the forfeiture fund into which the proceeds were paid, the contact point, and any related information.

(e) *Inquiries from previous owner.* All inquiries or claims from the previous owner will be referred to the contact point of the forfeiting agency. We will tell the person who inquired that we referred his or her inquiry to the contact point. We will not investigate the inquiry. We will defer to the forfeiting agency's determination of the appropriate course of action, including settlement where appropriate. Any settlement will be paid from the forfeiture fund into which the proceeds were deposited.

§ 363.176 May a converted savings bond be pledged or used as collateral?

A converted savings bond may not be pledged or used as collateral for the performance of an obligation.

§ 363.177 Does Public Debt reserve the right to require that any transaction in a converted savings bond be conducted in paper form?

We reserve the right to require any transaction to be conducted in paper form. Signatures on paper transactions must be certified or guaranteed as provided in § 363.43.

§ 363.178 Does Treasury reserve the right to suspend transactions in a converted savings bond?

We reserve the right to suspend transactions in a converted savings bond held in New Treasury Direct if we deem it to be in the best interests of the United States.

§ 363.179 Does Public Debt make any reservations as to the conversion of an eligible savings bond?

We may reject any application for conversion or refuse to convert a savings

bond in any case or class of cases, if we deem the action to be in the public interest. Our action in any such respect is final.

§§ 363.180–363.199 [Reserved]

Dated: January 15, 2005.

Donald V. Hammond,

Fiscal Assistant Secretary.

[FR Doc. 05–5621 Filed 3–22–05; 8:45 am]

BILLING CODE 4810–39–P

Federal Register

Wednesday,
March 23, 2005

Part V

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 4, 5, et al.

Federal Acquisition Circular 2005–02; Federal Acquisition Regulations; Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns; Small Entity Compliance Guide; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Circular 2005–02; Introduction

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Summary presentation of final rule.

SUMMARY: This document summarizes the Federal Acquisition Regulation (FAR) rule agreed to by the Civilian Agency Acquisition Council in this Federal Acquisition Circular (FAC) 2005–02. A companion document, the Small Entity Compliance Guide (SECG), follows this FAC. The FAC, including the SECG, is available via the Internet at *http://www.acqnet.gov/far.*

DATES: For effective date, see separate document which follows.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, at (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact the analyst whose name appears in the table below in relation to the FAR case. Please cite FAC 2005–02, FAR case 2004–002. Interested parties may also visit our Web site at *http://www.acqnet.gov/far.*

Item	Subject	FAR case	Analyst
I	Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns	2004–002	Cundiff.

SUPPLEMENTARY INFORMATION: A summary of the FAR rule follows. For the actual revisions and/or amendments to this FAR case, refer to the specific item number and subject set forth in the document following this item summary.

FAC 2005–02 amends the FAR as specified below:

Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns (FAR Case 2004–002)

This final rule provides for set-aside and sole source procurement authority for service-disabled veteran-owned small business (SDVOSB) concerns. It amends the Federal Acquisition Regulation (FAR) interim rule that was published in the **Federal Register** at 69 FR 25274, May 5, 2004, to implement Section 308 of the Veterans Benefits Act of 2003, Procurement Program for Small Business Concerns Owned and Controlled by Service-Disabled Veterans (Pub. L. 108–183). The interim rule provided that contracting officers may: (1) Award contracts on the basis of competition restricted to service-disabled veteran-owned small businesses (SDVOSB) if there is a reasonable expectation that two or more SDVOSB concerns will submit offers and that the award can be made at a fair market price, or (2) award a sole source contract to a responsible SDVOSB concern when there is not a reasonable expectation that two or more SDVOSB concerns would offer, the anticipated contract price (including options) will not exceed $5 million (for manufacturing) or $3 million otherwise, and the contract award can be made at a fair and reasonable price. This final rule is published in conjunction with two rules published by the Small Business Administration (SBA).

Dated: March 16, 2005.

Rodney P. Lantier,

Director, Contract Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 2005–02 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005–02 is effective March 23, 2005.

Dated: March 16, 2005.

Deidre A. Lee,

Director, Defense Procurement and Acquisition Policy.

Dated: March 16, 2005.

Patricia A. Brooks,

Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration.

Dated: March 15, 2005.

Tom Luedtke,

Deputy Chief Acquisition Officer, National Aeronautics and Space Administration.

[FR Doc. 05–5655 Filed 3–22–05; 8:45 am]

BILLING CODE 6820–EP–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 4, 5, 13, 15, 19, 42, 44, and 53

[FAC 2005–02; FAR Case 2004–002]

RIN 9000-AJ92

Federal Acquisition Regulation; Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulation (FAR) governing the procurement program for Service-Disabled Veteran-Owned Small Business Concerns (SDVOSB). The final rule retains the interim rule with changes. The final rule deletes commissary or exchange resale items from a list of actions excluded from the SDVOSB program and modifies protest procedures. The final rule also includes technical corrections adding service-disabled veteran-owned small, veteran-owned small, and HUBZone small business concerns to the list of socioeconomic programs, and makes changes to the Optional Form 347, Order for Supplies and Services, Standard Form 1447, Solicitation/Contract, and Standard Form 1449,

Solicitation/Contract/Order for Commercial Items.

DATES: *Effective Date:* March 23, 2005.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Ms. Rhonda Cundiff, Procurement Analyst, at (202) 501–0044. Please cite FAC 2005–02, FAR case 2004-002.

SUPPLEMENTARY INFORMATION:

A. Background

This FAR case was opened to implement section 308 of the Veterans Benefit Act of 2003 (Public Law 108-183, 15 U.S.C. 657f), ''Procurement Program for Small Business Concerns Owned and Controlled by Service-Disabled Veterans.'' The law provides that contracting officers may: award contracts on the basis of competition restricted to service-disabled veteran-owned small businesses (SDVOSB) if there is a reasonable expectation that two or more SDVOSBs will submit offers and that the award can be made at a fair market price; or award a sole source contract to a responsible SDVOSB when there is not a reasonable expectation that two or more SDVOSBs would submit offers, the anticipated contract price (including options) will not exceed $5 million (for manufacturing) or $3 million otherwise, and the contract award can be made at a fair and reasonable price. The rule also limited use of SDVOSB procurement authority to procurements that would not otherwise be made from Federal Prison Industries (section 4124 or 4125 of Title 18.

An interim rule was published in the *Federal Register* at 69 FR 25274, May 5, 2004, and invited comments by July 6, 2004. The rule amended the Federal Acquisition Regulation (FAR) to implement Pub. L. 108-183, 15 U.S.C. 657f. Thirty-five (35) comments from 17 respondents were received. The Small Business Administration (SBA) published an interim rule in the *Federal Register* at 69 FR 25262, May 5, 2004. The SBA's final rule revises protest procedures as a result of public comments it received. Additionally, on February 24, 2005, SBA published an interim rule detailing the appeal procedures, as a result of a public comment it received. Therefore, in order to avoid any potential conflict between the FAR and SBA's final rule on appeals and to streamline the regulations, FAR 19.307 is revised by shortening the protest appeal discussion to be a cross reference to 13 CFR part 134. The Councils considered all of the public comments and recommendations on the FAR rule in developing this final rule. The specific FAR comments and the corresponding response are summarized below.

a. *Exclusions at FAR 19.1404.* Three commenters expressed concern that the exclusions from the SDVOSB procurement program specified in paragraphs (b), (c), (d) and (e) of FAR 19.1404 go beyond those contained in Pub. L. 108-183, 15 U.S.C. 657f.

Disposition. Partially accepted. The Councils have removed the exclusion in paragraph (e) for commissary or exchange resale items, as these items are subject to separate statutes and regulations. The Councils determined that the remaining exclusions are appropriate. The exclusions at FAR 19.1404(b) and (c) address orders placed against indefinite delivery contracts and Federal Supply Schedules. The SDVOSB procurement program applies to the award of a contract; therefore, the program will have been already considered in the award of the underlying contracts and is not applicable to the placement of orders under those contracts.

The exclusion in 19.1404(d) for the 8(a) program is consistent with Small Business Administration (SBA) regulations. Under these regulations, requirements are offered by Agencies and accepted by the SBA for performance under the 8(a) Business Development Program. To ensure the integrity of the business development aspects of the program, normally the requirement is retained for exclusive 8(a) participation, but may be released by the SBA as indicated in FAR 19.1404(d).

b. *Delay implementation until FPDS-NG is updated.* One commenter questioned whether the effective date of the rule was premature given that the background section of the rule stated that the Federal Procurement Data System-Next Generation (FPDS-NG) has not yet been updated to capture information regarding awards under the program.

Disposition. Not accepted. The SDVOSB program was mandated by statute. The benefits under this program cannot be delayed because of underlying Government data reporting systems. The Councils anticipate and expect that contracting officers will pursue their SDVOSB goals, notwithstanding the need for the FPDS-NG to be updated to reflect the SDVOSB procurement authorities.

c. *Rule establishes unauthorized prerequisite to sole source awards to SDVOSB.* Three commenters expressed concern that the interim rule changed the intent of Pub. L. 108-183, 15 U.S.C. 657f, by establishing in FAR 19.1405 set aside procedures for SDVOSB that must be satisfied before a sole-source award to a SDVOSB can be made. The commenters recommend that FAR 19.1405 be deleted.

Disposition. Not accepted. The rule is consistent with the statute. It does not establish a requirement that a contracting officer satisfy the set-aside requirement before being able to award a sole source contract. If market research indicates that there is only one SDVOSB source capable of satisfying the requirement at a fair and reasonable price, the contracting officer may award on a sole-source basis. If market research indicates two or more SDVOSBs are capable of fulfilling the requirement, the contracting officer may set-aside the requirement. In the event where only one acceptable SDVOSB offer is received in response to the set-aside, the contracting officer may make award to that offeror.

d. *No prohibition against SDVOSB sole source awards below the Simplified Acquisition Threshold (SAT).* One commenter expressed concern that there is no explicit prohibition against use of a SDVOSB sole source below the SAT similar to the HUBZone coverage at FAR 19.1306(a)(4). This commenter notes that since the statutory language for both the HUBZone and SDVOSB programs is silent regarding whether sole-source can be used below the SAT and the other criteria for use are the same in both statutes, SDVOSB sole-source awards below the SAT should be prohibited as they are for HUBZones.

Disposition. Not accepted. To ensure that agencies have the broadest set of options to aggressively pursue the statutory 3% contracting goal for SDVOSBs, the Councils did not include in the interim rule a prohibition on sole source awards under the SAT. This is consistent with the SBA interim rule that provides for SDVOSB sole source awards under the SAT. As the commenter notes, there is nothing in the statute that prohibits sole source awards under the SAT, and the Councils do not believe that there is any compelling justification for revising the final rules in this respect since such a change would only limit opportunities for SDVOSBs. The Councils recognize the different regulatory treatment of HUBZone sole source awards under the SAT, but changes to the HUBZone program are outside the scope of the current case.

e. *Require SDVOSB Certification.* Two commenters recommended that SDVOSB status be certified by the Department of Veterans Affairs (DVA) or

the Department of Defense (DoD) to avoid fraud and abuse.

Disposition. Not accepted. The SBA, which has the statutory authority to administer the SDVOSB program, has determined that SDVOSB status should be on a self-representation basis. If the disability status of the owner of a firm is challenged, the SBA will rely on existing Department of Veteran Affairs or DoD determinations regarding the owner's status as a veteran or service-disabled veteran (see FAR 19.307).

f. *Establish a SDVOSB Mentor-Protégé Program.* One commenter recommended that the final rule establish guidelines for a SDVOSB Mentor-Protégé Program similar to the SBA's 8(a) regulations (13 CFR 124.520). The same commenter recommended that the final rule establish provisions to award SDVOSB set-aside contracts to SDVOSB Mentor-Protégé joint ventures very similar to SBA's 8(a) Mentor-Protégé joint ventures (13 CFR 124.513).

Disposition. Not accepted. The SBA has authority under the Small Business Act to administer the 8(a) Mentor-Protégé Program. SBA current regulations do not provide for an SDVOSB Mentor-Protégé program. Therefore, this recommendation falls outside the scope of this rule.

g. *Change the threshold for the nonmanufacturer rule.* One commenter recommended changes to the ''nonmanufacturing rule'' to either exclude SDVOSBs from the $25,000 restriction at 19.102(f)(7)(i)(B) or raise the threshold to $1 million.

Disposition. Not accepted. The SBA has exclusive authority to establish the threshold, which is set at $25,000. Therefore, the recommendation falls outside of the scope of this rule.

h. *Monitoring of Subcontracting SDVOSB goal.* Two commenters recommended SBA take the following steps to improve compliance with SDVOSB subcontracting plans.

• Base SBA contractor reviews on compliance risks, such as size of the contract, date of the last review, and previous ratings and send the results of the reviews to contracting officers, especially when the ratings are marginal. SBA should produce an annual list of prime contractors who meet their small business plans by category.

• The primes who fail to meet their plans for two consecutive years should be barred from federal contracting until a suitable corrective action plan is received and approved. Or, if this is not feasible, enforce FAR 52.219-16, ''Liquidated Damages—Subcontracting Plan.''

• Prime contractors who consistently meet their subcontracting plans should be rewarded by receiving priority in future contracts. FAR 52.219-10, Incentive Subcontracting Program should be vigorously used where applicable.

Disposition. Partially accepted. SBA has taken action to implement the first recommendation. The Councils do not believe that the debarment action is feasible, since debarment is a severe sanction taken only when no other remedy is available to protect the Government's interests. Liquidated damages are assessed under FAR 52.219-16, which establishes a standard of willful or intentional actions to frustrate the contract's subcontracting plan before the damages can be assessed. Regarding affording priority to contractors who consistently meet goals, a contractor who receives a positive past performance evaluation for achieving its subcontracting goals has a better chance of receiving future contracts. Conversely, a contractor who fails to make good faith efforts is subject to negative past performance evaluations (which could affect its ability to receive future contracts). The Councils agree that the Incentive Subcontracting Program should be vigorously used where applicable, but no change to the rule for this, or the other recommendations in the comment, is necessary.

i. *8(a)/SDB program.*

•*Allow Migration of work from 8(a) to SDVOSB.* One commenter recommended that the final rule allow business concerns in the 8(a) SDB Program to migrate work from that program to the SDVOSB Procurement Program if eligible, and allow SDVOSB concerns to migrate work to the 8(a) SDB Program if eligible.

Disposition. Not accepted. The two programs have different purposes. The 8(a) program is a business development program. The SDVOSB program is a procurement mechanism to enhance Federal contracting opportunities for SDVOSBs. Given the different purposes of these two programs, allowing migration from one program into another would adversely impact both programs by limiting business development opportunities available for 8(a) firms and procurement opportunities for SDVOSB firms.

• *Provide equal consideration as 8(a) SDB Program including goals.* Two commenters suggested that SDVOSB concerns be provided equal consideration as those business concerns in the 8(a) Business Development Program, including equivalent government-wide procurement goals.

• *Disposition. Not accepted.* It is important to note that the 8(a) Program is a business development program. While the 8(a) Program offers a broad scope of assistance to socially and economically disadvantaged small businesses, the SDVOSB Program strictly pertains to benefits in Federal contracting. Congress authorized sole source awards to 8(a) firms, even when multiple firms can satisfy the requirement, as a business development tool. Further, Congress established separate Governmentwide goals for participation by Small Disadvantaged Businesses and SDVOSBs. Although Congress did not establish a mandatory goal for 8(a) small businesses, as a matter of policy, the SBA negotiates an 8(a) goal with each Federal Agency. Consequently, the comments are outside the scope of this rule.

j. *Expand authority for sole source awards.* Three commenters recommended that the final rule allow a sole source award to an SDVOSB up to the 8(a) sole-source dollar thresholds regardless of whether there are two or more SDVOSB competitors capable of satisfying the requirement.

Disposition. Not accepted. The statute specifically states that a sole source award is allowed only when market research establishes that only one SDVOSB is capable of meeting the Government's requirements at a fair and reasonable price, and only when the award price will not exceed $3 million ($5 million for manufacturing.)

k. *Establish an Order of Precedence.* Two commenters expressed concern that the interim rule did not establish the order of precedence for SDVOSB set-asides relative to the 8(a) and HUBZone set-aside programs.

Disposition. Not accepted. The FAR rule implements Pub. L. 108-183, 15 U.S.C. 657f, as written. The statute established a discretionary set-aside and sole-source authority for SDVOSBs. The statute did not establish a preference for SDVOSBs relative to the 8(a) or HUBZone programs.

l. *Provide for a Price Evaluation Adjustment.* Four commenters recommended that SDVOSB concerns be entitled to the same 10% price evaluation adjustment when competing for Government opportunities as established in the 8(a) program under the FAR clause at 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns. One commenter recommended that a SDVOSB should be considered a Small Disadvantaged Business (SDB).

Disposition. Not accepted. There is no statutory authority to afford SDVOSBs the same price evaluation adjustment as certain SDBs, whereas the price evaluation adjustment for certain SDBs was authorized by section 7102 of Pub. L. 103-355. An SDVOSB can be certified as an SDB if it meets the eligibility criteria established by SBA.

m. *Replace ''may'' with ''shall''.* Four commenters expressed concern that the order of precedence established in 19.800(e), 19.501(c), 19.1305(a) and the ''may set aside'' and ''shall set-aside'' language make the Service-Disabled Veteran Owned Small Business (SDVOSB) the lesser priority relative to the other set-aside programs. These commenters request change in language at 19.1405 and that the words ''shall set-aside'' be used in every place that ''may set-aside'' is found.

Disposition. Not accepted. The FAR rule implements Pub. L. 108-183, 15 U.S.C. 657f, as written. The statute established a discretionary, not mandatory, set-aside authority for SDVOSBs.

n. *Apply a citizenship restriction.* One commenter suggested that the Public Law should be written to state that it is restricted to those U.S. Veterans that are also citizens of the United States and not dual citizenship individuals living abroad.

Disposition. Not accepted. The Council must implement the law as written. Pub. L. 108-183, 15 U.S.C. 657f, does not include a residency or citizenship requirement to qualify for SDVOSB status.

o. *Reassign Advocacy Responsibility for the Regulatory Flexibility Act.* One commenter suggested replacing the Chief Counsel at SBA with the Office of Management and Budget (OMB) as the senior reporting agency for advocacy responsibility under the Regulatory Flexibility Act.

Disposition. Partially accepted. Under the authority of the Regulatory Flexibility Act, SBA's Chief Counsel for Advocacy reviews Regulatory Flexibility Act analyses. In addition, OMB reviews as a matter of course the analyses prior to publication of any rule. Accordingly, existing procedure already implements the intent of this suggestion, and no further action is required. The Chief Counsel for Advocacy's authority is statutory and cannot be changed by this regulation.

p. *Reserve 25% of all procurement actions for SDVOSB.*One commenter suggested that the rule be changed to encourage agencies to set aside 25% of their procurements for competition among SDVOSB. To ensure achievement of this goal, the commenter recommended that the rule provide for—

1. Including in all contracts over $15 million a requirement that a contractor set aside a portion of the work for an SDVOSB;

2. GSA notification to agencies that fail to meet the goal;

3. Publication in the *Federal Register* of a list of agencies that fail to meet the goal during the fiscal year and the corrective actions those agencies will take during the following fiscal year to meet the goal;

4. Establishment of an Office of Economic Advocacy in OMB to monitor, along with SBA and GSA, compliance with agency achievement of the goal and to report to the President and Congress on the climate in America for small businesses;

5. Debarment of any contractor that fails to meet the 25% goal for two consecutive fiscal years; and

6. Suspension of the contracting officer warrant of any contracting officer responsible for awarding a contract that results in an agency not meeting the goal.

Disposition. Not accepted. The Councils are unclear as to whether the commenter is advocating establishing goals based on dollars or actions. If the commenter is advocating dollar goal changes, a Governmentwide goal for each small business category is established pursuant to the Small Business Act. The goal for small business concerns in general is 23% of the total value of all prime contracts awarded each fiscal year. A goal of not less than 3% of the total value of all prime contract and subcontract awards for each fiscal year has been established for SDVOSB concerns. It is beyond the scope of this rule, and impracticable, to establish a 25% goal of procurements for SDVOSB.

If the commenter is advocating goals for actions, the Councils believe that such a change would not result in a meaningful measure of contracting opportunities given the high volume of actions at small-dollar amounts. We do note that the rule provides contracting officers the authority to make sole source awards or set aside procurements in order to meet the Governmentwide goal of awarding 3% of the procurement dollars to SDVOSBs.

The Councils believe that the recommended oversight and remedial actions are outside the scope of the case. However, agency and contractor achievement of goals is already being monitored by SBA, which is already required to report agency achievement of small business goals, established by the President pursuant to the Small Business Act, on an annual basis to Congress and OMB.

q. *Include SDVOSB as an Evaluation Point.* One commenter suggested that FAR 19.1406, Sole source awards for service-disabled veteran-owned small business concerns, be revised to require that RFPs include SDVOSB as an evaluation point for procurements in excess of $15M during the contract award period; ''where the procurement is in excess of $15,000,000 a copy of the source selection evaluation guidance will be made public for inspection and review by GSA, SBA;'' and ''notification to the Office of Economic Advocacy in OMB.''

Disposition. Not accepted. Although the commenter refers to FAR 19.1406, which pertains to sole-source SDVOSB awards, the Councils believe the commenter is recommending a source selection evaluation factor for SDVOSB subcontracting be required in all competitive procurements above $15 million. General evaluation factors are identified in the FAR. Although there is no specific requirement to include SDVOSB participation as an evaluation factor, past performance is required to be evaluated in virtually all source selections. This past performance data used is derived from FAR 42.1502(a), which requires an assessment of contractor performance against, and efforts to achieve, the goals identified in the small business subcontracting plan when the contract includes the FAR clause at 52.219-9, Small Business Subcontracting Plan, which includes goals for SDVOSB participation. In addition, all solicitations that require a subcontracting plan will require agencies to negotiate acceptable goals for each small business category, including SDVOSBs. Accordingly, existing regulations already accommodate evaluation of past and proposed SDVOSB participation.

All evaluation factors are included in the solicitation; there are no factors that are not identified. Involvement of GSA in the review of these factors would be duplicative and inefficient. SBA representatives and Agency small business specialists review and make recommendations on solicitations and source selection plans. GSA has no oversight authority on Agency acquisitions.

With regard to establishing a new Office of Economy Advocacy in OMB, the comment is beyond the scope of the rule.

This is a significant regulatory action and, therefore, was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review,

dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* applies to this final rule. The Councils prepared a Final Regulatory Flexibility Analysis (FRFA), and it is summarized as follows.

This final rule revises the Federal Acquisition Regulation in order to comply with recently enacted Public Law 108-183, Veterans Benefits Act of 2003 (Dec. 16, 2003), Section 308, Procurement Program for Small Business Concerns Owned and Controlled by Service-Disabled Veterans to allow for discretionary set-aside and sole source procurement authority for service-disabled veteran-owned small business (SDVOSB) concerns. The objective is to provide Federal contracting officials a means to improve their performance toward the statutorily mandated 3% government-wide goal for procurement from SDVOSBs. The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the law provides that the contracting officer may use the set-aside and sole source procurement authority when contracting with SDVOSB concerns. Although the percentage of service-disabled veteran-owned small businesses is small, the set aside and sole source procurement authority will have a small impact on other small businesses.

Interested parties may obtain a copy of the FRFA from the FAR Secretariat. The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small Business Administration.

C. Paperwork Reduction Act

The Paperwork Reduction Act does apply; however, the changes to FAR do not impose additional information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 4, 5, 13, 15, 19, 42, 44,and 53

Government procurement.

Dated: March 16, 2005.

Rodney P. Lantier

Director, Contract Policy Division.

Interim Rule Adopted as Final With Changes

■ Accordingly, DoD, GSA, and NASA adopt the interim rule amending 48 CFR parts 4, 5, 13, 15, 19, 42, 44, and 53, which was published in the *Federal Register* at 69 FR 25274, May 5, 2004, as a final rule with the following changes:

■ 1. The authority citation for 48 CFR parts 4, 5, 13, 15, 19, 42, 44, and 53 is revised to read as follows:

Authority: Authority. 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c):

PART 4—ADMINISTRATIVE MATTERS

■ 2. Amend section 4.502 by revising paragraph (b)(3) to read as follows:

4.502 Policy.

* * * * *

(b) * * *

(3) Facilitate access to Government acquisition opportunities by small business concerns, small disadvantaged business concerns, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business concerns;

* * * * *

PART 5—PUBLICIZING CONTRACT ACTIONS

■ 3. Amend section 5.503 by revising the second sentence in paragraph (a)(1) to read as follows:

5.503 Procedures.

(a) * * *

(1) * * * Contracting officers shall give small, small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business concerns maximum opportunity to participate in these acquisitions.

* * * * *

PART 13—SIMPLIFIED ACQUISITION PROCEDURES

■ 4. Amend section 13.002 by revising paragraph (b) to read as follows:

13.002 Purpose.

* * * * *

(b) Improve opportunities for small, small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business concerns to obtain a fair proportion of Government contracts;

* * * * *

PART 15—CONTRACTING BY NEGOTIATION

■ 5. Amend section 15.404-4 by revising the first sentence in paragraph (d)(1)(iii) to read as follows:

15.404-4 Profit.

(d) * * *

(1) * * *

(iii) *Federal socioeconomic programs.* This factor measures the degree of support given by the prospective contractor to Federal socioeconomic programs, such as those involving small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, women-owned small business concerns, veteran-owned, HUBZone, service-disabled veteran-owned small business concerns, handicapped sheltered workshops, and energy conservation.

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■ 6. Amend section 15.407-2 by revising paragraph (d)(2) to read as follows:

15.407-2 Make or buy programs.

* * * * *

(d) * * *

(2) A description of factors to be used in evaluating the proposed program, such as capability, capacity, availability of small, small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business concerns for subcontracting, establishment of new facilities in or near labor surplus areas, delivery or performance schedules, control of technical and schedule interfaces, proprietary processes, technical superiority or exclusiveness, and technical risks involved.

* * * * *

PART 19—SMALL BUSINESS PROGRAMS

■ 7. Amend section 19.307 by—

■ a. Removing from paragraph (e) ''Contracting, U.S.'' and adding ''Contracting AA/GC, U.S.'' in its place;

■ b. Revising paragraph (f);

■ c. Revising the second sentence of paragraph (h);

■ d. Revising paragraph (i); and

■ e. Removing paragraphs (j) through (m).

The revised text read as follows:

19.307 Protesting a firm's status as a service-disabled veteran-owned small business concern.

* * * * *

(f) The referral letter must include information pertaining to the solicitation that may be necessary for SBA to determine timeliness and standing, including the solicitation number; the name, address, telephone number and facsimile number of the contracting officer; whether the contract was sole-source or set-aside; whether the protestor submitted an offer; whether the protested concern was the apparent successful offeror; when the protested concern submitted its offer (*i.e.*, made the self-representation that it was a service-disabled veteran-owned small business concern); whether the procurement was conducted using sealed bid or negotiated procedures; the bid opening date, if applicable; when

the protest was submitted; when the protester received notification about the apparent successful offeror, if applicable; and whether a contract has been awarded.

* * * * *

(h) * * * When making its determinations of veteran, service-disabled veteran, or service-disabled veteran with a permanent and severe disability status, the SBA will rely upon determinations made by the Department of Veteran's Affairs, Department of Defense determinations, or such determinations identified by documents provided by the U.S. National Archives and Records Administration. * * *

(i) SBA will notify the contracting officer, the protester, and the protested concern of its determination. The determination is effective immediately and is final unless overturned on appeal by SBA's Office of Hearings and Appeals (OHA) pursuant to 13 CFR part 134.

19.1404 [Amended]

■ 8. Amend section 19.1404 by—

■ a. Adding at the end of paragraph (c) ''or'';

■ b. Removing from paragraph (d) ''; or'' and adding a period at the end of the sentence; and

■ c. Removing paragraph (e).

PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 9. Amend section 42.302 by revising paragraphs (a)(52) through (a)(55) to read as follows:

42.302 Contract administration functions.

(a) * * *

(52) Review, evaluate, and approve plant or division-wide small, small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business master subcontracting plans.

(53) Obtain the contractor's currently approved company- or division-wide plans for small, small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business subcontracting for its commercial products, or, if there is no currently approved plan, assist the contracting officer in evaluating the plans for those products.

(54) Assist the contracting officer, upon request, in evaluating an offeror's proposed small, small disadvantaged women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business subcontracting plans, including documentation of compliance with similar plans under prior contracts.

(55) By periodic surveillance, ensure the contractor's compliance with small, small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business subcontracting plans and any labor surplus area contractual requirements; maintain documentation of the contractor's performance under and compliance with these plans and requirements; and provide advice and assistance to the firms involved, as appropriate.

* * * * *

■ 10. Amend section 42.501 by revising paragraph (b) to read as follows:

42.501 General.

* * * * *

(b) Postaward orientation is encouraged to assist small business, small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business concerns (see Part 19).

* * * * *

■ 11. Amend section 42.502 by revising paragraphs (i) and (j) to read as follows:

42.502 Selecting contracts for postaward orientation.

* * * * *

(i) Contractor's status, if any, as a small business, small disadvantaged, women-owned, veteran-owned, HUBZone, or service-disabled veteran-owned small business concern;

(j) Contractor's performance history with small, small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business subcontracting programs;

* * * * *

PART 44—SUBCONTRACTING POLICIES AND PROCEDURES

■ 12. Amend section 44.303 by revising paragraph (e) to read as follows:

44.303 Extent of review.

* * * * *

(e) Policies and procedures pertaining to small business concerns, including small disadvantaged, women-owned, veteran-owned, HUBZone, and service-disabled veteran-owned small business concerns;

* * * * *

PART 53—Forms

53.212 [Amended]

■ 13. Amend section 53.212 by removing ''*(APR 2002)*'' and adding ''*(Rev. 3/2005)*'' in its place.

53.213 [Amended]

■ 14. Amend section 53.213 by—

■ a. Removing from paragraph (a) ''*(Rev. 4/02)*'' and adding ''*(Rev. 3/2005)*'' in its place; and

■ b. Removing from paragraph (f) ''*(Rev. 4/02)*'' and adding ''*(Rev. 3/2005)*'' in its place; and removing ''*(Rev. 6/95)*'' and adding ''*(Rev. 3/2005)*'' in its place.

53.214 [Amended]

■ 15. Amend section 53.214 by removing from paragraph (d) ''*(5/88)*'' and adding ''*(Rev. 3/2005)*'' in its place.

53.236-1 [Amended]

■ 16. Amend section 53.236-1 by removing from paragraph (e) ''*(Rev. 6/95)*'' and adding ''*(Rev. 3/2005)*'' in its place.

■ 17. Revise section 53.301-1447 to read as follows:

53.301-1447 Solicitation/Contract.

SOLICITATION/CONTRACT
BIDDER/OFFEROR TO COMPLETE BLOCKS 11, 13, 15, 21, 22, & 27

1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 350) | RATING | PAGE OF OF

2. CONTRACT NO. | 3. AWARD/EFFECTIVE DATE | 4. SOLICITATION NUMBER | 5. SOLICITATION TYPE ☐ SEALED BIDS (IFB) ☐ NEGOTIATED (RFP) | 6. SOLICITATION ISSUE DATE

7. ISSUED BY CODE

NO COLLECT CALLS

8. THIS ACQUISITION IS
☐ UNRESTRICTED OR ☐ SET ASIDE: % FOR:
☐ SMALL BUSINESS ☐ EMERGING SMALL BUSINESS
☐ HUBZONE SMALL BUSINESS
NAICS:
SIZE STANDARD:
☐ SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS ☐ 8(A)

9. (AGENCY USE)

10. ITEMS TO BE PURCHASED *(BRIEF DESCRIPTION)*
☐ SUPPLIES ☐ SERVICES

11. IF OFFER IS ACCEPTED BY THE GOVERNMENT WITHIN _____ CALENDAR DAYS (60 CALENDAR DAYS UNLESS OFFEROR INSERTS A DIFFERENT PERIOD) FROM THE DATE SET FORTH IN BLK 9 ABOVE, THE CONTRACTOR AGREES TO HOLD ITS OFFERED PRICES FIRM FOR THE ITEMS SOLICITED HEREIN AND TO ACCEPT ANY RESULTING CONTRACT SUBJECT TO THE TERMS AND CONDITIONS STATED HEREIN.

12. ADMINISTERED BY CODE

13. CONTRACTOR OFFEROR CODE FACILITY CODE

TELEPHONE NO. DUNS NO.
☐ CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER

14. PAYMENT WILL BE MADE BY CODE

SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK:

15. PROMPT PAYMENT DISCOUNT

16. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION ☐ 10 U.S.C. 2304 ( ) ☐ 41 U.S.C. 253 ( )

17. ITEM NO.	18. SCHEDULE OF SUPPLIES/SERVICES	19. QUANTITY	20. UNIT	21. UNIT PRICE	22. AMOUNT

23. ACCOUNTING AND APPROPRIATION DATA

24. TOTAL AWARD AMOUNT *(FOR GOVT. USE ONLY)*

25. ☐ CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY CONTINUATION SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN.

26. ☐ AWARD OF CONTRACT: YOUR OFFER ON SOLICITATION NUMBER SHOWN IN BLOCK 4 INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:

27. SIGNATURE OF OFFEROR/CONTRACTOR

28. UNITED STATES OF AMERICA *(SIGNATURE OF CONTRACTING OFFICER)*

NAME AND TITLE OF SIGNER *(TYPE OR PRINT)* | DATE SIGNED | NAME OF CONTRACTING OFFICER | DATE SIGNED

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STANDARD FORM 1447 (REV. 3/2005)
Prescribed by GSA - FAR (48 CFR) 53.214(d)

NO RESPONSE FOR REASONS CHECKED			
	CANNOT COMPLY WITH SPECIFICATIONS		CANNOT MEET DELIVERY REQUIREMENT
	UNABLE TO IDENTIFY THE ITEM(S)		DO NOT REGULARLY MANFACTURE OR SELL THE TYPE OF ITEMS INVOLVED
	OTHER *(Specify)*		
	WE DO		WE DO NOT, DESIRE TO BE RETAINED ON THE MAILING LIST FOR FUTURE PROCUREMENT OF THE TYPE OF ITEM(S) INVOLVED

NAME AND ADDRESS OF FIRM *(Include ZIP Code)*	SIGNATURE
	TYPE OR PRINT NAME AND TITLE OF SIGNER

FROM:

AFFIX
STAMP
HERE

TO:

SOLICITATION NO. _____

DATE AND LOCAL TIME _____

STANDARD FORM 1447 (REV. 3/2005) **BACK**

■ 18. Revise section 53.301-1449 to read as follows:

53.301-1449 Solicitation/Contract/Order for Commercial Items.

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS
OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30

			1. REQUISITION NUMBER	PAGE 1 OF
2. CONTRACT NO.	3. AWARD/EFFECTIVE DATE	4. ORDER NUMBER	5. SOLICITATION NUMBER	6. SOLICITATION ISSUE DATE
7. FOR SOLICITATION INFORMATION CALL:	a. NAME		b. TELEPHONE NUMBER *(No collect calls)*	8. OFFER DUE DATE/ LOCAL TIME

9. ISSUED BY — CODE

10. THIS ACQUISITON IS
☐ UNRESTRICTED OR ☐ SET ASIDE: % FOR:
☐ SMALL BUSINESS ☐ EMERGING SMALL BUSINESS
☐ HUBZONE SMALL BUSINESS
NAICS:
SIZE STANDARD:
☐ SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS ☐ 8(A)

11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED
☐ SEE SCHEDULE

12. DISCOUNT TERMS

☐ 13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)

13b. RATING

14. METHOD OF SOLICITATION
☐ RFQ ☐ IFB ☐ RFP

15. DELIVER TO — CODE

16. ADMINISTERED BY — CODE

17a. CONTRACTOR/ OFFEROR — CODE — FACILITY CODE

TELEPHONE NO.

18a. PAYMENT WILL BE MADE BY — CODE

☐ 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER

18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED ☐ SEE ADDENDUM

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	(Use Reverse and/or Attach Additional Sheets as Necessary)				

25. ACCOUNTING AND APPROPRIATION DATA

26. TOTAL AWARD AMOUNT *(For Govt. Use Only)*

☐ 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA ☐ ARE ☐ ARE NOT ATTACHED

☐ 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA ☐ ARE ☐ ARE NOT ATTACHED

☐ 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN _____ COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED

☐ 29. AWARD OF CONTRACT: REF. _____ OFFER DATED _____. YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:

30a. SIGNATURE OF OFFEROR/CONTRACTOR

31a. UNITED STATES OF AMERICA *(SIGNATURE OF CONTRACTING OFFICER)*

30b. NAME AND TITLE OF SIGNER *(Type or print)* — 30c. DATE SIGNED

31b. NAME OF CONTRACTING OFFICER *(Type or print)* — 31c. DATE SIGNED

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STANDARD FORM 1449 (REV. 3/2005)
Prescribed by GSA - FAR (48 CFR) 53.212

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT

32a. QUANTITY IN COLUMN 21 HAS BEEN

☐ RECEIVED ☐ INSPECTED ☐ ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: _____

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE	32c. DATE	32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE
32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32f. TELPHONE NUMBER OF AUTHORZED GOVERNMENT REPRESENTATIVE
		32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE

33. SHIP NUMBER	34. VOUCHER NUMBER	35. AMOUNT VERIFIED CORRECT FOR	36. PAYMENT	37. CHECK NUMBER
PARTIAL FINAL			☐ COMPLETE ☐ PARTIAL ☐ FINAL	
38. S/R ACCOUNT NO.	39. S/R VOUCHER NUMBER	40. PAID BY		

41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT		42a. RECEIVED BY *(Print)*	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER	41c. DATE	42b. RECEIVED AT *(Location)*	
		42c. DATE REC'D *(YY/MM/DD)*	42d. TOTAL CONTAINERS

STANDARD FORM 1449 (REV. 3/2005) **BACK**

■ 19. Revise section 53.302-347 to read as follows:

53.302-347 Order for Supplies or Services.

ORDER FOR SUPPLIES OR SERVICES

PAGE OF PAGES

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER
2. CONTRACT NO. *(If any)*
3. ORDER NO.
4. REQUISITION/REFERENCE NO.
5. ISSUING OFFICE *(Address correspondence to)*

6. SHIP TO:
a. NAME OF CONSIGNEE
b. STREET ADDRESS
c. CITY
d. STATE
e. ZIP CODE
f. SHIP VIA

7. TO:
a. NAME OF CONTRACTOR
b. COMPANY NAME
c. STREET ADDRESS
d. CITY
e. STATE
f. ZIP CODE

8. TYPE OF ORDER
☐ a. PURCHASE
REFERENCE YOUR: _____
Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheet, if any, including delivery as indicated.

☐ b. DELIVERY -- Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.

9. ACCOUNTING AND APPROPRIATION DATA
10. REQUISITIONING OFFICE

11. BUSINESS CLASSIFICATION (*Check appropriate box(es)*)
☐ a. SMALL ☐ b. OTHER THAN SMALL ☐ c. DISADVANTAGED ☐ g. SERVICE-DISABLED VETERAN-OWNED
☐ d. WOMEN-OWNED ☐ e. HUBZone ☐ f. EMERGING SMALL BUSINESS

12. F.O.B. POINT

13. PLACE OF
a. INSPECTION
b. ACCEPTANCE

14. GOVERNMENT B/L NO.
15. DELIVER TO F.O.B. POINT ON OR BEFORE *(Date)*
16. DISCOUNT TERMS

17. SCHEDULE ***(See reverse for Rejections)***

ITEM NO. (a)	SUPPLIES OR SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)

SEE BILLING INSTRUCTIONS ON REVERSE

18. SHIPPING POINT
19. GROSS SHIPPING WEIGHT
20. INVOICE NO.

17(h) TOT. *(Cont. pages)*

21. MAIL INVOICE TO:
a. NAME
b. STREET ADDRESS *(or P.O. Box)*
c. CITY
d. STATE
e. ZIP CODE

17(i) GRAND TOTAL

22. UNITED STATES OF AMERICA BY *(Signature)*

23. NAME *(Typed)*
TITLE: CONTRACTING/ORDERING OFFICER

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OPTIONAL FORM 347 (REV. 3/2005)
Prescribed by GSA/FAR 48 CFR 53.213(e)

SUPPLEMENTAL INVOICING INFORMATION

If desired, this order (or a copy thereof) may be used by the Contractor as the Contractor's invoice, instead of a separate invoice, provided the following statement, (signed and dated) is on (or attached to) the order: "Payment is requested in the amount of $_____. No other invoice will be submitted." However, if the Contractor wishes to submit an invoice, the following information must be provided; contract number (if any), order number, item number(s), description of supplies or service, sizes, quantities, unit prices, and extended totals. Prepaid shipping costs will be indicated as a separate item on the invoice. Where shipping costs exceed $10 (except for parcel post), the billing must be supported by a bill of lading or receipt. When several orders are invoiced to an ordering activity during the same billing period, consolidated periodic billings are encouraged.

RECEIVING REPORT

Quantity in the "Quantity Accepted" column on the face of this order has been: ☐ inspected, ☐ accepted, ☐ received by me and conforms to contract. Items listed below have been rejected for the reasons indicated.

SHIPMENT NUMBER	PARTIAL		DATE RECEIVED	SIGNATURE OF AUTHORIZED U.S. GOV'T REP.	DATE
	FINAL				
TOTAL CONTAINERS		GROSS WEIGHT	RECEIVED AT	TITLE	

REPORT OF REJECTIONS

ITEM NO.	SUPPLIES OR SERVICES	UNIT	QUANTITY REJECTED	REASON FOR REJECTION

OPTIONAL FORM 347 (REV. 3/2005) BACK

[FR Doc. 05–5656 Filed 3–22–05; 8:45 am]
BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Regulation; Small Entity Compliance Guide

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 2005–02 which amends the FAR. An asterisk (*) next to a rule indicates that a regulatory flexibility analysis has been prepared. Interested parties may obtain further information regarding this rule by referring to FAC 2005–02, which precedes this document. These documents are also available via the Internet at *http://www.acqnet.gov/far*.

FOR FURTHER INFORMATION CONTACT: Laurieann Duarte, FAR Secretariat, (202) 501–4755. For clarification of content, contact Rhonda Cundiff at (202) 501–0044.

* Procurement Program for Service-Disabled Veteran-Owned Small Business Concerns (FAR Case 2004–002)

This final rule provides for set-aside and sole source procurement authority for service-disabled veteran-owned small business (SDVOSB) concerns. It amends the Federal Acquisition Regulation (FAR) interim rule that was published in the *Federal Register* at 69 FR 25274, May 5, 2004, to implement Section 308 of the Veterans Benefits Act of 2003, Procurement Program for Small Business Concerns Owned and Controlled by Service-Disabled Veterans (Pub. L. 108–183). The interim rule provided that contracting officers may: (1) award contracts on the basis of competition restricted to service-disabled veteran-owned small businesses (SDVOSB) if there is a reasonable expectation that two or more SDVOSB concerns will submit offers and that the award can be made at a fair market price, or (2) award a sole source contract to a responsible SDVOSB concern when there is not a reasonable expectation that two or more SDVOSB concerns would offer, the anticipated contract price (including options) will not exceed $5 million (for manufacturing) or $3 million otherwise, and the contract award can be made at a fair and reasonable price. This final rule is published in conjunction with two rules published by the Small Business Administration (SBA).

Dated: March 16, 2005.

Rodney P. Lantier,

Director, Contract Policy Division.

[FR Doc. 05–5657 Filed 3–22–05; 8:45 am]
BILLING CODE 6820–EP–S

Federal Register

Wednesday,
March 23, 2005

Part VI

The President

Proclamation 7875—National Poison Prevention Week, 2005

Federal Register
Vol. 70, No. 55
Wednesday, March 23, 2005

Presidential Documents

Title 3—

The President

Proclamation 7875 of March 18, 2005

National Poison Prevention Week, 2005

By the President of the United States of America

A Proclamation

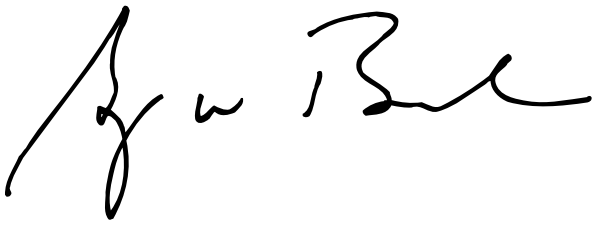
National Poison Prevention Week reminds us that young children need constant close supervision by responsible adults to keep them safe. This week highlights the dangers of accidental poisonings, steps that can be taken to reduce risks, and what to do in case of an emergency.

Poison control centers receive approximately one million calls each year about children who have ingested dangerous medicines or chemicals they have found around their homes. Since the first National Poison Prevention Week 43 years ago, many deaths and injuries have been prevented through increased public awareness, the use of child-resistant packaging, and a national network of poison control centers. We must build on this progress by taking additional precautions to keep our children safe. All potentially hazardous products, including those encased in child-resistant packaging, should be stored out of the reach of children. Parents can educate themselves about poisons and receive safety information by visiting the Poison Prevention Week Council website at www.poisonprevention.org. In case of an emergency, families should keep the toll-free number, 1–800–222–1222, on hand in order to reach the nearest Poison Control Center. By properly supervising children, taking preventive measures, and knowing what to do in an emergency, we can help protect our young people from the risks of accidental poisonings.

To encourage Americans to learn more about the dangers of accidental poisonings and to take appropriate preventive measures, the Congress, by joint resolution approved September 26, 1961, as amended (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March each year as ''National Poison Prevention Week.''

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim March 20 through March 26, 2005, as National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate ceremonies and activities and by learning how to prevent poisonings among children.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord two thousand five, and of the Independence of the United States of America the two hundred and twenty-ninth.



[FR Doc. 05–5898
Filed 3–22–05; 10:03 am]
Billing code 3195–01–P

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Testing program for negotiation of comprehensive small business subcontracting plans; extension; published 3-23-05

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Cotton classing, testing and standards:

Classification services to growers; 2004 user fees; Open for comments until further notice; published 5-28-04 [FR 04-12138]

Egg, poultry, and rabbit products; inspection and grading:

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Various States; comments due by 3-28-05; published 2-24-05 [FR 05-03481]

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Animal and Plant Health Inspection Service

Plant-related quarantine, domestic:

Asian longhorned beetle; comments due by 3-29-05; published 1-28-05 [FR 05-01615]

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Commercial packaged boilers; Open for comments until further notice; published 10-21-04 [FR 04-17730]

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Virginia Electric & Power Co. et al.; Open for comments until further notice; published 10-1-03 [FR 03-24818]

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal_register/public_laws/public_laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

S. 686/P.L. 109–3

For the relief of the parents of Theresa Marie Schiavo. (Mar. 21, 2005; 119 Stat. 15)

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